

CHAPTER 17
ZONING CODE

Contents

| | |
|---|-----------|
| INTRODUCTION | 3 |
| 17.01 TITLE AND AUTHORIZATION. | 3 |
| 17.02 INTENT AND PURPOSE. | 3 |
| 17.03 CONSTRUCTION OF LANGUAGE AND DEFINITIONS. | 4 |
| GENERAL PROVISIONS | 17 |
| 17.05 APPLICATION. | 17 |
| 17.06 ACCESSORY AND APPURTENANT STRUCTURES. | 18 |
| 17.07 AIRPORT-RELATED REGULATIONS. | 18 |
| 17.08 APPLICATION OF OVERLAPPING REGULATIONS. | 19 |
| 17.09 AREA REGULATIONS. | 19 |
| 17.10 COMPLIANCE. | 19 |
| 17.11 HEIGHT REGULATIONS. | 19 |
| 17.12 LEGAL PRE-EXISTING USES, STRUCTURES AND LOTS. | 20 |
| 17.13 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS OR SETBACK AREAS. ... | 23 |
| 17.14 SEPARABILITY | 23 |
| 17.15 SETBACKS, YARD SPACES AND VISION CLEARANCE TRIANGLE. | 23 |
| 17.16 TEMPORARY USES. | 24 |
| 17.17 UNCLASSIFIED USES. | 24 |
| 17.18 EXCAVATING, FILLING, GRADING, RECONTOURING, PONDS. | 25 |
| 17.19 FENCES..... | 27 |
| 17.20 APPLICATION TO GOVERNMENT USES..... | 27 |
| 17.21 COMMUNITY LIVING ARRANGEMENTS. | 27 |
| 17.22 HOME OCCUPATION AND PROFESSIONAL OFFICES IN HOMES. | 28 |
| 17.23 LOT DIMENSIONS. | 29 |
| 17.24 PARCEL SIZE AND DIMENSION WHERE NOT SPECIFICALLY IDENTIFIED.... | 29 |
| 17.25 OPERATIONAL STANDARDS..... | 30 |
| 17.26 UTILITIES. (REV. ORD. #3-2008) | 30 |
| 17.266 MOBILE TOWER SITING. | 31 |
| 17.27 RECREATIONAL VEHICLES..... | 33 |
| 17.28 PERMANENT FOUNDATION..... | 34 |
| 17.29 GREATER RESTRICTIONS..... | 34 |
| 17.300 SHORELAND ZONING ORDINANCE..... | 34 |
| ZONING DISTRICTS..... | 66 |
| 17.35 INTRODUCTION. | 66 |
| 17.36 DISTRICTS. | 66 |

| | |
|--|------------|
| 17.37 PRINCIPLES FOR LOCATION OF DISTRICTS: LAND FOR TRANSITION FROM ONE DISTRICT TO ANOTHER. | 66 |
| 17.38 CONSERVANCY DISTRICT (C-1). | 68 |
| 17.381 CONSERVANCY BUFFER DISTRICT (C-2). | 72 |
| 17.39 FOREST DISTRICT (F). | 73 |
| 17.40 PARK AND RECREATION DISTRICT (PR). | 75 |
| 17.41 FLOODPLAIN DISTRICT, PROVISIONS PERTAINING TO FLOODING AND FLOODPLAINS (FP). | 76 |
| 17.42 EXCLUSIVE AGRICULTURAL DISTRICT (A-1). | 93 |
| 17.422 GENERAL AGRICULTURAL DISTRICT (A-2). | 97 |
| 17.423 FARM PRESERVATION OVERLAY | 99 |
| 17.43 AGRICULTURAL/FOREST/RESIDENTIAL DISTRICT (AFR). | 99 |
| 17.44 RESIDENTIAL SINGLE FAMILY DISTRICT (R-1). | 101 |
| 17.45 RESIDENTIAL, MULTIPLE FAMILY AND CONDOMINIUM DISTRICT (R-2). .. | 102 |
| 17.46 MOBILE HOME PARK DISTRICT (R-3). | 103 |
| 17.47 MOBILE HOME SUBDIVISION DISTRICT (R-4). | 106 |
| 17.471 RESIDENTIAL, LARGE LOT (R-5). | 107 |
| 17.48 GENERAL COMMERCIAL DISTRICT (C). | 107 |
| 17. 49 INDUSTRIAL DISTRICT (I). | 110 |
| 17.50 QUARRYING DISTRICT (Q). | 113 |
| 17.51 METALLIC MINING EXPLORATION DISTRICT (MME). | 116 |
| 17.52 MINING DISTRICT (M). | 119 |
| 17.53 AIRPORT HEIGHT LIMITATIONS DISTRICT (AH). | 124 |
| MISCELLANEOUS PROVISIONS | 124 |
| 17.55 SIGNS. | 124 |
| 17.56 PARKING AND LOADING SPACE REQUIREMENTS. | 125 |
| 17.58 PLANNED RESIDENTIAL DEVELOPMENT. | 127 |
| ADMINISTRATION AND ENFORCEMENT | 131 |
| 17.60 PURPOSE. | 131 |
| 17.61 AGENCIES AND OFFICES INVOLVED IN CHAPTER ADMINISTRATION AND ENFORCEMENT: DEFINITIONS OF ROLES AND RESPONSIBILITIES. | 131 |
| 17.62 DUTIES OF THE ZONING ADMINISTRATOR: RECORDS: INSPECTIONS: DETERMINATIONS: PERMITS: FEES. | 131 |
| 17.63 FEES. | 136 |
| 17.64 BOARD OF ADJUSTMENT. | 136 |
| 17.65 VIOLATIONS. | 144 |
| 17.66 AMENDMENT PROCEDURES. | 146 |
| 17.67 RECONSIDERATION. | 154 |

INTRODUCTION

17.01 TITLE AND AUTHORIZATION.

(1) TITLE.

This chapter shall be known and cited as the Lantlade County Zoning Ordinance. It is comprised of several independent ordinances, namely a general zoning ordinance, a shoreland ordinance, floodplain ordinance, and a farmland preservation ordinance. The ordinances are combined in this chapter in order to share certain language, principally that dealing with administration.

(2) AUTHORIZATION.

The regulations contained within this chapter represent the exercise of the County Board's "police power" authority to protect public health, safety, morals and general well-being. For all regulations contained herein represent the County Board's general or comprehensive zoning authority, as well as the Board's special purpose zoning authority (i.e., to address specialized concerns or special geographic areas such as shorelands and floodplains). This chapter is adopted under the authority granted to the County Board under [59.10](#), [59.11](#), [59.11\(1\),\(5\)](#), [59.42\(1\)](#), [59.48](#), [59.51](#), to [59.58](#), [59.62](#), [59.696](#) to [59.70](#), [59.79](#), [59.80](#), [59.82](#), [59.56\(14\)](#), [59.692](#), [59.694](#), [59.696](#), [59.697](#), [59.698](#), [59.53\(16\)](#), [87.30](#) and [281.31](#) and [Chs. 145](#) and [236](#), Wis. Stats.

17.02 INTENT AND PURPOSE.

It is the intent and purpose of this chapter to:

- (1) Further the orderly use of land and the conservation of natural resources.
- (2) Conserve the value of land and buildings in the County.
- (3) Provide for the enhancement and protection of the surface and groundwater of the County.
- (4) Fix standards to which buildings and structures shall conform.
- (5) Regulate and restrict lot coverage and population density.
- (6) Provide protection against fire, explosion, noxious fumes and other hazards in the interest of the public health, safety, comfort and general welfare.
- (7) Protect agriculture, residential, business and manufacturing uses from harmful or detrimental encroachment by incompatible uses and to ensure that land allocated to a zoning district shall not be usurped by other inappropriate uses.
- (8) Control the location of unavoidable nuisance producing uses.
- (9) Provide for adequate light, air, sanitation and drainage.
- (10) Promote the safety and efficiency of streets and highways.

17.03 CONSTRUCTION OF LANGUAGE AND DEFINITIONS.

- (11) To recognize the needs of agriculture, forestry, industry and business in future growth.
- (12) Facilitate the powers and duties of the administrative bodies as provided hereinafter.
- (13) Define the powers and duties of the administrative bodies as provided hereinafter.
- (14) Prescribe penalties for the violation of provisions of this chapter or any amendments thereto.

17.03 CONSTRUCTION OF LANGUAGE AND DEFINITIONS.

(1) CONSTRUCTION OF LANGUAGE.

The following rules of construction apply to this chapter:

- (a) In their interpretation and application, the provisions of this chapter shall be considered as a minimum requirement to promote and protect public health, safety, comfort, convenience, prosperity, aesthetics and other aspects of the general welfare and shall be liberally construed in favor of the County. Where a provision of this chapter is unclear, that provision shall be interpreted in light of any applicable statutory or administrative code standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter. The provisions of this chapter shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- (b) A particular shall control the general.
- (c) The word "shall" is always mandatory; the word "may" is permissive.
- (d) Words used in the present tense shall include the future; and the words used in the singular shall include the plural, and the plural, the singular, unless the context clearly indicates the contrary.
- (e) A "building" or "structure" includes any part thereof.
- (f) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
- (g) Unless the context clearly indicates the contrary, where a regulation involves 2 or more items, conditions, provisions or events connected by the conjunctions "and," "or," the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - 2. "Or" indicates that all the connected items, conditions, provisions or events may apply singly or in any combination.

17.03 CONSTRUCTION OF LANGUAGE AND DEFINITIONS.

3. "Either/or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (h) All measured distances shall be to the nearest integral foot. If a fraction is 1/2' or more, the integral foot next above shall be taken.
- (i) He shall also mean she.

(2) ADOPTION OF STANDARD INDUSTRIAL CLASSIFICATION MANUAL.

- (a) In listing uses for zoning districts, this chapter employs a terminology found in the Standard Industrial Classification Manual (1987 edition and subsequent revisions). The manual is available for review in the office of the Zoning Administrator or may be purchased from the U.S. Government Printing Office, Washington, D.C., 20402, or from the Government Printing Office Bookstore, 517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202.
- (b) Reference shall be made to the SIC manual as a source of definitions of these terms.

(3) DEFINITIONS.

The following words, phrases and terms wherever they occur in this chapter shall be interpreted as herein provided:

- (a) Includes all definitions listed in [91.01 Wis. Stats](#) for defining and clarification in the Agricultural zoning districts.
- (b) Section 17.300 has separate definitions found in that section and limited to that to the section.

A Zones. Those areas shown on a municipality's official floodplain zoning map, as defined herein, which would be inundated by the base flood or regional flood as defined herein. These areas may be numbered as A0, A1, A30, A99 or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

Accessory Structure. A facility, structure, or building which is accessory or incidental to the principal use of a property and not used as a dwelling unit, structure or building and including all uses listed in [91.01\(1\). Wis. Stats.](#)

Agricultural Production. Includes all activities in Major Groups 01 of the SIC manual and all uses listed in [91.01\(2\)\(a\), Wis. Stats.](#), and specifically includes production of ginseng, except in the A-1 District which is limited to the following activities conducted for the purpose of producing an income or livelihood: crop or forage production, keeping livestock, beekeeping, nursery, sod or Christmas tree production, floriculture, aquaculture, fur farming, forest management, enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program, or any other use that the Wisconsin

17.03 CONSTRUCTION OF LANGUAGE AND DEFINITIONS.

Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an agricultural use.

Agricultural Use. See Agricultural Production.

Animal Equivalent Units. For the purpose of this chapter, the total number of animal types that are equivalent to one animal, termed as an animal unit. A part of an animal unit shall be rounded to the nearest full animal unit.

| <u>Description</u> | <u>One Animal Unit Equivalent/Acre</u> |
|---|--|
| BEEF CATTLE: | |
| Steers, cows or buffalo (1,000 lbs. to mkt.) | 1.0 |
| Steers, cows or buffalo (600 to 1,000 lbs.) | 1.2 |
| Calves (under 600 lbs.) | 2.0 |
| Bulls | 0.7 |
| DAIRY CATTLE: | |
| Milking and dry cows | 0.7 |
| Heifers (800 lbs. to 1,200 lbs.) | 0.9 |
| Heifers (400 to 800 lbs.) | 1.6 |
| Calves (under 400 lbs.) | 5.0 |
| SWINE: | |
| Pigs (55 lbs. to mkt.) | 2.5 |
| Pigs (up to 55 lbs.) | 10.0 |
| Sows | 2.5 |
| Boars | 2.0 |
| SHEEP: | |
| Per animal | 10.0 |
| HORSES: | |
| Per animal | 0.5 |
| DUCKS: | |
| Bird (wet lot) | 50.0 |
| Bird (dry lot) | 100.0 |
| CHICKENS: | |
| Layers | 100.0 |
| Broilers | 200.0 |
| TURKEYS | |

17.03 CONSTRUCTION OF LANGUAGE AND DEFINITIONS.

| | |
|---------------------------|-------|
| Bird | 55.0 |
| RABBITS: | |
| Per animal | 100.0 |
| FUR BEARING ANIMALS: | |
| Per animal | 0.5 |
| DEER/LLAMAS/OSTRICH & EMU | 5.0 |
| ELK | 1.6 |

Base Flood. A flood having a 1% chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

Base Flood Elevation. An elevation equal to that which reflects the height of the base flood.

Basement. The base or foundation of a building, partly or wholly below ground level.

Bioengineered Shoreline Protection. Includes practices that encourage the deposition and re-vegetation of littoral sediment.

Board of Adjustment. The body established under [59.694, Wis. Stats.](#)

Boathouse. Any structure used exclusively for protecting or storing of boats used for noncommercial purposes in conjunction with a residence and not for human habitation or occupancy (i.e., decks, bunkhouses, recreation rooms). No design features are allowed that would be inconsistent with the exclusive use for the storage of watercraft.

Boat Shelter. A structure in navigable waters with a roof but no walls or sides and that is intended to provide a berth for a single watercraft.

Building. Any structure which is built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and which is permanently affixed to the land.

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.

Building, Principal. The main building on a lot, intended for primary use as permitted by the regulations of the district in which it is located.

Bulkhead Line. A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to [s. 30.11, Wis. Stats.](#), and which allows limited filling between this bulkhead line and the original ordinary high watermark, except where such filling is prohibited by the floodway provisions of this ordinance.

Campground. Any public or private premises established for day and overnight habitation by persons using equipment designed for the purpose of temporary camping, such as tents, camping trailers, recreational vehicles and the like.

Certificate of Compliance. A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

Certified Farmland Preservation Plan. A farmland preservation plan that is certified as determined under [91.12 Wis. Stats.](#)

Channel. A natural or artificial watercourse with definite beds and banks to confine and conduct the normal flow of water.

Churches. Places of religious worship which includes synagogues and temples.

Civic and Fraternal Associations. Includes the meeting halls of such organizations.

Community Buildings. Includes local government meetings and office buildings, libraries, information booths, fire stations, police stations and community storage garages and related places of assembly.

Crawlways or Crawl Space. An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

Development. Any artificial 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 alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Drainage System. One or more artificial ditches, tile drains or similar devices which will collect surface runoff or groundwater and convey it to a point of discharge.

Dry Land Access. A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

Dwelling. Any building, occupied for human habitation of which the initial construction is commenced on or after the effective date of this code, and contains one or two dwelling units.

Dwelling Unit. A structure or part of a structure, which is used as a home, or intended to be used as a home, residence or common sleeping place by one or more people maintaining a common household, to the exclusion of all others.

Encroachment. Any fill, structure, equipment, building, use or development in the floodway.

Erosion Control. Practices used to prevent the process by which the surface of the earth is worn away by the action of wind or water in the form of rain drops, surface runoff and waves including but not limited to silt fencing and mulching. (Cr. #3-96)

Exploration. The onsite geological examination from the surface of an area by core, rotary, percussion or other drilling, where the diameter of the hole does not exceed 18 inches, for the purpose of searching for metallic minerals or establishing the nature of a known metallic mineral deposit and includes associated activities such as clearing and preparing sites or constructing roads for drilling. For the purposes of the definition of exploration, geological examination does not include drill holes constructed for the purpose of collecting soil samples or for determining radioactivity by means of placement of radiation-sensitive devices.

Family. One or more persons related by blood, marriage or adoption or a group of not more than 5 persons not so related, maintaining a common household in a dwelling unit.

Farm. All land under common ownership that is primarily devoted to agricultural use.

Federal Emergency Management Agency (FEMA). The federal agency that administrates the National Flood Insurance Program.

Fishing. Includes noncommercial and recreational fishing as an activity conducted incidental to a legal principal use, such as residential, commercial, recreational, forestry or agricultural.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

The overflow or rise of inland waters,

The rapid accumulation or runoff of surface waters from any source, or

The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Flood Frequency. The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.

Floodfringe. That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

Flood Hazard Boundary Map. A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

Flood Insurance Rate Map (FIRM). A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

Flood Insurance Study. A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

Floodplain: Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

Floodplain Island. A natural geological land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Floodplain Management. Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

Floodplain Zoning Violation. The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Flood Profile. A graph or longitudinal profile showing the relationship of the water surface elevation of a flood event to locations along a stream or river.

Floodproofing. Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

Flood Protection Elevation. The flood protection elevation shall correspond to a point 2' of freeboard above the water surface profile associated with the regional flood and the official floodway lines.

Flood Protection Freeboard. Freeboard is a factor of safety usually expressed in terms of a certain amount of feet above calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. The unknown factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and aggravation of the river or streambed.

Flood Storage. Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

Floodway. The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

Footings. A structural system designed to transmit and safely distribute loads to the soil.

Forestry. Includes timber tracts, forest nurseries, tree seed gathering and extraction, gathering of forest products, such as maple syrup, and temporary sawmills.

Foundation. That part of a building that is under the ground. Foundations shall be designed and constructed to support the vertical loads of the dwelling, lateral soil pressure and other loads without exceeding the allowable stresses of materials of which the foundations are constructed.

Golf Courses. Includes country clubs, does not include miniature golf.

Height, Building. The vertical distance measured from the lowest exposed foundation to the highest point of the roof.

High Flood Damage Potential. Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

Historic Structure. Any structure that is:

1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or directly by the Secretary of the Interior in states without approved programs.

Impervious surface. Any man made or constructed surface which does, not allow runoff waters to infiltrate into the ground. Examples include but are not limited to roofs, paved areas, decks and driveways.

Increase in Regional Flood Height. A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

Landfill, Sanitary. A waste disposal operation which consists of dumping and related disposal of garbage, rubbish and other debris into earth trenches or excavations.

Land Use. Any nonstructural use made of unimproved or improved real estate. (Also see Development.)

Legal Pre-existing Use or Structure. Any structure, land or water, lawfully used, occupied or erected prior to the effective date of this chapter or amendments to it, which does not conform to such regulations or amendments.

Livestock. Means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

Lot. A parcel of land, legally described or subdivided as one lot and which is occupied or intended for occupancy by one principal building and such open spaces as are required by this chapter and having access to a public street or road. (Note: See [17.300\(15\)](#) for shoreland references.

Lot Line. A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.

Manufactured Home.

1. **Manufactured Dwelling (“Modular”).** A dwelling structure or component thereof in the Wisconsin Uniform Dwelling Code ([SPS 320.07\(53f\)](#)), which bears the Wisconsin Department of

Commerce insignia certifying that it has been inspected and found to be in compliance with Sub-Chapter V of said Uniform Dwelling Code.

2. **Manufactured Home.** A single family dwelling structure or component thereof as is defined in the [Wis. Stats. 101.91\(2\)](#), fabricated in an off-site manufacturing facility for installation or assembly at the building site bearing a HUD label or insignia certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards under [42 U.S.C. 5401 to 5426](#).

Mining or Mining Operation. All or part of the process in the mining of metallic minerals other than for exploration or prospecting, including commercial extraction, agglomeration, beneficiation, construction of roads, removal of overburden, and the production of refuse, and the disposal of mining waste.

Mining Waste. Any refuse, sludge, or other discarded material, including solid, liquid, semi-solid or contained gaseous material, resulting from or used for metallic mineral prospecting or mining, or from the cleaning or preparation of minerals during prospecting or mining operations. Typical mining wastes include, but are not limited to, tailings, waste rock, mine overburden, and waste treatment sludges. Mining waste does not include topsoil and mine overburden not disposed of in a waste site, but placed in a facility permitted under [ch. NR 131](#) or [132](#), to be returned to the mine site or used in the reclamation process, and does not include merchantable by-products.

Mobile Home. A transportable factory built structure as is defined in the [Wis. Stats. 101.91](#), designed for long term occupancy build prior to June 15, 1976, the effective date of the Federal Manufactured Housing Construction and Safety Standards Act.

Mobile Home Park. Any premises on which are parked 2 or more mobile homes for temporary or permanent habitation.

Mulching. Providing any loose covering for exposed soils, such as grass, straw, bark or wood fibers, to help control erosion and protect exposed soil. (Cr. #3-96)

NAVD or North American Vertical Datum. Elevations referenced to mean sea level datum, 1988 adjustment.

NGVD or National Geodetic Vertical Datum. Elevations referenced to mean sea level datum 1929, adjustment.

New Construction. For floodplain management purposes, “new construction” means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or

after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

Nonconforming Use or Structure. Any structure, land or water, lawfully used, occupied or erected at the effective date of this chapter or amendments to it, which does not conform to such regulations or amendments.

Obstruction to Flow. Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

Official Floodplain Zoning Map. That map adopted and made part of this chapter which has been approved by the Department of Natural Resources and the Federal Insurance Administration of FEMA, and which delineates those areas which would be inundated by the base or regional flood including, but not limited to, numbered and unnumbered zones. This map may be a flood hazard boundary map, flood insurance map or County floodplain map.

Official Letter of Map Amendment. Official notification from the Federal Insurance Administration of FEMA that a flood hazard boundary map or flood insurance study map has been amended for flood insurance waiver only. To remove floodplain regulations, the property must be formally amended out of the district.

Open Space Use. Those uses having a relatively low flood damage potential and not involving structures.

Ordinary High Watermark. 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.

Ordinary Maintenance & Repair. Includes: replacement of windows, doors, roofing and siding; upgrading of insulation; internal remodeling and improvements. (Note: Consult with zoning office about permits required for some of these activities.)

Parks. Public or private areas devoted to outdoor recreation, limited to picnic areas, playgrounds, playfields, ball diamonds and public beaches.

Person. Any institution, public or private corporation, individual, partnership, private organization or other legal entity.

Preplanning: Designating on a survey map, the shape and location of two areas (determined by a soil and site evaluation) for the future installation of privately owned wastewater treatment systems (POWTS) to serve a 3 bedroom home, areas for buildings, driveways, and other improvements as deemed necessary by the Administrator.

Prospecting. Engaging in the examination of an area for the purpose of determining the quality and quantity of minerals, other than for exploration but including the obtaining of an ore sample, by such physical means as excavating, trenching, construction of shafts, ramps, tunnels, pits and the production of refuse and other associated activities.

Reasonably Safe from Flooding. Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

Recreational, Religious or Youth Camps. Includes facilities and operations established for accommodation of groups of guests who engage as a group in educational, recreational or religious activities.

Recreational Vehicle. A vehicle having an overall length of 45' or less and a body width of 8' or less primarily designed as temporary living quarters for recreational, camping or travel use, which has its own motive power or is mounted or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper and motor home.

Regional Flood. A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

Residence. An abode, home or dwelling for occasional to regular human occupancy, including seasonal recreational purposes such as hunting and fishing cabins, etc. A structure may be declared as a residence by the Zoning Administrator applying the policy approved by the Water and Land Use Planning Committee. (See Appendix or Department or Department Website ???)

Resort. An area containing one or more permanent buildings utilized for the accommodation of the public for recreational purposes, providing temporary lodging, meals or facilities for preparation of meals and recreational facilities on the site or on adjacent waters.

Roadside Stand. A farm building used or intended to be used solely by the owner or tenant of the farm on which such building is located for sale of farm products.

Satellite Dish. An antenna designed to receive radio or television waves from satellite stations.

Sawmills, Portable. Includes temporary sawmill operations that are movable.

School. Places devoted to education range from pre-school nurseries to colleges.

Setback. The minimum allowable horizontal distance from a given point or line of reference, such as a thoroughfare right-of-way, waterline or prospective line to the nearest vertical wall or other element of a building or structure.

Shooting Range. An area designed and constructed for the discharge of firearms or archery equipment that is open for club members or public use. Individually owned and used targets and archery ranges are not included.

Shorelands. Lands within the following distances from the ordinary high watermark of navigable waters: 1,000' from a lake, pond or flowage and 300' from a river or stream or to the landward side of the floodplain, whichever distance is greater.

Shoreline Restoration Area. On shoreline lots, land within 35 feet of the ordinary high water mark which has been altered from its natural state, has not adequately regenerated native plants, and which may require native plant restoration, non-native plant eradication, erosion control measures, bioengineering, or other stabilization.

Shoreline Setback. The distance between all points along the ordinary high water mark and the closest water ward projection of a structure. For purposes of shoreline setback measurement, measurements to the principal structure shall include any portions which are fully or partially enclosed.

Sign. A name, identification, description, display or illustration which is affixed to or painted or represented directly or indirectly upon a building or other outdoor surface or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business.

Silt Fence. A temporary barrier used to intercept sediment laden runoff from small areas. (Cr. #3-96)

Storage capacity of a Floodplain. The volume of space above an area of floodplain land that can be occupied by floodwater or a given storage at a given time, regardless of whether the water is moving.

Structure. Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts. (note: See state definition is different for shoreland areas see [Sec. 17.300](#))

Substantial Damage. Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

Sulfide Ore Body. "Orebody" is a continuous, well-defined mass of material containing enough ore to make extraction economically feasible. "Sulfide" is a mineral compound characterized by the linkage of sulfur with a metal such as galena, PbS, or pyrite, FeS₂.

Unnecessary Hardship. That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing

17.05 APPLICATION.

area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter. Unnecessary hardship is present where, in the absence of a variance, no reasonable use can be made of the property.

Use. The purpose or activity for which the land or building thereon is designed, arranged or intended or for which it is occupied or maintained.

Use, Accessory. A subordinate use which is clearly and customarily incidental to the principal use of a building or premises and which is located on the same lot as the principal building or use, except for such accessory parking facilities as are specifically authorized to be located elsewhere.

Use, Conditional. A use which, because of its unique characteristics and impact upon the environment, cannot be properly classified as a permitted use.

Use, Principal. A use which may be lawfully established in a particular zone or district, provided it conforms with all requirements, regulations and performance standards of this chapter when the use is the dominant activity on the premises.

Variance. An authorization granted by the Board of Adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this chapter.

Viewing Corridor. In the vegetation protection area, a maximum 35' wide area within which vegetation may be selectively pruned allowing a filtered view of the water body. The viewing corridor provides partial vegetative screening between the principal structure and the water body.

Watershed. The entire region contributing runoff or surface water to a watercourse or body of water.

Water Surface Profile. A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

Wetland. 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.

Zoning Administrator. The Lantlode County Director of Land Records and Regulations Department or his or her designee.

Zoning Permit. A document issued by the Zoning Administrator or authorized deputy authorizing buildings, structures or uses consistent with the terms of this chapter for the purpose of carrying out and enforcing its provisions.

GENERAL PROVISIONS

17.05 APPLICATION.

17.06 ACCESSORY AND APPURTENANT STRUCTURES.

The provisions in this chapter apply throughout the jurisdiction and supplement district regulations.

17.06 ACCESSORY AND APPURTENANT STRUCTURES.

A lot that has a legal principal use housed within a single principal structure shall be entitled to accessory and appurtenant structures, objects and uses as described below:

- (1) Landscape vegetation, gardens, flag poles, ornamental light standards, lawn furniture, open play equipment, sidewalks, sundials, bird baths and similar objects and equipment may be located anywhere within a lot, subject only to the limitations that any such object or structure which constitutes a solid view obstruction may not exist above a height of 2 1/2', above road elevation, unless the object constitutes cultivated agricultural crops or tree trunks, where they are unbranched to a height of 10' and located a minimum of 30' apart.
- (2) Accessory structures, such as sheds, storage buildings, greenhouses, related facilities, pools and associated equipment, garages, well houses, pump houses, and decks, except as provided in [Sec. 17.300](#) & [17.15\(4\)](#) shall not be located within the front (road) setback, shall not be closer than 10' to the principal structure unless attached thereto or constructed to meet fire codes and shall not be closer than 7.5' to the rear or side lot lines or closer than required ordinary high watermark setbacks as specified in [Sec. 17.300](#) and must comply with required impervious surface standards where applicable.
- (3) An accessory structure may be placed on a lot only if it is constructed concurrent with or after construction of a principal structure, however, a garage may be constructed prior to construction of a residence if:
 - (a) the lot is zoned for residential use;
 - (b) plans for a residence have been submitted to the Land Records and Regulation Department or written documentation has been submitted stating there are no current plans to establish a residence on the property; and
 - (c) a valid soil test has been approved for the lot and the tested area is reserved for a future private sewage system.
- (4) A garage may be constructed as accessory structure on an outlet. . Soil testing requirements may be waived by the Zoning Administrator.

17.07 AIRPORT-RELATED REGULATIONS.

- (1) All airports or other aircraft landing facilities shall be located so that flight paths of aircraft landing or taking off from the facility clear the parcel boundary and all existing or future objects by a minimum distance of 10 vertical feet. This rule shall apply to all areas below the approach surface represented by an imaginary trapezoid 100' wide at both ends of a runway or at a permanently marked threshold marker on such runway and 250' wide at the outer boundary and 1,250' in length, assuming elevation of such trapezoid is 10.1 ratio.

17.09 AREA REGULATIONS.

- (2) The standards of Ch. 21 of this Code of Ordinances shall apply to all airports or airport landing facilities in the County.

17.08 APPLICATION OF OVERLAPPING REGULATIONS.

This chapter shall not abrogate any easement, covenant or other private agreement, provided that where the regulations of this chapter are more restrictive or impose higher requirements than such easement, covenant or private agreement, the requirements of this chapter shall prevail.

17.09 AREA REGULATIONS.

- (1) No lot shall hereafter be divided or otherwise reduced in size so that the dimensional standards of this chapter cannot be met for at least one use permitted in the applicable zoning district.
- (2) Lots hereinafter created shall comply with Ch. 18 of this Code of Ordinances.
- (3) All required setback areas and yard spaces shall be located on the same lot (that is the legal parcel of record) as the principal structure or use.

17.10 COMPLIANCE.

The use, size, height or location of buildings now existing or hereafter erected, converted, enlarged or structurally altered, the provision of open space and the use of land or premises shall be in compliance with the regulations established herein.

17.11 HEIGHT REGULATIONS.

(Rev. Ord. #3-2009)

- (1) A basic height limit of 35' is hereby established for all regulated objects, structures and equipment in all zoning districts except agricultural structures, such as barns, silos, mixing structures, non-power generating windmills, mobile towers, and other agriculturally related structures shall not exceed in height the actual distance from the nearest lot line.
- (2) This basic limit may be waived and a height limit exceeding 35' may be established by the Langlade County Board of Adjustment as a variance, in accordance with the following standards:
 - (a) Communication and power generating structures, such as radio and television transmission and relay towers, windmills, aeriels and receiving antennas, shall not exceed in height the actual distance from the nearest lot line unless proof is provided that the structure is designed to collapse within the property lines. (See [Section 17.266](#))
 - (b) Architectural projections, such as spires, steeples, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this chapter.
 - (c) Cooling towers, stacks, lookout towers, windmills, water towers and mechanical appurtenances may be approved to a height above the basic height limit provided that the

17.12 LEGAL PRE-EXISTING USES, STRUCTURES AND LOTS.

Zoning Administrator and Board of Adjustment shall consult with the local fire department and other public safety agencies prior to establishing a higher limit to determine whether the height to the proposed structure or object would present a problem of public safety. If problems appear to be present, the request shall be denied.

- (d) The height standard of Ch. 21 of this Code of Ordinances applies to objects of extraordinary height within the affected area.

17.12 LEGAL PRE-EXISTING USES, STRUCTURES AND LOTS.

(1) GENERAL PROVISIONS.

The lawful use of a building, structure or property which legally existed at the time this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions of this ordinance, including ordinary maintenance and repair of such a building or structure, may be continued, subject to the following conditions:

If the alteration, addition or repair of a building or structure with a pre-existing use or a legal pre-existing building or structure is prohibited because it is in excess of 50 percent of the structure's area, the property owner may still make the proposed alteration, addition or repair if:

- (a) A legal pre-existing use is permanently changed to a use that is in conformity with the provisions of this ordinance and the structure that houses the use is conforming, or is a legal pre-existing structure and the proposed alteration, addition, or repair complies with the requirements of the section;
- (b) The property owner appeals the determination of the zoning administrator and either the county board of adjustment or the circuit court find in the property owner's favor under ss. [59.694\(4\)](#) or [59.694\(10\), Stats.](#)
- (c) The property owner successfully petitions to have the property rezoned by amendment to this ordinance in accordance with [Section 17.66](#) of this ordinance and [s. 59.69\(5\)\(e\), Stats.](#)

(2) LEGAL PRE-EXISTING USES.

- (a) Burden of Proof. A property owner claiming a legal pre-existing use and exemption from applicable regulations shall prove by clear and convincing evidence that:
 - 1. The use was legally established;
 - 2. The use predated zoning provisions with which it does not comply;
 - 3. The use was active and actual prior to adoption of such provisions and not merely casual and occasional or incidental to the principal use of the property in which case no vested right to continue the use shall have been acquired.

17.12 LEGAL PRE-EXISTING USES, STRUCTURES AND LOTS.

- (b) No Expansion. A legal pre-existing use of a structure or premises shall not be expanded or enlarged. No such use shall be expanded within a structure which, on the date the use became nonconforming, was only partially devoted to such use.
- (c) Discontinuance. If a legal pre-existing use is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this ordinance.
- (d) Temporary Structures. If the legal pre-existing use of a temporary structure is discontinued, such use may not be recommenced.
- (e) Nuisances. Uses which are nuisances shall not be permitted to continue as legal pre-existing uses.

(3) LEGAL PRE-EXISTING STRUCTURES.

- (a) Burden of Proof. A property owner claiming a legal pre-existing structure and exemption from applicable regulations shall prove by clear and convincing evidence that:
 - 1. The structure was legally established;
 - 2. The structure predated zoning provisions with which it does not comply;
 - 3. The structure was established prior to adoption of such provisions.
- (b) Purpose. It is the intent of these provisions to balance the public objectives of this ordinance with the interests of owners of legal pre-existing structures by:
 - 1. treating structures which are most contrary to the standards and objectives of this ordinance more restrictively than structures which are more nearly in compliance with ordinance provisions; and by
 - 2. allowing for the improvement or expansion of principal structures essential to the reasonable use of a property provided the adverse effects of such improvement or expansion are adequately mitigated.
- (c) General Provisions. (See [17.300](#) for Shoreland provisions)
 - 1. Except as provided in Section [17.12\(3\)\(c\)4](#) regarding structures which are damaged or destroyed, legal pre-existing **accessory** structures are limited to ordinary maintenance and repair and shall not be expanded. (Rev. Ord. #2-2007)
 - 2. Legal pre-existing **principal** structures may be internally improved, maintained, repaired, or expanded provided that:
 - a. the lifetime total of all expansions is limited to 50% of the structure's area which existed on the date the structure became nonconforming (note: on shoreland lots, see [Sec. 17.300\(11\)](#));

17.12 LEGAL PRE-EXISTING USES, STRUCTURES AND LOTS.

- b. ordinary maintenance and repair shall include only those things specified in definitions, [17.03\(3\)](#); and
 - c. shoreline setback nonconformities comply with the provisions of [Sec. 17.300](#).
3. A structure not meeting structural or dimensional standards of this ordinance may not be expanded or enlarged so as to increase its dimensional nonconformity. Where practicable, additions to legal pre-existing structures shall conform to all applicable provisions of this ordinance.
4. **Nonconforming structures which are damaged or destroyed** by violent wind, vandalism, fire, flood, ice, snow, mold or infestation on or after March 1, 2006, may be reconstructed if the structure will be restored to the size, location, and use that it had immediately before the damage or destruction occurred provided: (Rev. Ord. #3-2009)
- a. damage which is due to an intentional act of the owner may only be repaired in conformity with the ordinance;
 - b. the owner must establish the specific extent of damage to a structure and its improvements;
 - c. repair and reconstruction are limited to that part of a structure and its specific improvements which were actually damaged and similar building materials are employed;
 - d. repair and reconstruction are in compliance with all other provisions of applicable ordinances; if necessary for the structure to comply with applicable state or federal requirements, the structure may be larger than the size it was immediately before the damage or destruction.

(4) BOATHOUSES.

The maintenance and repair of nonconforming boathouses that extend waterward beyond the ordinary highwater mark of any navigable waters shall comply with the requirements of [s. 30.121, Stats.](#)

(5) NONCONFORMING DECKS.

Existing nonconforming decks attached to the principal structure, regardless of size or height, may be replaced with a similar deck of the same size and height or less, except decks that were constructed in violation of this chapter. A property owner shall submit written documentation and photographs illustrating the size and height of the existing deck prior to the construction of the new deck.

(6) NONCONFORMING LOTS

(a) Nonconforming as to Lot Dimension or Area

17.13 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS OR SETBACK AREAS.

A lot which is nonconforming as to lot dimension or area may be used for any use permitted in the district in which it is located provided. (note: see [Sec. 17.300\(5\)](#) for non-conforming Shoreland lots):

17.13 PERMITTED OBSTRUCTIONS IN REQUIRED YARDS OR SETBACK AREAS.

Marquees, awnings, overhanging roof eaves with a maximum overhang of 4', chimneys and similar architectural elements of principal buildings or accessory buildings may extend into required yards or setback areas.

17.14 SEPARABILITY.

If any of the provisions of or amendments to this chapter or their application to any lot, building or other structure or tract of land are declared by a court to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision which is expressly stated in the decision to be invalid or ineffective, or to the lot, building, other structure or tract of land immediately involved in the controversy. Such judgment shall not affect the application of the provisions of this chapter to any other property, building or structure not specifically included in such judgment.

17.15 SETBACKS, YARD SPACES AND VISION CLEARANCE TRIANGLE.

(Rev. Ord. #3-2008)

- (1) Each lot shall have a setback area paralleling the road on which the lot fronts. The depth of the front (road) setback shall be determined as follows:
 - (a) All State and federal highways in the County are hereby designated Class A highways. The Class A highway setback shall be 50' from the right-of-way line.
 - (b) All County trunk highways not designated Class A are hereby designated Class B highways. Class B highway setback shall be 42' from the right-of-way line.
 - (c) All other roads in the County are hereby designated Class C highways. Class C highway setback shall be 30' from the right-of-way line.
 - (d) Alley setback shall be 15' from the alley right-of-way line.
- (2) There should be a vision clearance triangle setback line established in each quadrant of all intersections of state and federal roads or streets with other roads and streets as required by the Wisconsin Department of Transportation.
- (3) There shall be a setback established along the ordinary high watermark of all navigable water bodies as described in [Sec. 17.300\(6\)](#).

(4) REDUCED ROADWAY SETBACK.

17.17 UNCLASSIFIED USES.

A roadway setback may be reduced to the average of roadway setbacks for existing structures on adjacent properties where structures on adjacent properties are within 100 feet of the proposed building site provided the resulting roadway setback is not less than one half (1/2) the required setback.

(5) MINIMUM SIDE YARDS.

All structures except for fences, common access roadways and public utility structures for service to a lot, shall be set back from side lot lines to provide a side yard as specified for each zoning district. The side yard requirement shall include a minimum side yard for either side and a total side yard which is the sum of the side yards required for both sides. Total sideyard setback shall not apply to legal pre-existing structures so long as 15' remains on one side. I.E.: If the existing structure is less than 15' on one side the proposed addition shall not be less than 15' on the opposite side with emphasis on trying to maintain the 15' on both.

Note: For principle structures a minimum side yard of 10 feet and total side yard of 30 feet are maintained and all other applicable ordinance requirements are met.

(6) MINIMUM REAR YARDS.

There shall be a rear yard of at least 15' unless noted elsewhere for each lot unless a greater shoreline or roadway setback is required.

17.16 TEMPORARY USES.

- (1) Uses such as real estate field offices or shelter for materials and equipment being used in construction of a permanent structure may be granted a temporary permit by the Zoning Administrator for reasonable periods under specified conditions.
- (2) Establishment of a temporary festival, concert, carnival, races, and assemblage of campers or similar activity on any site may be a conditional use regardless of the zoning of the property and shall be made to comply with all applicable public assembly and sanitary standards as well as with conditional use standards addressing noise, traffic, health and public safety. Assemblies of 3,000 people or more as defined in Chapter 12.04 are exempt from conditional use permit requirements and shall meet the requirements of Chapter 12.04 Large Assemblies.
- (3) Temporary use requirements and standards are stipulated in Department guidance approved by the Water and Land Use Planning Committee.

17.17 UNCLASSIFIED USES.

Uses of land or premises that are not identified in this chapter may be placed within a district by action of the Water and Land Use Planning Committee based on a finding that the use is substantially similar to uses allowable in the selected district and a finding that the unclassified use will be compatible with uses in that district. The Committee shall classify the use as permitted or conditional. Annually, the Committee shall initiate a zoning text amendment adding previously unclassified uses to the formal text of this chapter.

17.18 EXCAVATING, FILLING, GRADING, RECONTOURING, PONDS.

(Rev. Ord. #3-2009)

(1) Filling, grading or excavating within 300' of a navigable water body shall be governed by this section and by [Sec. 17.300\(8\)](#) and the more restrictive provisions shall apply.

(2) Filling, grading or excavating activities shall be governed by the following:

(a) A fill and grade permit shall be required under any of the following circumstances:

1. Prior to any filling, grading, or excavating, or re-contouring of the surface of the land when the activity affects an area in excess of 2,000 sq. ft. not including any areas for driveways or parking lots or the area within 25 feet of an existing or proposed structure for the purposes of constructing a basement or foundation.
2. Prior to excavating, filling, grading or re-contouring activities affecting an area in excess of 100 sq. ft. on any lot or parcel that is covered to the extent of more than 50% thereof with building or paving.
3. Prior to excavating or altering a farm irrigation pond one acre or less in size provided the following standards are met: (Rev. Ord. #6-2006)

(b) The pond may not be located in or connected to a floodplain or wetland unless project is accepted or permitted by WIDNR and/or Army Corp of Engineers. (Rev. Ord. #6-2006).

(c) The pond must be a minimum 75' from the ordinary high watermark of a navigable water body.

(d) The pond must be located greater than 50' from the right-of-way of any public road.

(e) The pond must be located greater than 50' from a property line.

(f) The side slopes of the pond must be graded to no more than 3:1 slopes.

(j) The spoils from the excavation must be leveled, seeded or sodded and stabilized by re-vegetating or removed from the site within one year of the first date of excavation.

(k) Berms must be constructed around the pond to prevent surface water runoff from entering the pond.

(l) A conditional use permit shall be required under any of the following circumstances:

1. Prior to any filling, grading, excavating or re-contouring of the surface of the land when the activity affects slopes of 20% or more and the exposed area is in excess of 2000 sq. ft. (Rev. Ord. #6-2006)

17.19 FENCES.

2. Prior to any filling, grading, excavating or re-contouring of the surface of the land when the activity affects an area in excess of 2,000 sq. ft. and any altered area is within 50' of a property line.
3. A conditional use permit shall be required to build or alter an artificially constructed pond except as provided in Section 17.18(2)(a)3.
4. Filling and grading on public lands for the construction of hiking, hunting, walking, skiing and snowmobile trails are exempt from 17.18(2)(b) provided the following standards are met:
 - a. The trails are not in a wetland.
 - b. Care is taken during and after construction to prevent erosion and to locate trails where there is the least impact on the environment, following Wisconsin's Forestry "Best Management Practices for Water Quality" manual.
 - c. The trails are properly marked for safety.
5. The Board of Adjustment shall provide for the following objectives in judging conditional use permit applications and in imposing necessary conditions:
 - a. Safety and stability of the pond and associated berms.
 - b. Treatment of spoils.
 - c. Surface drainage patterns affecting persons, property and activities on the parcel and on other parcels.
 - d. Flooding potentials.
 - e. Protection of sanitary systems.
 - f. Erosion control, temporary & final.
 - g. Achievement of on-site surface water retention or detention.
 - h. Safe-percolation and physical appearances.
 - i. Enhancement or protection of fish ~ wildlife habitat.
6. One time demolition disposal facility are conditional uses in all districts except the R-1, C-1, and Floodplain in which they are prohibited. When reviewing conditional use applications, the Board of Adjustment shall apply the standards listed in [17.64\(3\)](#) and conditioned on any necessary DNR approvals.

17.19 FENCES.

Parcels which abut lands on which livestock are kept shall be fenced with a fence satisfying the standards of [Ch. 90, Wis. Stats.](#) Such fence shall be maintained, repaired or rebuilt as conditions warrant during such time period as the lands adjoining such fences are in farm use or in a use which involves the feeding or grazing of livestock.

17.20 APPLICATION TO GOVERNMENT USES.

- (1) Except as provided under [Section 17.22\(2\)](#), this chapter applies to lands or buildings owned by, leased by or licensed by governmental entities and land uses undertaken by governmental entities are to be fully subject to the terms of this chapter in the same manner as are private properties.
- (2) It is recognized that State and federal law affords some government operations an exemption from local zoning. Governmental entities claiming such exemption shall submit a written statement to the Zoning Administrator identifying the specific legal basis for their claimed exemption and describing the development they plan to undertake. The Zoning Administrator shall then determine whether to issue a letter verifying the exemption.
- (3) Government work on road rights-of-way or bridges shall be subject to approval and permits under this chapter only when new roads are being established.

17.21 COMMUNITY LIVING ARRANGEMENTS.

Community living arrangements (group homes) as defined in [46.03\(22\), Wis. Stats.](#), shall be governed by the provisions and standards of [59.69\(15\), Wis. Stats.](#), which generally provide as follows:

- (1) Community living arrangements accommodating one to 8 persons and foster homes accommodating 4 or fewer children may locate as permitted uses in zoning districts where residences, single family residences, mobile homes, are allowed as permitted uses.
- (2) Community living arrangements accommodating 9-15 persons may locate as permitted uses in any zoning district where residences, multiple-family, are permitted uses and as conditional uses in any other residential district.
- (3) Community living arrangements accommodating 16 or more persons may locate as conditional uses in any residential district.
- (4) Conditional use reviews of community living arrangements examine the likely effect upon the health, safety or welfare of the residents of the town.
- (5) [Section 59.69\(15\)\(i\), Wis. Stats.](#), shall govern periodic reviews of such arrangements once permitted to locate.

- (6) The standards and provisions of [59.69\(15\), Wis. Stats.](#), apply fully and supplement this section.

17.22 HOME OCCUPATION AND PROFESSIONAL OFFICES IN HOMES.

(1) GENERAL DEFINITIONS.

- (a) Home Occupation. A gainful occupation conducted by a member of a family within his home, where the activity and space used is incidental to residential use, subject to the restrictions set forth in [Sec. 91.01\(1\) \(d\) Wis. Stats.](#) if property is located in the A-1 district.
- (b) Professional Office. The conduct of professional activity from office space located within a residence, subject to the restrictions set forth in [Sec. 91.01\(1\) \(d\) Wis. Stats.](#) if property is located in A-1 district.

(2) PERMITTED ACCESSORY USE.

The use of space within a residential structure or dwelling unit, except for a mobile home within a mobile home park, for home occupation or professional office activities is allowable as a permitted accessory use as long as the following rules are complied with:

- (a) A home occupation must be clearly incidental to the principal residential use of the premises; it may not exceed 20% of the area of one floor; may not employ more than one nonresident employee; shall not generate automobile or pedestrian traffic disturbing to a nearby residence; and no stock-in-trade shall be kept or sold except that made on the premises.
- (b) A professional office shall not occupy more than 20% of the area of any one floor of the residence and not more than one nonresident person shall be employed and the use shall not generate automobile or pedestrian traffic disturbing a nearby residence.
- (c) These provisions shall not apply to stock or products kept for the purpose of off-premises demonstration, sales or service.

(3) CONDITIONAL USE.

The use of space within mobile homes located within mobile home parks for home occupation or professional offices shall be allowable only as a conditional use.

(4) CONDITIONAL USE PERMIT.

A conditional use permit shall be required to establish or maintain a home occupation or professional office within an accessory structure on a parcel that has a principal use of residential or agricultural. Home occupations and professional offices in accessory structures must be clearly incidental to the residential use, may not employ more than one nonresident employee, shall not

17.23 LOT DIMENSIONS.

generate automobile or pedestrian traffic disturbing to a nearby residence and no stock-in-trade shall be kept or sold, except that made on the premises.

(5) REVIEW.

Conditional use reviews under subs. (3) and (4) shall examine whether the use meets all of the requirements and conditions specified in the ordinance, including but not limited to Section 17.64 (3) or those imposed by the Board of Adjustment. The applicant must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The county's decision to approve or deny the permit must be supported by substantial evidence. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

17.23 LOT DIMENSIONS.

(Rev. Ord. #3-2009)

- (1) For determining whether lots satisfy specified requirements, the lot width can be satisfied at the front (road) lot line, the front (toward road) setback line or by an average width, unless more restrictive provisions apply, except shoreland lots shall comply with [Sec. 17.300\(5\)](#).
- (2) In determining whether lots have the required minimum lot area, no part of a lot that is less than 30' in width shall be considered and lands that have public roads built upon them or part of another legal lot of record are not to be considered.
- (3) Lot depth shall comply with 18.23(5).
- (4) All measurements are made on a horizontal plane.
- (5) Buildable Area. In every district, except those designated exclusively for open space uses, each lot created after April 21, 1998 shall contain buildable area. Portions of a lot designated for privately owned wastewater treatment systems or where construction of buildings and related infrastructure is precluded by the provisions of federal, state or county regulations shall not be included in computing buildable area.

17.24 PARCEL SIZE AND DIMENSION WHERE NOT SPECIFICALLY IDENTIFIED.

- (1) Generally, the text for each zoning district identifies specific lot size and dimensional standards for principal uses in the district. However, in many districts there are uses, permitted and conditional, that have no specified lot size dimensional standards within the text for that district. Such uses shall be governed by the standards of sub. (2).

17.25 OPERATIONAL STANDARDS.

- (2) The applicant shall submit a site plan indicating lot dimensions and area, existing structures, intended new structures, on-site waste disposal areas (primary and replacement), traffic, parking, circulation areas, setbacks and yard spaces and other permanent features. The site plan shall be reviewed by the appropriate reviewing officer or unit (by the Zoning Administrator in the case of a permitted use; by the Board of Adjustment in the case of a conditional use). The reviewer must be satisfied that the lot is of a size and dimensional character to allow the intended land uses to function effectively and comfortably with no measurable burdens of a direct or indirect nature being cast upon neighboring or nearby property or public lands or facilities.

17.25 OPERATIONAL STANDARDS.

No land use or aspect of land use, whether newly established or preexisting, whether permanent or temporary, shall be conducted in a manner that results in pollution or contamination of waters (groundwater or surface water) or of air; emission or release of radioactivity or electrical disturbances; noise; glare or heat; fire or explosive hazards or in conditions of crowding or congestion or in assemblies of persons or livestock without adequate provision for safety, health and sanitation to the extent of constituting either a violation of applicable laws or regulations or a condition of public or private nuisance which threaten the public health, safety, comfort or welfare or the right of users of other properties to reasonable enjoyment of their property. Any violations of the standards may be enforced as a zoning violation, either prospectively or after the violation occurs, regardless of the legality of the basic land use.

17.26 UTILITIES. (Rev. Ord. #3-2008)

- (1) This section applies to:

- (a) Electrical power generation facilities serving more than merely the site on which they are located.
- (b) Electrical transmission facilities.
- (c) Natural gas storage and transmission facilities.
- (d) Telephone lines and related facilities.
- (e) Telegraph lines and related facilities.
- (f) Cable TV lines and related facilities.
- (g) Communication towers and relay facilities.

- (2) Utility distribution systems (lines, transmission facilities and the like) serving residences, businesses, institutions and manufacturing facilities and neighborhoods wherein such uses are located are permitted uses in all zoning districts and are exempt from permit requirements. No general standards apply, but the systems may be subject to district regulations or subdivision standards.

- (3) Distribution systems that connect geographically diverse areas, rather than serving immediate neighborhoods, require a zoning permit to be established. Applications shall be made to the Zoning Administrator who shall determine whether the proposed facility presents any significant problems for existing land uses or allowed by zoning. If a finding of potential

17.266 MOBILE TOWER SITING.

problems is made, the applicant shall be referred to the Board of Adjustment as a conditional use applicant. The Board shall apply a standard and set conditions to assure minimal interference with allowable land uses as a result of the proposed utility installation.

- (4) Power generating and communication towers are conditional uses in all districts. Applicants shall submit written documentation on the availability of space on existing towers and demonstrate that there are no alternative locations available. The Board shall apply the standards in [17.64\(3\)](#) and set conditions to assure minimal interference with allowable land uses as a result of the proposed tower. A condition of approval for new towers shall be that the applicant shall allow other companies to co-locate on the tower that is structurally capable, at market rates, and shall allow local emergency services to utilize the tower provided there is capacity.
- (5) Utility uses authorized by the Wisconsin Public Service Commission under [196.491\(3\), Wis. Stats.](#), are exempt from County zoning to the extent provided by law.
- (6) Liquid propane re-fueler tanks are conditional uses in all districts except the R-1, single-family residential district, conservancy district and floodplain district, where re-fueler tanks are prohibited. When reviewing conditional use applications the Board of Adjustment shall apply the standards listed in [17.64\(3\)](#). (Rev. Ord. #3-2009)

17.266 MOBILE TOWER SITING.

(1) Application – New Tower

- (a) A county Conditional Use Permit (CUP) is required for the siting and construction of any new mobile service support structure and facilities in a zoned town or within shoreland jurisdiction.
- (b) A written permit application must be completed by any applicant and submitted to the Zoning Administrator. The application must contain the following information:
 1. The name and business address of, and the contact individual for, the applicant.
 2. The location of the proposed or affected support structure.
 3. The location of the proposed mobile service facility.
 4. Copy of easement or agreement with landowner if the land is not owned by the company.
 5. Must be located outside of the airport height district (three mile radius from the County Airport) or obtain an airport height zoning permit.
 6. A construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 7. An explanation as to why the applicant chose the proposed location and why the applicant did not choose co-location, including a sworn statement from an individual

who has responsibility over the placement of the mobile service support structure attesting that co-location within a two (2) mile radius would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

- (c) If an applicant submits to the county an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the county shall consider the application complete. If the county does not believe that the application is complete the county shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (d) Within 90 days of its receipt of a complete application, the county shall complete all of the following or the applicant may consider the application approved, except that the applicant and the county may agree in writing to an extension of the 90 day period:
 - 1. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.
 - 2. Make a final decision whether to approve or disapprove the application.
 - 3. Notify the applicant, in writing, of its final decision.
 - 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (e) The county may disapprove an application if an applicant refuses to evaluate the feasibility of co-location within the applicant's search ring of one half (1/2) mile and provide the sworn statement described under 17.266(b)(7).

(2) Application Process for Co-location of antennas without increasing height of the tower.

- (a) A written and signed affidavit from an engineer submitted to the department stating the following:
 - 1. Number of antennas to be added and the total number of antennas.
 - 2. That the structure can support the amount of antennas and equipment.
 - 3. That the frequencies will not interfere with existing antennas on the tower.

(3) Application Process for Co-location of antennas increasing height of tower.

- (a) A written and signed affidavit from an engineer submitted to the department stating the following:
 - 1. Number of antennas to be added and the total number of antennas.
 - 2. Total height of the structure.
 - 3. That the structure can support the amount of antennas and equipment.
 - 4. That the frequencies will not interfere with existing antennas on the tower.

17.27 RECREATIONAL VEHICLES.

(b) Tower is to be located outside of the airport height district (3 mile radius from County Airport), or verify that the structure’s height meets the terms of the Langlade County Airport Height Zoning Ordinance Chapter 21, or obtain an airport height zoning permit.

(4) HEIGHT, YARD, AREA AND OTHER REQUIREMENTS:

(a) Height: Must meet the terms of the Langlade County Airport Zoning Ordinance Chapter 21

(b) Horizontal Setback: Any new tower shall have a minimal setback of 15’ from the guy wires or tower whichever is closer to the lot line.

(c) Any new mobile support structures shall be setback from the nearest property line and any other structure a distance of not less than 100% of the total height, unless an applicant provides the county with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required that shall be used, unless the county provides the applicant with substantial evidence that the engineering certification is flawed.

(d) Road Setbacks.

| | Class A Highway (State & Federal Highway) | Class B Highway (County Highway) | Class C (Town Road, Public Right of Way) |
|-------------------|--|-------------------------------------|---|
| From Right of Way | 50 feet | 42 feet | 30 feet |
| | | | |

1. Private easement roads and railroads serving more than one residence or parcel, or from a railroad right-of-way, shall be 30 feet from the described easement or right-of-way. In the case of an easement that does not have a legal description the setback shall be 30 feet from the nearest point on the edge of the traveled way.

(e) Vision Clearance Triangle must comply with [Section 17.15](#).

(f) Waterline Setbacks must comply with [Sec. 17.300](#).

(5) Incorporation of the “Mobile tower siting regulations” set forth in [Sec. 66.0404, Wis. Stats.](#), and any subsequent amendments thereto, are incorporated by reference herein. The regulations contained within Sec. 66.0404 shall control in the event of any conflict with the provisions of 17.266 of this Chapter.

17.27 RECREATIONAL VEHICLES.

(1) Recreational vehicles may be parked or stored on the owner's home premises as an accessory use, provided no living quarters or business use is conducted therein.

(2) Recreational vehicles may be allowed for their recreational uses in all districts, except Conservancy and Floodplain and except that they shall not be used for the purpose of

17.28 PERMANENT FOUNDATION.

permanent habitation and that they shall not occupy a site for longer than 30 consecutive days.
(Rev. Ord. #6-2006)

- (3) The wheels or any similar transporting devices of any recreational vehicle shall not be removed, except for repairs, nor shall any such recreational vehicle be otherwise fixed to the ground in any manner that would prevent ready removal.

17.28 PERMANENT FOUNDATION.

- (1) Footings and foundations which meet the requirements of Chapter 14, UDC, and Wis. Adm. Code, are required for single and 2 family residences, manufactured homes and mobile homes. The foundations may be a continuous foundation, a column or pier foundation or a floating slab.
- (2) Skirting and tie downs shall be required as specified in [17.46\(4\)\(a\)](#) of this chapter for all mobile homes and manufactured homes.

17.29 GREATER RESTRICTIONS.

Where a city or village zoning ordinance or other County ordinance is more restrictive than the provisions contained in this chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

17.300 SHORELAND ZONING ORDINANCE

(1) STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE AND TITLE

- (a) **STATUTORY AUTHORIZATION.** This ordinance is adopted pursuant to the authorization in [ss. 59.692 Wis. Stats](#) to implement [59.692](#), and [281.31](#).
- (b) **FINDING OF FACT.** Uncontrolled use of the shorelands and pollution of the navigable waters of Langlade 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 Langlade County, Wisconsin.
- (c) **PURPOSE AND INTENT.** [NR115.01](#) For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this ordinance has been established to:

1. FURTHER THE MAINTENANCE OF SAFE AND HEALTHFUL CONDITIONS AND PREVENT AND CONTROL WATER POLLUTION THROUGH:

- a. Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
 - b. Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.
 - c. Controlling filling and grading to prevent soil erosion problems.
 - d. Limiting impervious surfaces to control runoff which carries pollutants.
2. PROTECT SPAWNING GROUNDS, FISH AND AQUATIC LIFE THROUGH:
- a. Preserving wetlands and other fish and aquatic habitat.
 - b. Regulating pollution sources.
 - c. Controlling shoreline alterations, dredging and lagooning.
3. CONTROL BUILDING SITES, PLACEMENT OF STRUCTURES AND LAND USES THROUGH:
- a. Prohibiting certain uses detrimental to the shoreland-wetlands.
 - b. Setting minimum lot sizes and widths.
 - c. Setting minimum building setbacks from waterways.
 - d. Setting the maximum height of near shore structures.
4. PRESERVE AND RESTORE SHORELAND VEGETATION AND NATURAL SCENIC BEAUTY THROUGH:
- a. Restricting the removal of natural shoreland cover.
 - b. Preventing shoreline encroachment by structures.
 - c. Controlling shoreland excavation and other earth moving activities.
 - d. Regulating the use and placement of boathouses and other structures.

(d) TITLE. Shoreland Protection Ordinance for Langlade County, Wisconsin.

(2) GENERAL PROVISIONS.

- (a) AREAS TO BE REGULATED. Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Langlade County which are:

1. Within one thousand (1,000) feet of the ordinary high water mark of navigable lakes, ponds or flowages. ([NR 115.03\(8\)](#))
2. Within three hundred (300) feet of the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. ([NR 115.03\(8\)](#))

Lakes, ponds or flowages in Langlade 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.

3. The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas unless specifically exempted by law, all cities, villages, towns, counties and, when [s. 13.48 \(13\)](#), Stats., applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of transportation is not subject to local shoreland zoning ordinances if [s. 30.2022 \(1\)](#), Stats., applies. ([NR 115.02](#)) Shoreland zoning requirements in annexed or incorporated areas are provided in [s. 61.353](#) and [s. 62.233](#), Stats.
4. Determinations of navigability and ordinary high water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator may contact the appropriate office of the Department for a final determination of navigability or ordinary high water mark. The county may work with surveyors with regard to [s. 59.692 \(1h\)](#).
5. 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:
 - a. Lands adjacent to farm drainage ditches if:
 - i. Such lands are not adjacent to a natural navigable stream or river;
 - ii. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - b. Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

(b) SHORELAND-WETLAND MAPS The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data

Viewer is made part of this ordinance. The maps can be viewed at <http://dnrm.wisconsin.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>

- (c) COMPLIANCE. (NR 115.04) 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.
- (d) MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when [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.
- (e) ABROGATION AND GREATER RESTRICTIONS. (s. 59.692(5) Wis. Stats.) The provisions of this ordinance supersede any provisions in a county zoning ordinance that solely relate to shorelands. In other words if a zoning standard only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this ordinance supersedes those provisions. However, where an ordinance adopted under a statute other than [s. 59.692, Wis. Stats.](#), does not solely relate to shorelands and is more restrictive than this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions.
1. [\(s. 59.692\(2\)\(a\), Wis. Stats.\)](#) This ordinance shall not require approval or be subject to disapproval by any town or town board.
 2. [\(s. 59.692\(2\)\(b\), Wis. Stats.\)](#) 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.
 3. 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.
 4. The following provisions of the Langlade County Zoning Ordinance are hereby incorporated by reference; these provisions shall only apply to the shoreland area where they impose greater restrictions than this ordinance otherwise imposes.

5. ([s. 59.692\(1d\)\(b\), Wis. Stats.](#)) This ordinance may establish standards to regulate matters that are not regulated in [NR 115](#), but that further the purposes of shoreland zoning as described in [Section 17.300\(1\)\(c\)](#) of this ordinance.
6. ([s. 59.692\(1k\)\(a\)1., Wis. Stats.](#)) Counties may not establish shoreland zoning standards in a shoreland zoning ordinance that requires any of the following:
 - a. Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.
 - b. Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.
7. ([s. 59.692\(7\), Wis. Stats.](#)) The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if:
 - a. The department has issued all required permits or approvals authorizing the construction or maintenance under [ch. 30](#), [31](#), [281](#), or [283](#).

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

- (f) **INTERPRETATION.** ([59.69\(13\)](#)) In their interpretation and application, the provisions of this ordinance shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by statute and a standard in [ch. NR 115, Wis. Adm. Code](#), and where the ordinance provision is unclear, the provision shall be interpreted in light of the statute and [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.
- (g) **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.

(3) SHORELAND-WETLAND DISTRICT. ([NR 115.04](#))

- (a) **DESIGNATION.** This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.
 1. **LOCATING SHORELAND-WETLAND BOUNDARIES. ([NR 115.04\(b\)2.note](#))**
Where an apparent discrepancy exists between the shoreland-wetland district

boundary shown on the Wisconsin Wetland Inventory and actual field conditions, the county shall contact the Department to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland zoning permit in accordance with the applicable regulations based on the Department determination as to whether the area is wetland. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time.

- (b) 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.
- (c) 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](#) and [281.36, Wis. Stats.](#) and the provisions of other applicable local, state and federal laws:
1. Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating except as allowed under sections 17.300(3)(c)1 or 17.300(3)(c)2.
 - a. Hiking, fishing, trapping, hunting, swimming, and boating;
 - b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - c. The pasturing of livestock;
 - d. The cultivation of agricultural crops;
 - e. The practice of silviculture, including the planting, thinning, and harvesting of timber; and
 - f. The construction or maintenance of duck blinds.
 2. Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
 - a. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;

- b. The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries,
 - c. 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;
 - d. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - e. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
 - f. The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
3. Uses which require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:
- a. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
 - i. The road cannot as a practical matter be located outside the wetland;
 - ii. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 17.300(3)(e)2;
 - iii. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - iv. Road construction activities are carried out in the immediate area of the roadbed only.
 - b. The construction or maintenance of nonresidential buildings, provided that:
 - i. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
 - ii. The building cannot, as a practical matter, be located outside the wetland;

- iii. Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and
 - iv. Only limited filling or excavating necessary to provide structural support for the building is authorized.
- c. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
- i. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under [ch. 29, Wis. Stats.](#), where applicable;
 - ii. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in Section 17.300(3)(c)3a(i-iv) and;
 - iii. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
- d. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:
- i. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 - ii. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 17.300(3)(e)2
- (d) **PROHIBITED USES.** [NR 115.04\(4\)](#) Any use not listed in Sections 17.300 (3)(c)1, 17.300(3)(c)2 or 17.300(3)(c)3 is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with Section 17.300(3)(e) of this ordinance and [s. 59.69\(5\)\(e\), Wis. Stats.](#)
- (e) **REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT** ([NR 115.04\(2\)](#))
- 1. For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the appropriate office with the Department shall be provided with the following:

- a. A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within 5 days of the filing of such petition with the county clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;
 - b. Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;
 - c. A copy of the county zoning agency's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the county board; and
 - d. Written notice of the county board's decision on the proposed amendment within 10 days after it is issued.
2. A wetland, or 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 or any other approved links:
<http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>
3. If the Department notifies the county zoning agency 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 17.300(3)(e)2 of

this ordinance, that amendment, if approved by the county board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed after written notice of the county board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the county board that it will adopt a superseding shoreland ordinance for the county under [s. 59.692\(6\), Wis. Stats.](#) If the Department 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."

(4) LAND DIVISION REVIEW AND SANITARY REGULATIONS ([NR 115.05\(2\)](#))

(a) LAND DIVISION REVIEW. ([NR 115.05\(2\)](#)) The county shall review, pursuant to [s. 236.45, Wis. Stats.](#), all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less within a 5-year period. In such review all of the following factors shall be considered:

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

(b) PLANNED UNIT DEVELOPMENT (PUD). ([NR 115.05\(1\)\(a\)4.](#))

1. **PURPOSE.** The Planned Unit Development is intended to permit smaller non-riparian lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Unit Development at the time of its approval. A condition of all Planned Residential Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.
2. **REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT.** The county Planning and Zoning Committee may at its discretion, upon its own motion or upon petition, approve a Planned Unit Development Overlay District upon finding, after a public hearing, that all of the following facts exist:
 - a. **Area.** The area proposed for the Planned Unit Development shall be at least 2 acres in size or have a minimum of 200 feet of frontage on a navigable water.
 - b. **Lots.** Any proposed lot in the Planned Unit Development that does not meet the minimum size standards of Sections 17.300(5)(b) and 17.300(5)(c) shall be a non-riparian lot.
 - c. **Lot sizes, widths, setbacks, and vegetation removal.** When considering approval of a Planned Unit Development the governing body shall consider

whether proposed lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions in Section 17.300(7)(b) shall apply except that maximum width of a lake frontage opening shall be 100 feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.

(c) **SANITARY REGULATIONS** ([NR 115.05\(3\)](#)) Each county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.

1. Where public water supply systems are not available, private well construction shall be required to conform to [ch. NR 812, Wis. Adm. Code](#).
2. Where a public sewage collection and treatment system is not available, design and construction of private on-site waste treatment system shall, prior to July 1, 1980, be required to comply with [ch. SPS 383](#), and after June 30, 1980 be governed by a private sewage system ordinance adopted by the county under [s. 59.70\(5\), Wis. Stats.](#)

(5) MINIMUM LOT SIZE ([NR 115.05\(1\)](#))

(a) **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.

(b) **'SEWERED LOTS'** ([NR 115.05\(1\)\(a\)1.](#)) **MINIMUM AREA AND WIDTH FOR EACH LOT.** The minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65 feet.

1. The width shall be calculated by averaging measurements at the following 3 locations:

- a. The ordinary high water mark.
- b. The building setback line.
- c. One other location on the lot within 300 feet of the ordinary high water mark.

(c) **'UNSEWERED LOTS.'** ([NR 115.05\(1\)\(a\)2.](#)) **MINIMUM AREA AND WIDTH FOR EACH LOT.** The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet.

1. The width shall be calculated by averaging measurements at the following 3 locations:

- a. The ordinary high water mark.
- b. The building setback line.
- c. One other location on the lot within 300 feet of the ordinary high water mark.

(d) 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:

1. 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.
2. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
3. The substandard lot or parcel is developed to comply with all other ordinance requirements.

(da) OTHER SUBSTANDARD LOTS. Except for lots which meet the requirements of Section 17.300(5)(d) a building permit for the improvement of a lot having lesser dimensions than those stated in Sections 17.300(5)(b) and 17.300(5)(c) shall be issued only if a variance is granted by the board of adjustment.

(db) SETBACK REDUCTION FOR LEGAL PRE-EXISTING LOTS.

1. The roadway setbacks for a legal pre-existing waterfront lot may be reduced until a 30 foot building site is established provided the following standards are met:
 - a. The resulting roadway setback is not less than one half (1/2) the required roadway setback. If a roadway does not exist, a rear yard setback may be reduced to no less than 7.5'

(e) BACKLOT ACCESS TO WATERS The use of waterfront lots to provide deeded access to backlots is specifically prohibited in all districts which allow single family residential use. No land division shall be recorded and no zoning permit shall be issued for a waterfront parcel unless the minimum lot area, width and water frontage are provided for each dwelling unit which is or proposed to be located on the waterfront property or located on a backlot where the owner has a deeded interest in the waterfront property.

(6) 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.

(a) SHORELAND SETBACKS. (NR115.05(1)(b)1.) Unless exempt under 17.300(6)(a)1, or reduced under 17.300(6)(a)3, a setback of 75 feet from the ordinary high water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures.

1. EXEMPT STRUCTURES ([NR 115.05\(1\)\(b\)1m.](#)) All of the following structures are exempt from the shoreland setback standards in 17.300(6)(a):
 - a. Boathouses located entirely above the ordinary high water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation.
 - i. The construction or placement of boathouses below the ordinary high-water mark of any navigable waters shall be prohibited.
 - ii. Boathouses shall be designed and constructed solely for the storage of boats and related equipment.
 - iii. One boathouse is permitted on a lot as an accessory structure.
 - iv. Boathouses shall be constructed in conformity with local floodplain zoning standards.
 - v. Boathouses shall not exceed 300 square feet in floor area. A 1-foot-wide soffit may extend beyond the exterior walls.
 - vi. Boathouse roofs shall not be designed or used as decks, observation platforms or for other similar uses, unless:
 1. The existing boathouse has a flat roof.
 2. The flat roof has no side walls or screens.
 3. The roof may have a railing that meets the Department of Safety and Professional Services standards.
 - vii. Earth toned color shall be required for all exterior surfaces of a boathouse.
 - viii. Patio doors, fireplaces and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.
 - ix. The dimension more or less parallel to the shore shall not exceed 14 feet.
 - x. Sidewalls may not exceed 8' in height.
 - xi. Roof slope may not be less than 4:12 (rise to run) nor steeper than 6:12.
 - xii. The waterward side of a boathouse shall be set back at least 3 feet and no more than 35 feet from the ordinary high water mark unless an alternative location is authorized by the zoning administrator pursuant to department guidance approved by the Water & Land Use Planning Committee. (Rev. Ord. #6-2006)
 - xiii. Boathouse construction shall comply with the standards of Section 17.300(8) regarding land disturbing activities.
 - b. Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in [s. 59.692\(1v\), Stats.](#)
 - i. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary-high water mark.
 - ii. The floor area of all the structures in the shoreland setback area will not exceed 200 square feet.
 - iii. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.

- iv. The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.
 - v. The structure must be free standing and more than five-feet from a principal structure.
 - vi. An enforceable affidavit must be filed with the register of deeds prior to construction acknowledging the limitations on vegetation.
- c. Fishing rafts that are authorized on the Wolf River and Mississippi river under [s. 30.126, Stats.](#)
 - d. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.
 - e. Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with [ch. SPS 383](#), and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.
 - f. Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width. Refer to Section 17.300(7)(b) for additional requirements on walkways.
 - g. Devices or systems used to treat runoff from impervious surfaces.
2. **EXISTING EXEMPT STRUCTURES.** ([s.59.692\(1k\)\(a\)2, Stats](#)) Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.
3. **REDUCED PRINCIPAL STRUCTURE SETBACK.** ([s.59.692\(1n\), Stats](#)) A setback less than the 75' required setback from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows:
- a. Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:
 - i. Both of the existing principal structures are located on adjacent lot to the proposed principal structure.

- ii. Both of the existing principal structures are located within 250' of the proposed principal structure and are the closest structure.
 - iii. Both of the existing principal structures are located less than 75' from the ordinary high water mark.
 - iv. The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.
- b. Where there is an existing principal structure in only one direction, the setback shall equal the distance the existing principal structure is set back from the ordinary high water mark and the required setback of 75' from the ordinary high water mark provided all of the following are met:
- i. The existing principal structure is located on adjacent lot to the proposed principal structure.
 - ii. The existing principal structure is located within 250' of the proposed principal structure and is the closest structure.
 - iii. The existing principal structure is located less than 75' from the ordinary high water mark.
 - iv. The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.

4. WETLAND SETBACKS

- a. All buildings and structures shall be set back at least 15 feet from nonnavigable streams and drainageways. Roadways, recreational trails and pedestrian walkways shall be permitted to cross nonnavigable streams and drainageways provided such construction allows for the free passage of waters and that runoff is controlled so as to prevent erosion and transport of sediment and pollutants to nearby waters. The high water mark is that point up to which the presence and action of surface water is so continuous as to leave a distinctive mark by erosion, destruction or prevention of terrestrial vegetation, dominance of aquatic vegetation, or other easily recognized characteristics.
- b. All buildings and structures except for those permitted to be located within shoreland wetlands (see [Section 17.38](#)) shall be set back at least 15 feet landward from the actual boundary of mapped wetlands.

(b) FLOODPLAIN STRUCTURES ([NR 115.05\(1\)\(b\)2.](#)) Buildings and structures to be constructed or placed in a floodplain shall be required to comply with any applicable floodplain zoning ordinance.

(7) VEGETATION ([NR 115.05\(1\)\(c\)](#))

- (a) PURPOSE. ([NR 115.05\(1\)\(c\)1.](#)) To protect natural scenic beauty, fish and wildlife habitat, and water quality, a county shall regulate removal of vegetation in shoreland areas, consistent with the following: The county shall establish ordinance standards that consider sound forestry and soil conservation practices and the effect of vegetation

removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.

(b) VEGETATIVE BUFFER ZONES. ([NR 115.05\(1\)\(c\)2](#).) To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, the county ordinance shall designate land that extends from the ordinary high water mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows.

1. The county may allow routine maintenance of vegetation.
2. The county may allow removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Per [s. 59.692\(1f\)\(b\), Stats.](#) the viewing corridor may be at least 35 feet wide for every 100 feet of shoreline frontage. The viewing corridor may run contiguously for the for the entire maximum width or shoreline frontage owned. [59.692\(1f\) \(b\)](#) reads.....A county shoreland zoning ordinance may require a person to maintain a vegetative buffer zone that exists on July 14, 2015 if the ordinance does all of the following:
 - (1) Allows the buffer zone to contain a viewing corridor that is at least 35' wide for every 100' of shoreline.
 - (2) Allows a viewing corridor to run contiguously for the entire maximum width established under subd.1.
3. The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with “generally accepted forestry management practices” as defined in [s. NR 1.25 \(2\) \(b\)](#), and described in Department publication “Wisconsin Forest Management Guidelines” (publication FR-226), provided that vegetation removal be consistent with these practices.
4. The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.
5. The county may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this subd. par. shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.
6. Walkway
 - a. One pedestrian access pathway to the shoreline provided:

- i. It is located within the viewing corridor described in Section 17.300(7)(b)2 unless such location is not feasible due to steep slopes, wet soils or similar limiting conditions.
 - ii. It is located and constructed so as to avoid erosion;
 - iii. It is located and constructed so as to maintain some screening of development from view from the water;
 - iv. It is the minimum construction necessary to provide access and includes no additional construction other than railings essential for safety;
 - v. It is no more than 5 feet wide; and
 - vi. It is constructed of materials with colors which blend with the natural ground cover in the vicinity of the pathway.
 - b. An elevated walkway or powered lift may be substituted for a pedestrian access pathway if:
 - i. It is essential to access the shore because of steep slopes, wet soils or similar limiting conditions;
 - ii. It complies with the standards for location and construction of pathways described in Section 17.300(7)(b)6a; and
 - iii. Construction plans are approved by the Land Records and Regulations Department.
 - c. Shoreline protection activities authorized by a state permit and erosion control measures approved by the Land Records and Regulation Department which are designed to remedy significant, existing erosion problems.
7. Boathouses see 17.300(6)(a)1a for standards
- (c) CUTTING MORE THAN 35 FEET INLAND From the inland edge of the 35 foot area to the outer limits of the shoreland, the cutting of vegetation shall be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality.

(8) 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.

(a) LAND DISTURBING ACTIVITIES

- 1. Filling, grading or excavating within 300' of a navigable water body shall be governed by the following existing and proposed features:
 - a. Applicants shall submit a fill and grade permit to the zoning administrator showing the following:
 - i. Proposed and existing principal and accessory structures.
 - ii. Fencing.
 - iii. Paving.

- iv. Landscaping.
 - v. Screening.
 - vi. Private sewage system location.
 - vii. Driveways.
 - viii. Plans for management of surface waters and storm water.
 - ix. North arrow.
 - x. Measurement of setbacks for buildings and lot lines.
 - xi. Slopes and areas to be excavated, filled, or graded.
 - xii. Signature of person responsible for the work.
- b. The site plan must demonstrate that the site has sufficient and usable space for all these identified features will not cause unreasonable erosion or be contrary to [Section 17.02](#). A permit shall be denied if the activity threatens to cause unreasonable erosion, sedimentation or disruption of fish or wildlife habitat and any permits granted shall be conditioned with the standards outlined in paragraph (b) below which may be modified at the discretion of the zoning administrator.
2. Standards
- a. Filling, grading, and excavating activities shall be performed using appropriate best management practices specified in the DNR construction site erosion control manual.
 - b. The area of soil exposed and duration of exposure shall be minimized.
 - c. Fill shall not be deposited in any floodplain or wetland without proper written authorization.
 - d. Erosion control practices shall be instituted on all projects within 150' of the ordinary high watermark of a lake or stream on slopes greater than 5% and on all projects within 25' of a property line. These practices shall remain until vegetation has stabilized the area and sufficiently to deter erosion.
 - e. No heavy equipment may be used closer than 50' to the ordinary high watermark of a lake or stream or the reduced shoreland setback area and no spoils shall be placed in this area.
 - f. Areas to be altered contiguous to the ordinary high watermark shall not exceed 200 square feet.
 - g. Total area to be approved shall not exceed 10,000 square feet not including the identified septic system area.
 - h. Post construction runoff shall be considered and appropriately controlled to prevent erosion and sediment transport.
 - i. Upland slopes and drainageways shall be stabilized according to accepted engineering practices.
 - j. Permits are valid for 60 days unless an extension is granted.
3. A conditional use permit shall be required prior to any filling, grading, excavating or similar alteration of the existing surface contours if the area to be altered exceeds 10,000 square feet or if the activity does not meet the requirements as stipulated in 17.300(8)(a)

4. Prohibited Land Disturbing Activities. On slopes in excess of 45% land disturbing activities are prohibited on shorelands that drain to surface waters.

(9) IMPERVIOUS SURFACE STANDARDS. [\(NR 115.05\(1\)\(e\)\)](#)

- (a) **PURPOSE.** Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high water mark of any navigable waterway.
- (b) **CALCULATION OF PERCENTAGE OF IMPERVIOUS SURFACE. [\(NR 115.05\(1\)\(e\)1.\)](#)** Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in 17.300(9)(e) shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

For properties that have been “condominiumized” the impervious surface calculations apply to the entire property. The property is still under one legal description and the proposed expansion to a unit is not the only impervious surface calculated since the regulation states lot or parcel and not a unit. It will be important to remember also that mitigation applies to the property as a whole and not just to the portion of the frontage that might be in front of the unit impacted.

- (c) **GENERAL IMPERVIOUS SURFACE STANDARD. [\(NR 115.05\(1\)\(e\)2.\)](#)** Except as allowed in sections 17.300(9)(d) through 17.300(9)(e) allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark.
- (d) **MAXIMUM IMPERVIOUS SURFACE. [\(NR 115.05\(1\)\(e\)3.\)](#)** A property may exceed the impervious surface standard under 17.300(9)(c) provided the following standards are met:
 1. For properties where the general impervious surface standard applies under Section 17.300(9)(c) a property owner may have more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark.

2. For properties that exceed the standard under 17.300(9)(c) but do not exceed the maximum standard under 17.300(9)(d)1 a permit can be issued for development with a mitigation plan that meets the standards found in Section 17.300(13).

(e) TREATED IMPERVIOUS SURFACES ([NR115.05\(1\)\(e\)3m.](#) and [s. 59.692\(1k\)\(a\)](#))

Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under Section 17.300(9)(b).

1. The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
2. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

To qualify for the statutory exemption, property owners shall submit a complete permit application, which is reviewed and approved by the county. The application shall include the following:

- (1) Calculations showing how much runoff is coming from the impervious surface area.
 - (2) Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device or internally drained area.
 - (3) An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices or internally drained area.
 - (a) The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the permit.
- (f) EXISTING IMPERVIOUS SURFACES. ([NR 115.05\(1\)\(e\)4.](#)) For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in Section 17.300(9)(c) or the maximum impervious surface standard in Section 17.300(9)(d), the property owner may do any of the following:
1. Maintain and repair the existing impervious surfaces;
 2. Replace existing impervious surfaces with similar surfaces within the existing building envelope;
 3. Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of

the county shoreland ordinance, and the impervious surface meets the applicable setback requirements in [s. Wis. Admin. Code NR 115.05 \(1\) \(b\)](#).

(10) HEIGHT. [\(NR 115.05\(1\)\(f\)\)](#)

To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, a county may not permit any construction that result in a structure taller than 35 feet within 75 feet of the ordinary high water mark of any navigable waters. As measured from the lowest exposed foundation to the highest point of the roof.

(11) NONCONFORMING USES AND STRUCTURES. [\(NR 115.05\(1\)\(g\)\)](#)

- (a) DISCONTINUED NONCONFORMING USE. [\(NR 115.05\(1\)\(g\)3.\)](#) 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.
- (b) MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF NONCONFORMING STRUCTURES. [\(s. 59.692\(1k\)\(a\)1.b.](#) and d.) An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.
- (c) LATERAL EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURE WITHIN THE SETBACK. [\(NR 115.05\(1\)\(g\)5.\)](#) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per Section 17.300(6)(a) may be expanded laterally, provided that all of the following requirements are met:
1. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
 2. The existing principal structure is at least 35 feet from the ordinary high water mark.
 3. Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high water mark than the closest point of the existing principal structure.
 4. 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 17.300(13).
 5. All other provisions of the shoreland ordinance shall be met.

- (d) EXPANSION OF A NONCONFORMING PRINCIPAL STRUCTURE BEYOND SETBACK. (NR 115.05(1)(g)5m.) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under Section 17.300(6)(a) may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per Section 17.300(6)(a) and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required per Section 17.300(9).
- (e) RELOCATION OF NONCONFORMING PRINCIPAL STRUCTURE. (NR 115.05(1)(g)6.) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per Sections 17.300(6)(a) may be replaced or relocated on the property provided all of the following requirements are met:
1. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
 2. The existing principal structure is at least 35 feet from the ordinary high water mark.
 3. No portion of the replaced or relocated structure is located any closer to the ordinary high water mark than the closest point of the existing principal structure.
 4. The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for replacement or relocation that will result in compliance with the shoreland setback requirement per Section 17.300(6)(a). Note: Refer to Department Guidance
 5. The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 17.300(13) include enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.
 6. All other provisions of the shoreland ordinance shall be met.

(12) MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE. ([s. 59.692\(1k\)\(a\)2.](#) and [\(a\)4.](#))

A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

(13) MITIGATION. ([s. 59.692\(1v\), Stats.](#), [NR 115.05 \(1\)\(e\)3., \(g\)5., \(g\)6.](#))

When the county issues a permit requiring mitigation under sections 17.300(6)(a)1b, 17.300(9)(d), 17.300(11)(c), 17.300(11)(e), the property owner must submit a complete permit application, which is reviewed and approved by the county. The application shall include the following:

- (a) A site plan that describes the proposed mitigation measures.
 - 1. The site plan shall be designed and implemented to restore natural functions lost through development and human activities.
 - 2. The mitigation measures shall be proportional in scope to the impacts 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.
 - 1. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds.

Mitigation requirements are stipulated in Dept. Guidance approved by the Water and Land Use Planning Committee (See Appendix A).

(14) ADMINISTRATIVE PROVISIONS.

- (a) The appointment of an administrator and such additional staff as the workload may require.
- (b) The creation of a zoning agency as authorized by [s. 59.69, Stats.](#), a board of adjustment as authorized [by s. 59.694, Stats.](#), and a county planning agency as defined in [s. 236.02, Stats.](#), and required by [s. 59.692\(3\), Stats.](#)
- (c) A system of permits for all new construction, development, reconstruction, structural alteration or moving of buildings and structures. A copy of applications shall be required to be filed in the office of the county zoning administrator, unless prohibited by [s. 59.692\(1k\), Stats.](#)

- (d) Regular inspection of permitted work in progress to insure conformity of the finished structures with the terms of the ordinance.
- (e) A variance procedure which authorizes the board of adjustment to grant such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland zoning ordinance, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship as long as the granting of a variance does not have the effect of granting or increasing any use of property which is prohibited in that zoning district by the shoreland zoning ordinance.
- (f) A special exception (conditional use) procedure for uses presenting special problems.
- (g) The county shall keep a complete record of all proceedings before the board of adjustment, zoning agency and planning agency.
- (h) Written notice to the appropriate office of the Department at least 10 days prior to any hearing on a proposed variance, special exception or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review under Section 17.300(4).
- (i) Submission to the appropriate office of the Department, within 10 days after grant or denial, copies of any decision on a variance, special exception or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.
- (j) Mapped zoning districts and the recording, on an official copy of such map, of all district boundary amendments.
- (k) The establishment of appropriate penalties for violations of various provisions of the ordinance, including forfeitures. Compliance with the ordinance shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in [s. 59.69 \(11\), Stats.](#)
- (l) The prosecution of violations of the shoreland ordinance.
- (m) Shoreland wetland map amendments. ([Nr 115.04](#)) Every Petition For A Shoreland-Wetland Map Amendment Filed With The County Clerk Shall Be Referred To The County Zoning Agency. A Copy Of Each Petition Shall Be Provided To The Appropriate Office Of The Department Within 5 Days Of The Filing Of The Petition With The County Clerk. Written Notice Of The Public Hearing To Be Held On A Proposed Amendment Shall Be Provided To The Appropriate Office Of The Department 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 Appropriate

Office Of The Department Within 10 Days After The Decision Is Issued.

(15) DEFINITIONS.

See additional definitions in [Section 17.03\(3\)](#)

- (a) 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.
- (b) The following terms used in this ordinance mean:
- (1) "Access and viewing corridor" ([NR 115.03\(1d\)](#)) means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.
 - (2) "Boathouse" ([NR 115.03\(1h\)](#)) 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 and not for human habitation or occupancy (i.e., decks, bunkhouses, recreation rooms). No design features are allowed that would be inconsistent with the exclusive use for the storage of watercraft.
 - (3) "Building envelope" ([NR 115.03\(1p\)](#)) means the three dimensional space within which a structure is built.
 - (4) "County zoning agency" ([NR 115.03\(2\)](#)) means that committee or commission created or designated by the county board under [s. 59.69\(2\)\(a\), Wis. Stats.](#), to act in all matters pertaining to county planning and zoning.
 - (5) "Department" ([NR 115.03\(3\)](#)) means the Department of Natural Resources.
 - (6) "Existing development pattern" ([NR 115.03\(3m\)](#)) means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.
 - (7) "Floodplain" ([NR 115.03\(4\)](#)) 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.](#)
 - (8) "Footprint" The land area covered by a structure at ground level measured on a horizontal plane. The footprint of a residence or building includes the horizontal plane bounded by the furthest exterior wall and eave if present, projected to natural grade. For structures without walls (decks, stairways, patios, carports) – a

single horizontal plane bounded by the furthest portion of the structure projected to natural grade.

- (9) “Generally accepted forestry management practices” ([NR 1.25\(2\)\(b\)](#)) 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.
- (10) “Impervious surface” ([NR 115.03\(4g\)](#)) means an area that releases as runoff all or a majority of the precipitation that falls on it. “Impervious surface” excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in [s. 340.01\(54\), Wis. Adm. Code](#), or sidewalks as defined in [s. 340.01\(58\), Wis. Adm. Code](#), are not considered impervious surfaces.
- (11) “Lot” A continuous parcel of land, not divided by a public right-of-way, and sufficient in size to meet the lot width and lot area provisions of this ordinance.
- (12) “Lot area” The area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high water mark of navigable waters.
- (13) “Lot of Record” Any lot, the description of which is properly recorded with the Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.
- (14) “Mitigation” ([NR 115.03\(4r\)](#)) means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.
- (15) “Navigable waters” ([NR 115.03\(5\)](#)) means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under [s. 281.31\(2\)\(d\), 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:
- (1) Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
 - (2) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body

- (16) "Ordinary high water mark" ([NR 115.03\(6\)](#)) 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.
- (17) "Regional Flood" ([NR 115.03\(7\)](#)) 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.
- (18) "Routine maintenance of vegetation" ([NR 115.03\(7m\)](#)) means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.
- (19) "Shoreland" ([NR 115.03\(8\)](#)) 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.
- (20) "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 structures has been limited or prohibited under an ordinance enacted under [section 59.692, Wis. Stats.](#)
- (21) "Shoreland-wetland district" ([NR 115.03\(9\)](#)) means a zoning district, created as a part of a county zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the department.
- (22) "Special exception (conditional use)" ([NR 115.03\(10\)](#)) means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the board of adjustment or, where appropriate, the planning and zoning committee or county board.
- (23) "Structure" ([s.59.692\(1\)\(e\), Stats.](#)) means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or firepit.
- (24) "Unnecessary hardship" ([NR 115.03\(11\)](#)) 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.

- (25) "Wetlands" ([NR 115.03\(13\)](#)) 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.

(16) OTHER SHORELAND PROVISIONS

- (a) No landfill, junk or salvage yard may be established within the shoreland jurisdiction. Preexisting facilities may not be extended or enlarged.
- (b) Buildings, pens and structures used for housing, sheltering or feeding of livestock shall be located, designed and constructed so as to prevent animal wastes from entering waters and located not less than 75' from the ordinary high water mark.
- (c) The installation or alteration of on-site waste disposal facilities within the shoreland area shall be governed by the rules and regulations of Ch. 15 of this Code of Ordinances and the State regulations promulgated under [Ch. 145, Wis. Stats.](#)
- (d) The dumping or disposal of any materials that are toxic or that would in any manner create a health hazard or nuisance or would harm public rights in navigable waters, including surface irrigation, lagooning or burial of sewage or similar waste materials, is prohibited within the shoreland jurisdiction. This provision does not apply to spreading of fertilizer, manure or farm chemicals to the land, provided careful practices are employed.
- (e) Commercial signs which are visible from public waters and which are not located on the premises which they serve are prohibited. Temporary real estate signs may be placed on properties offered for sale.

(17) SPECIAL REGULATIONS FOR BUILDINGS AND STRUCTURES REQUIRED TO BE AT THE WATERS EDGE

Certain structures require a location at or near the water's edge. A County zoning permit shall be required prior to the establishment of any marina, boat livery or similar structure. The following standards shall apply to such structures:

- (a) All structures and uses shall comply with the standards of [Ch. 30, Wis. Stats.](#), and of other State and federal laws or regulations, where applicable.
- (b) No structure shall be allowed to impede the free movement of water or to cause formation of land upon the bed of a water body.
- (c) Erosion, sedimentation or impairment of fish or wildlife habitat shall be prevented.

- (d) All structures and activities shall be designed, constructed and located so as to preserve natural beauty of the shoreland area.
- (e) Marinas and boat liveries shall be located a distance greater than 500' from public bathing beaches, parks or boat access points. They shall be designed and constructed so as not to interfere with the adjacent riparian owners uses of the water for swimming, fishing or boating; nor interfere or obstruct the public's free navigation. Fueling pumps and tanks shall be located a minimum of 2' above the ordinary high watermark and no fuel hose shall extend beyond a point necessary to fuel boats at the closest proximity to land. Marinas shall be equipped with facilities for the disposition of domestic waste from boats. Holding tanks shall be located above the ordinary high watermark and in accordance with the sanitary code. Adequate parking areas shall be provided. No building or structure shall be located closer than 50' from the lot line of an adjoining residential parcel. Minimum lot width at the water's edge shall be 125'.

(18) SHORELAND APPENDICIES

APPENDIX A: MITIGATION POLICY

Property owners must obtain a minimum of 35 points to satisfy mitigation requirements from the following options:

| <i>Category</i> | <i>Option</i> | <i>Points</i> |
|---|---|---------------|
| POWTS/Septic | Replacement of existing system | 15 |
| | POWTS less than 10 yrs old w/ maintenance OK | 10 |
| | POWTS greater than 10 yrs old w/ evaluation | 5 |
| Native Vegetation | Plant 35' buffer per policy guidelines (all 3 layers) | 30 |
| | Plant 35' buffer with trees and shrubs | 20 |
| | Plant minimum 15' buffer/reducing width of view corridor | 10 |
| Maintaining Natural Shoreline (35' Buffer from OHWM) | Existing >35' Natural/native buffer w/no viewing corridor | 25 |
| | Existing >35' Natural/native buffer w/ viewing corridor | 15 |
| | Existing >35' Natural/native buffer missing layer (understory) | 10 |
| Non-Conforming Accessory Structures | Removal of all Non-conforming Structures | 20 |
| | Change all Exterior Building Colors to blend w/ Natural Cover | 15 |
| | Removal of some but not all Non-conforming Structures | 10 |
| | Existing structures that have earth-tone colors that blend in | 10 |
| Erosion Control | Installing a rain garden/ dry wells which reduce runoff | 15 |
| | Reducing impervious surface areas > 600 sq. ft. | 10 |
| | Installing other department approved erosion control | 5 |
| | <ul style="list-style-type: none"> • Any other approved practice which benefits shoreline health | 10 |

APPENDIX B: ENACTING LEGISLATION, NOTICE & PREFACE

Enacting Legislation

Drafted October 1, 2014
Revised January 12, 2015
Revised September 16, 2015 (2015 Wisconsin Act 55)
Revised March 2, 2016 (2015 Wisconsin Act 167)
Revised March 23, 2016
Revised April 27, 2016 (2015 Wisconsin Act 391)

NOTICE AND HEARING REQUIRED

A Class 2 notice under [ch. 985, Wis. Stats.](#) is required prior to county adoption of a shoreland zoning ordinance and a public hearing. A Class 2 notice consists of publication of the hearing notice on 2 consecutive weeks, the last at least 7 days prior to the hearing. Notice to the Department of Natural Resources Shoreland-Wetland zoning program of the proposed hearing and language. A request and issuance of a certificate of compliance is also required prior to final adoption.

PREFACE

Revision Required

This Model Shoreland Zoning Ordinance is an update of the Wisconsin Shoreland Protection Ordinance developed by the Department of Natural Resources in December of 1967 and updated in 1985, in 2010, in 2014, and again in 2015. Initial revision was necessary when [ch. NR 115](#), Wis. Adm. Code, was repealed and recreated in November 1980 to include wetland protection in shoreland areas. This model was written to assure compliance with the objectives of shoreland zoning enabling [statutes 281.31](#) and [59.692](#) and to parallel as closely as possible the regulatory provisions of [ch. NR 115, Wis. Adm. Code](#), and the statutory language reflected in Act 55.

Provisions Deleted

These modifications are necessary to accomplish the purpose and goals of [NR 115](#) as published on October 1, 2014. This model is one way to meet the standards as adopted including relevant case laws. As experience and case law demands we will periodically modify this language to stay consistent with current standards.

Shoreland Wetland Provisions

[NR 115](#) currently contains absolute standards for permitted uses in shoreland wetlands which cannot be made more or less restrictive. [NR 115](#) does not prohibit counties to protect wetlands outside of the shoreland jurisdictional area.

Shoreland Zoning Standards

Previous shoreland zoning standards contained in [NR 115](#) allowed counties to adopt more restrictive land use regulations, however Act 55 does not allow for a shoreland zoning ordinance

17.35 INTRODUCTION.

to regulate a matter more restrictively than the matter is regulated by a shoreland zoning standard. However, counties can continue to regulate a matter that is not regulated by a shoreland zoning standard.

Adopt the Model or Amend Your Existing Ordinance?

The adoption of this model ordinance will meet the required minimum standards contained in [NR 115](#) and the maximum standards as required by Act 55, which may be found at <http://legis.wisconsin.gov/rsb/code/nr/nr115.pdf>. An existing ordinance may afford more effective shoreland management than what may be afforded by the model by creating standards for areas of NR 115 and by addressing other matters that may be regulated. The model ordinance at minimum will need to be adopted in order to be in compliance.

ZONING DISTRICTS

17.35 INTRODUCTION.

This chapter creates several zoning districts each addressing unique purposes. Each district shall be governed by the use of rules and dimensional rules stated for the district and by standards contained in [17.01\(1\)](#) and [17.37](#) of this chapter.

17.36 DISTRICTS.

The zoning districts created by this chapter are specified in [17.38](#) through [17.56](#).

(1) BOUNDARIES OF DISTRICTS.

When uncertainty exists with respect to the boundaries of the various districts as shown on the zoning maps, the following rules shall apply.

- (a) When width or length of boundaries are not clear, the scale of the map shall determine the approximate dimensions.
- (b) District boundaries are normally plat boundaries, lot lines, section and quarter section lines, centerlines of streets, highways, railroads or alleys and shorelines of lakes, streams, rivers and flowages.
- (c) Where uncertainty exists as to the precise location of the Floodplain District line, the zoning maps shall govern in general and the zoning text shall govern specifically.

(2) BOARD OF ADJUSTMENT.

The Board of Adjustment in accordance with the provisions of this chapter shall hear and decide the precise location of the district boundary line when such line cannot otherwise be determined.

(3) ZONING MAPS.

The official County zoning maps on file in the Land, Records and Regulation Department, including all amendments thereto, are hereby adopted by reference as if fully set forth herein.

17.37 PRINCIPLES FOR LOCATION OF DISTRICTS: LAND FOR TRANSITION FROM ONE DISTRICT TO ANOTHER.

- (1) The location of districts accounts for the existing uses of the land that have developed within the County. These districts have been classified primarily because of the present uses being made of the lands, but may include certain existing uses that would not normally be classified within a given district.
- (2) Districts may be mapped to include areas that may be developed to meet their future needs.
- (3) The principles for transition from one district to another shall apply to zoning amendments submitted in accordance with [Section 17.66](#) of this chapter. The Water and Land Use Planning Committee shall consider these principles:

- (a) The intent and purpose of the use district from which petitioned.
- (b) The proposed uses of the lands and its compatibility to the use district and the surrounding area.
- (c) Protection of natural and man-made resources.
- (d) Protection of the public against hazardous conditions (floodplain and airport height regulations).
- (e) Protection of the public by applying exclusive zoning concepts to districts for purposes, such as exclusive agriculture, single and multiple family housing, mobile home parks, commercial and manufacturing operations, and to allow more inclusive zoning concepts in districts such as the Agriculture/Forestry/Residential District.
- (f) Insure proper land use by applying proper environmental planning by considering the following objectives:
 - 1. The preservation of adequate open spaces for present and future use and recreational use.
 - 2. The maintenance of natural or undeveloped lands and buffer zones between developed areas.
 - 3. The protection of scenic and historically valuable sites.
 - 4. The protection of forests, wilderness and wildlife and maintenance of other factors that insure balance of ecological systems by not developing forests, wetlands, beaches, estuaries and shorelands.
 - 5. The prevention of buildings in hazardous areas such as steep slopes, floodplains or wetlands.
 - 6. The maintenance of highly productive farmland.
 - 7. The prevention of erosion and unnecessary destruction of groundcover.
 - 8. The minimizing of pollution of the water, land and air by proper location of industries and waste disposal sites.
 - 9. The minimizing of the demand for energy and use of the automobile by planning of existing community development.

10. The building and expansion of developments of sufficiently high density to be served economically by transit and shipping facilities

17.38 CONSERVANCY DISTRICT (C-1).

(1) DISTRICT BOUNDARIES.

This district shall include all wetlands within the shoreland jurisdiction of this chapter which are 5 acres or more (excluding point symbols) and which are shown on the Wisconsin Wetland Inventory maps, stamped "Final" and dated August 9, 1984, that are hereby adopted and made a part of this chapter. A portion of a wetland which is less than 5 acres in size and which is located in the unincorporated shoreland area within the County shall be included in the shoreland jurisdiction where the wetland as a whole is 5 acres or larger, but extends across the corporate limits of a municipality, across the County boundary or across the shoreland limits, so that the wetland is not regulated in its entirety by the County. (Rev. Ord. #3-2007).

(2) PURPOSE.

This district provides for the conservation and protection of natural resources. This district includes swamps, marshlands, wetlands, river and lake shores which have particularly sensitive natural resource features and other lands of natural resource value. The purpose of this district is to maintain safe and healthful conditions to prevent water pollution, protect fish spawning grounds and aquatic life and preserve shore cover and natural beauty. Development in this district should be limited and when development is permitted, it should occur in a manner that minimizes its adverse impacts. This district is applied as an overlay district and these provisions shall be in addition to any underlying zoning district requirements. This district is seldom suitable as building sites for the following reasons:

- (a) Septic systems will not function because of high groundwater.
- (b) Water supplies are often polluted by septic tank wastes that have not been adequately absorbed by the soil.
- (c) Foundations and roads crack due to poor support capabilities and frost action.
- (d) Flooding is common in spring and other times of high water.
- (e) Wetlands provide fish spawning and wildlife habitat, and the natural plant and animal communities found in wetlands provide ecological balance to a watercourse. Wetlands help to prevent water pollution and flooding problems.

(3) PERMITTED USES.

The following uses shall be allowed subject to the general shoreland zoning regulations in [Sec. 17.300](#), the provisions of Chapters [30](#) and [31](#), Wis. Stats., and the provisions of other State and federal laws, if applicable:

(a) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without filling, flooding, draining, dredging, ditching, tiling or excavating:

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 practice of silviculture, including the planting, thinning and harvesting of timber.
4. The pasturing of livestock and the construction and maintenance of fences.
5. The cultivation of agricultural crops.
6. The construction and maintenance of duck blinds.
7. The construction and maintenance of piers, docks and walkways including those built on pilings.
8. The maintenance, repair, replacement and reconstruction of existing town and County highways and bridges.

(b) Uses which do not require the issuance of a zoning permit and which may involve filling, flooding, draining, dredging, tiling or excavation to the extent specifically provided below.

1. Temporary water level stabilization measures, in the practice of silviculture, which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silviculture activities if not corrected.
2. Dike and dam construction and ditching for the purpose of growing and harvesting cranberries.
3. Ditching, tiling, dredging, excavating or filling done to maintain existing agricultural drainage systems only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.

(4) CONDITIONAL USES.

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

1. The road cannot, as a practical matter, be located outside the wetlands.

2. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland and meets the following standards:
 - a. The road is designed and constructed as a single lane roadway with only such depth and width as is necessary to accommodate the machinery required to conduct agricultural and silvicultural activities.
 - b. Road construction activities are carried out in the immediate area of the roadbed only.
 - c. Any filling, flooding, draining, dredging, ditching, tiling or excavating that is done is necessary for the construction or maintenance of the road.
- (b) The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows or other wetland or aquatic animals or uses solely for some use permitted in the Conservancy District, if such building cannot, as a practical matter be located outside the wetland provided that:
 1. Any such building does not exceed 500 sq. ft. in floor area.
 2. No filling, flooding, draining, dredging, ditching, tiling or excavating is to be done.
- (c) The establishment and development of public and private parks and recreational areas, public boat access sites, natural and outdoor educational areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas provided that:
 1. Any private recreational or wildlife habitat area is used exclusively for that purpose.
 2. No filling is done.
 3. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves and private wildlife habitat areas, but only for the purpose of improving wildlife habitats or to otherwise enhance wetland values.
- (d) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, dry hydrants and related facilities by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, provided that:
 1. The transmission and distribution lines and related facilities cannot, as a practical matter, be located outside the wetland.
 2. Any filling, excavating, ditching or draining that is done is necessary for such construction or maintenance and is done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.

(e) The construction and maintenance of railroad lines, provided that:

1. The railroad lines cannot, as a practical matter, be located outside the wetland.
2. Any filling, excavating, ditching or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to maintain flooding and other adverse impacts upon the natural functions of the wetland.

(5) PROHIBITED USES.

Any use not listed in subs. (3) and (4) is prohibited, unless that portion is rezoned by an amendment of this chapter in accordance with the requirements of [59.69\(5\)\(e\), Wis. Stats.](#), [Ch. NR 115, Wis. Adm. Code](#), and [sub. \(6\)](#) and [Section 17.66](#) of this chapter.

(6) REZONING LANDS IN THE CONSERVANCY DISTRICT.

(a) For all proposed text and map amendments to the Conservancy District within the shoreland jurisdiction as defined in [Sec.17.300](#) and [sub. \(1\)](#), the appropriate district office of the Department of Natural Resources shall be provided with the following:

1. A copy of every petition for a text or map amendment within 5 days of the filing of such petition with the County clerk.
2. Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing.
3. A copy of the County zoning agency's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the County Board.
4. Written notice of the County Board's decision on the proposed amendment within 10 days after it is issued.

(b) Wetland portions of the Conservancy District shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

1. Storm and floodwater storage capacity.
2. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland.
3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.

17.381 CONSERVANCY BUFFER DISTRICT (C-2).

4. Shoreline protection against soil erosion.
5. Fish spawning, breeding, nursery or feeding grounds.
6. Wildlife habitat.
7. Areas of special recreational, scenic or scientific interest, including scarce wetland types.

(c) If the Department of Natural Resources has notified the County zoning agency that a proposed amendment to the wetland portion of the district may have a significant adverse impact upon any of the criteria listed, that amendment, if approved by the County Board, shall contain the following provision:

1. This amendment shall not take effect until more than 30 days have elapsed since written notice of the County Board's approval of this amendment was mailed to the Department of Natural Resources.
2. 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 [59.692\(6\), Wis. Stats.](#)
3. If the Department does not notify the County Board, the effect of this amendment shall be stayed until the adoption procedure under [59.692\(6\)](#) is completed or otherwise terminated.

(7) WETLANDS BEYOND THE SHORELAND ZONING JURISDICTION.

No permits, as required by this ordinance, shall be issued for a proposed project that is located in any wetland beyond the shoreland zoning jurisdiction which is 5 acres or more (excluding point symbols) and which is shown on the Wisconsin Wetland Inventory maps until the property owner has provided written documentation from the DNR and the U.S. Army Corp of Engineers that it has been determined that the land for the project is not a wetland, or does not require approvals, or that the project has been approved and permits have been issued. (Rev. Ord. #3-2007)

17.381 CONSERVANCY BUFFER DISTRICT (C-2).

(1) PURPOSE.

This district provides for the conservation and protection of natural resources as well as sets a distance buffer for any structures from incompatible land uses. This district is applied as an overlay in addition to the underlying district requirements.

(2) PERMITTED USES.

- (a) Agricultural.

17.39 FOREST DISTRICT (F).

- (b) Forestry, forestry services, logging operations, sawmills (portable only), and planing mills (portable only).

17.39 FOREST DISTRICT (F).

Subject to [s.17.423](#) Farm Preservation Overlay District Requirements, where applicable

(1) PURPOSE.

This district provides for commercial production of trees, the conduct of forestry practices and related uses on large tracts of land that are well suited to these activities. The intent is to encourage forestry and also to recognize the value of forested areas as a recreational resource.

(2) PERMITTED USES.

- (a) Agricultural production; crops, livestock or both, and includes activities listed under [91.01\(2\) Wis. Stats.](#)
- (b) Canoe, raft or boat rental.
- (c) Fishing.
- (d) Forestry, forestry services, logging operations, sawmills (portable only) and planing mills (portable only).
- (e) Hunting, trapping and game protection.
- (f) Residences, single family, manufactured homes and hunting cabins on parcels of 35 acres or larger.
- (g) Residences, single family, manufactured homes and hunting cabins on certified survey lots approved by the Water and Land Use Planning Committee.
- (h) Residences, single family, manufactured homes and hunting cabins on parcels less than 35 acres when the proposed residential structure is replacing a legal pre-existing residence. (Rev. Ord. #6-2006).
- (i) Permitted uses as authorized in the A-1 District.

(3) CONDITIONAL USES.

- (a) Community buildings.
- (b) Community garages and storage facilities.
- (c) Concession stands.

- (d) Golf course.
- (e) Landfills.
- (f) Parks.
- (g) Residence, single family, on parcels less than 35 acres.
- (h) Residence, manufactured home, on parcels less than 35 acres.
- (i) Residence, mobile home. (Rev. Ord. #6-2006),
- (j) Sawmills (permanent).
- (k) Shooting ranges.
- (l) Conditional uses as authorized in the A-1 District.

(4) DIMENSIONAL STANDARDS.

- (a) No residences may be established within areas included within the Wisconsin Forest Crop Program, Managed Forest Program. County, State or National forest lands.
- (b) The minimum parcel size to establish a residence or other use allowed within this district is two acres, except as provided in Section 18.23(2)(c) and except on navigable water bodies, the minimum lot standards of [Sec. 17.300\(5\)](#) shall apply. (Rev. Ord. #3-2009)
- (c) All residential structures shall meet the R-1 setback requirements as specified in [17.44\(4\)\(e\)](#).

(5) STANDARDS FOR CONDITIONAL USE PERMITS.

- (a) Proposed use will have minimal impact on adjacent forest crop, managed forest, County forest, State forest and national forest lands.
- (b) Land is suitable for development and requires little or no site alteration (i.e., filling, grading, excavating, surface vegetation removal) so as to preserve the natural aesthetics of the site.
- (c) Adequate public facilities and services exist to serve the development or will be provided prior to sale of the lots and such facilities and services will not be an unreasonable burden to local governments.

17.40 PARK AND RECREATION DISTRICT (PR).

- (d) Proposed use is compatible with adjacent uses and will not be harmful to the health, safety, or general welfare of the public.

17.40 PARK AND RECREATION DISTRICT (PR).

(1) PURPOSE.

This district provides for recreational oriented establishments, as well as encouraging the maintenance of natural resources.

(2) PERMITTED USES.

- (a) Agricultural production and forestry as part of a recreational complex.
- (b) Boat launching facilities.
- (c) Community buildings.
- (d) Golf courses.
- (e) Park, playground or playfield.
- (f) Parking lot.
- (g) Residence, single family residence, manufactured home or multiple family homes, only for staff personnel, provided that the dwelling units are located on the recreational parcel and not on separate lots.
- (h) Wildlife preserve.

(3) CONDITIONAL USES.

- (a) Amusement and recreational services.
- (b) Commercial facilities accessory to the permitted uses.
- (c) Campgrounds (private, recreational and religious).
- (d) Fish hatchery.
- (e) Marina and boat livery.
- (f) Mobile home.
- (g) Resort.

17.41 FLOODPLAIN DISTRICT, PROVISIONS PERTAINING TO FLOODING AND FLOODPLAINS (FP).

- (h) Shooting ranges.
- (i) Stables.
- (j) Winter sports area (commercial).

(4) STANDARDS.

- (a) The minimum size of a parcel containing one or a combination of the permitted uses in this district shall be 5 acres.
- (b) No principal or accessory structure shall be located within 50' of the lot line of an adjoining residential property.
- (c) The perimeter of the site shall be screened to effectively block views from adjoining residential property.
- (d) Marinas and boat liveries shall be governed by the standards of [17.300\(17\)\(e\)](#).
- (e) In addition, the Board of Adjustment shall review applications and determine that the proposed use will not conflict with other neighboring uses or with the public's rights in navigable waters. The basic character of the use and the projected intensity of the use shall not exceed the carrying capacity of the site or the roads, waters or natural resources or service systems that serve the site.

(5) STANDARDS FOR CONDITIONAL USE PERMITS.

- (a) Proposed use will have minimal impact on adjacent forest crop, managed forest, County forest, State forest and national forest lands.
- (b) Land is suitable for development and requires little or no site alteration (i.e., filling, grading, excavating, surface vegetation removal) so as to preserve the natural aesthetics of the site.
- (c) Adequate public facilities and services exist to serve the development or will be provided prior to sale of the lots and such facilities and services will not be an unreasonable burden to local governments.
- (d) Proposed use is compatible with adjacent uses.

17.41 FLOODPLAIN DISTRICT, PROVISIONS PERTAINING TO FLOODING AND FLOODPLAINS (FP).

(1) STATUTORY AUTHORIZATION.

This section is adopted pursuant to the authorization in [59.69](#), [59.692](#) and [59.694](#); and the requirements in [s. 87.30, Wis. Stats.](#)

(2) FINDING OF FACT.

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience and general welfare and tax base. This district is applied as an overlay district in the Exclusive Agricultural District, A-1, and these provisions shall be in addition to the A-1 District requirements.

(3) STATEMENT OF PURPOSE.

This section is intended to regulate floodplain development to:

- (a) Protect life, health and property;
- (b) Minimize expenditures of public funds for flood control projects;
- (c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (d) Minimize business interruptions and other economic disruptions;
- (e) Minimize damage to public facilities in the floodplain;
- (f) Minimize the occurrence of future flood blight areas in the floodplain;
- (g) Discourage the victimization of unwary land and home buyers;
- (h) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (i) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

(4) GENERAL PROVISIONS.

- (a) AREAS TO BE REGULATED. This section regulates all areas that would be covered by the regional flood or base flood. **Note:** Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.
- (b) OFFICIAL MAPS & REVISIONS. The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revision in the Langlade County Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be

reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Langlade County Land Records & Regulations Department. If more than one map or revision is referenced, the most restrictive information shall apply.

OFFICIAL MAPS: Based on the FIS

1. Flood Insurance Rate Map (FIRM) panel number's 550576 0025 through 0250 dated **September 28, 1990**, with corresponding profiles that are based on the Flood Insurance Study (FIS) dated September 28, 1990; Approved by: DNR and FEMA

OFFICIAL MAPS: Based on other studies

1. Maps (3) titled "Inundation Map for Failure of Skinner Dam" for the Skinner Dam located on Spring Brook, dated March 14, 1991, as amended March 27, 1991, prepared by SEH. Approved by Wisconsin DNR on November 18, 1991.
2. Maps and data tables (2) titled "100 Year Dam Failure Flood Inundation Maps" for the Phlox Dam located on the Red River, dated March 11, 1991, as amended May 30, 1991, prepared by Barr Engineering. Approved by Wisconsin DNR on September 9, 1991.
3. Map titled "Ormsby Dam Site Map" and data table titled "Dam Failure Analysis Ormsby Dam – Antigo, Wisconsin" for the Ormsby Dam located on the West Branch of the Eau Claire River, dated December 2002, prepared by Vierbicher Associates, Inc. Approved by Wisconsin DNR on March 6, 2003.
4. Maps (2) titled "Hydraulic Shadow – Post Lake Dam Failure", profiles (3) titled "Post Lake Dam Failure Analysis", and floodway data tables (2) titled "Wolf River – Dam Failure" for the Upper Post Lake Dam located on the Wolf River, completed by Uriah P. Monday dated November 23, 2015, prepared by MSA Professional Services, Inc. Approved by Wisconsin DNR on January 6, 2016.
5. Map and data table dated June 6, 2013 and titled "Langlade County Pots Dam Failure Analyses – Dam Failure" and flood profiles dated June 6, 2013 and titled "Langlade County Pots Dam Failure Analyses" for the Trappe River. The map and associated data are included in a report, dated June 1, 2013 and titled "Dam Safety Program-Dam Failure Analysis Report for Pot's Dam", completed by Robert Mach, P.E., of Mach IV Engineering and Surveying and derived from hydraulic modeling approved by Wisconsin DNR on June 27, 2013.

6. Floodplain Study Appendix: All DNR- and FEMA-approved floodplain maps, flood profiles, floodway data tables, regional or base flood elevations and other information as an appendix to this ordinance. The community shall provide the most up to date appendix to the DNR and FEMA regional offices.

(b) ESTABLISHMENT OF DISTRICTS. The regional floodplain areas are divided into three districts as follows:

1. The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
2. The Floodfringe (FF) is that portion of the floodplain between the regional flood limits and the floodway.
3. The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.

(c) LOCATING FLOODPLAIN BOUNDARIES. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (a) or (b) below. If a significant difference exists, the map shall be amended according to [Section 17.66](#). The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a zoning permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to [Section 17.64\(5\)](#) and the criteria in 1. and 2. below.

1. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
2. Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.

Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to [Section 17.66](#).

(d) REMOVAL OF LANDS FROM FLOODPLAIN. Compliance with the provisions of this section shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to [Section 17.66](#).

Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).

- (e) COMPLIANCE. Any development or use within the areas regulated by this section shall be in compliance with the terms of this section, and other applicable local, state, and federal regulations.
- (f) MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this section and obtain all necessary permits. State agencies are required to comply if [s. 13.48\(13\), 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, Stats.](#), applies.
- (g) ABROGATION AND GREATER RESTRICTIONS
 - 1. This section supersedes all the provisions of any municipal zoning ordinance enacted under ss. [59.69](#), [59.692](#) or [59.694](#) for counties; or [s. 87.30, Stats.](#), which relate to floodplains. If another section is more restrictive than this section, that section shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
 - 2. This section is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this section imposes greater restrictions, the provisions of this section shall prevail.
- (h) WARNING AND DISCLAIMER OF LIABILITY. The flood protection standards in this section are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.
- (i) ANNEXED AREAS FOR CITIES AND VILLAGES. The Langlade County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of [ch. NR 116, Wis. Adm. Code](#) and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

(j) GENERAL DEVELOPMENT STANDARDS. The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance.

(5) GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

(a) HYDRAULIC AND HYDROLOGIC ANALYSES

1. Except as allowed in par. 3. below, no floodplain development shall:
 - a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height;
OR
 - b. Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.
2. The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of par. 3. are met.
3. Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with [Section 17.66](#).

Note: This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.

(b) WATERCOURSE ALTERATIONS. No permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but

not later than six months after the date of the watercourse alteration or relocation, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

- (c) CHAPTER 30, 31, WIS. STATS., DEVELOPMENT. Development which requires a permit from the Department, under [chs. 30](#) and [31](#), Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to [Section 17.66](#).
- (d) PUBLIC OR PRIVATE CAMPGROUNDS Public or private campgrounds are prohibited in the floodplain.

(6) FLOODWAY DISTRICT (FW)

- (a) APPLICABILITY. This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to (8)(d).
- (b) PERMITTED USES. The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if
- they are not prohibited by any other ordinance;
 - they meet the standards in par. (6)(c) and (6)(d); and
 - All permits or certificates have been issued according to par. (10)(a).
1. Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
 2. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 3. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of par. (6)(c)4.
 4. Uses or structures accessory to open space uses, or classified as historic structures that comply with par. (6)(c) and (6)(d);
 5. Extraction of sand, gravel or other materials that comply with par. (6)(c)4.
 6. Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
 7. Public utilities, streets and bridges that comply with par. (6)(c)3.

(c) STANDARDS FOR DEVELOPMENTS IN FLOODWAY AREAS

1. GENERAL

17.41 FLOODPLAIN DISTRICT, PROVISIONS PERTAINING TO FLOODING AND FLOODPLAINS (FP).

- a. Any development in floodway areas shall comply with par. (5) and have a low flood damage potential.
 - b. Applicants shall provide the following data to determine the effects of the proposal according to par. (5)(a):
 1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 2. An analysis calculating the effects of this proposal on regional flood height.
 - c. The zoning administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for par. b above.
2. **STRUCTURES.** Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
- a. The structure is not designed for human habitation and does not have high flood damage potential.
 - b. It must be anchored to resist flotation, collapse, and lateral movement;
 - c. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
 - d. It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
3. **PUBLIC UTILITIES, STREETS AND BRIDGES.** Public utilities, streets and bridges may be allowed by permit, if:
- a. Adequate flood proofing measures are provided to the flood protection elevation; and
 - b. Construction meets the development standards of par. (5)(a).
4. **FILLS OR DEPOSITION OF MATERIALS.** Fills or deposition of materials may be allowed by permit, if:
- a. The requirements of par. (5)(a) are met;
 - b. No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to [ch. 30, Stats.](#), and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met;
 - c. Fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 - d. Fill is not classified as a solid or hazardous material.

(d) PROHIBITED USES. All uses not listed as permitted uses in par. (6)(b) are prohibited, including the following uses:

1. Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
2. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
3. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
4. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and [ch SPS 383 Wis. Adm. Code](#);
5. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and [chs. NR 811 and NR 812, Wis. Adm. Code](#);
6. Any solid or hazardous waste disposal sites;
7. Any wastewater treatment ponds or facilities, except those permitted under [s. NR 110.15\(3\)\(b\), Wis. Adm. Code](#);
8. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

(7) FLOODFRINGE DISTRICT (FF)

- (a) APPLICABILITY. This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to par. (8)(d).
- (b) PERMITTED USES. Any structure, land use, or development is allowed in the floodfringe district if the standards in par. (7)(c) are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in par. 17.41(10)(a) have been issued.
- (c) STANDARDS FOR DEVELOPMENT IN FLOODFRINGE AREAS. (5)(a) shall apply in addition to the following requirements according to the use requested.
 1. RESIDENTIAL USES. Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards;

17.41 FLOODPLAIN DISTRICT, PROVISIONS PERTAINING TO FLOODING AND FLOODPLAINS (FP).

- a. The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical;
 - i. The basement or crawlway floor may be placed at the regional flood elevation if it is flood proofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
 - ii. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in par. 4.
 - iii. In developments where existing street or sewer line elevations make compliance with par. 3. impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
 - a. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - b. The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.

(d) ACCESSORY STRUCTURES OR USES

1. Except as provided in par. 2., an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.
2. An accessory structure which is not connected to the principal structure and which is less than 300 square feet in size may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of Section (6)(c) and (7)(g).

(e) COMMERCIAL USES. Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of par. (7)(c)1. Subject to the requirements of par. (7)(g), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(f) MANUFACTURING AND INDUSTRIAL USES. Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures in par. (14). Subject to the requirements of par. (7)(g), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

17.41 FLOODPLAIN DISTRICT, PROVISIONS PERTAINING TO FLOODING AND FLOODPLAINS (FP).

- (g) STORAGE OF MATERIALS. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or flood proofed in compliance with par. (14). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- (h) PUBLIC UTILITIES, STREETS AND BRIDGES. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
 1. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are flood proofed in compliance with par. (14) to the flood protection elevation;
 2. Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- (i) PRIVATE ONSITE WASTE TREATMENT SYSTEMS (POWTS). All POWTS shall be flood proofed, pursuant to par. (14), to the flood protection elevation and shall meet the provisions of Chapter 15, Langlade County Private Sewage System Ordinance and [ch SPS 383, Wis. Adm. Code](#).
- (j) WELLS. All wells shall be floodproofed, pursuant to par. (14), to the flood protection elevation and shall meet the provisions of [chs. NR 811](#) and [NR 812, Wis. Adm. Code](#).
- (k) SOLID WASTE DISPOSAL SITES. Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- (l) DEPOSITION OF MATERIALS. Any deposited material must meet all the provisions of this section.
- (m) MANUFACTURED HOMES
 1. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 2. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall have the lowest floor elevated to the flood protection elevation; and be anchored so they do not float, collapse or move laterally during a flood.
 3. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in par. (7)(c)1.
- (n) RECREATIONAL VEHICLES. All recreational vehicles shall meet the requirements of [Section 17.27](#).

(8) GENERAL FLOODPLAIN DISTRICT (GFP)

(a) APPLICABILITY

The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.

(b) PERMITTED USES

Pursuant to par. (8)(d), it shall be determined whether the proposed use is located within a floodway or floodfringe area.

Those uses permitted in floodway par. (6)(b) and floodfringe areas par. (7)(b) are allowed within the general floodplain district, according to the standards of par. (8)(c), provided that all permits or certificates required under par. (10)(a) have been issued.

(c) STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT

Par. (6) applies to floodway areas, par. (7) applies to floodfringe areas. The rest of this section applies to either district.

(d) DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

1. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures;
2. Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
 - a. A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;
 - b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
 - c. Profile showing the slope of the bottom of the channel or flow line of the stream;
 - d. Specifications for building construction and materials, flood proofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
3. Transmit one copy of the information described in pars. (1) and (2) to the Department Regional office along with a written request for technical assistance to establish regional

flood elevations and, where applicable, floodway data. Where the provisions of [Section 17.62\(5\)](#) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

(9) LEGAL PRE-EXISTING USES/STRUCTURES

(a) GENERAL

1. **APPLICABILITY.** If these standards conform with [s. 59.69\(10\), Stats.](#), they shall apply to all modifications or additions to any legal pre-existing use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.
2. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
 - a. No modifications or additions to a legal pre-existing use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs in this section are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

3. If a legal pre-existing use or the use of a legal pre-existing structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
4. The county shall keep a record which lists all legal pre-existing uses and legal pre-existing structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
5. No modification or addition to any legal pre-existing structure or any structure with a legal pre-existing use, which over the life of the structure would exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with par. (7)(a)1. The costs of elevating a legal pre-existing building or a building with a legal pre-existing use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

6.
 - a. Except as provided in par. b., if any legal pre-existing structure or any structure with a legal pre-existing use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition exceeds 50% of the structure's present equalized assessed value.
 - b. For legal pre-existing buildings that are damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such legal pre-existing building may be permitted in order to restore it after the non-flood disaster, provided that the legal pre-existing building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.
7. A legal pre-existing historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure; the alteration will comply with par. (6)(c)1., flood resistant materials are used, and construction practices and flood proofing methods that comply with par. (14) are used.

(b) FLOODWAY AREAS

1. No modification or addition shall be allowed to any legal pre-existing structure or any structure with a legal pre-existing use in a floodway area, unless such modification or addition:
 - a. Has been granted a permit or variance which meets all ordinance requirements;
 - b. Meets the requirements of par. (9)(a);
 - c. Will not increase the obstruction to flood flows or regional flood height;
 - d. Any addition to the existing structure shall be flood proofed, pursuant to par. (14), by means other than the use of fill, to the flood protection elevation;
 - e. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - i. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - ii. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - iii. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
 - iv. The use must be limited to parking or limited storage.
2. No new POWTS or addition to an existing POWTS, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage

disposal system in a floodway area shall meet the applicable requirements of Chapter 15, Langlade County Private Sewage System Ordinance and [ch. SPS 383, Wis. Adm. Code](#).

3. No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and [chs. NR 811](#) and [NR 812, Wis. Adm. Code](#).

(c) **FLOODFRINGE AREAS**

1. No modification or addition shall be allowed to any legal pre-existing structure or any structure with a legal pre-existing use unless such modification or addition has been granted a permit or variance by the county, and the modification or addition shall be placed on fill or flood proofed to the flood protection elevation in compliance with the standards for that particular use in par. (7)(c), except where par. (9)(c)2. is applicable.
2. Where compliance with the provisions of par. 1. would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment, using the procedures established in par. (12), may grant a variance from those provisions of par. 1. for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - a. No floor is allowed below the regional flood elevation for residential or commercial structures;
 - b. Human lives are not endangered;
 - c. Public facilities, such as water or sewer, will not be installed;
 - d. Flood depths will not exceed two feet;
 - e. Flood velocities will not exceed two feet per second; and
 - f. The structure will not be used for storage of materials as described in par. (7)(g).
3. If neither of the provisions of par. 1. or 2. above can be met, one addition to an existing room in a legal pre-existing building or a building with a legal pre-existing use may be allowed in the floodfringe, if the addition:
 - a. Meets all other regulations and will be granted by permit or variance;
 - b. Does not exceed 60 square feet in area; and
 - c. In combination with other previous modifications or additions to the building does not exceed 50% of the present equalized assessed value of the building.
4. All new POWTS, or addition to, replacement, repair or maintenance of a POWTS shall meet all the applicable provisions of Chapter 15, Langlade County Private Sewage System Ordinance and [ch. SPS 383, Wis. Adm. Code](#).
5. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and [ch. NR 811](#) and [NR 812, Wis. Adm. Code](#).

(10) ADMINISTRATION

Where the zoning administrator, Water & Land Use Planning Committee or Board of Adjustment has already been appointed to administer a zoning ordinance adopted under [ss. 59.69](#), and [59.692, Stats.](#), these officials shall also administer this section.

- (a) ZONING ADMINISTRATOR. The zoning administrator is authorized to administer this section as specified in [Section 17.60](#) through [17.63](#).
- (b) ZONING PERMIT. A zoning permit shall be obtained before any new development or any structural repair or change in the use of a building or structure, including sewer and water facilities, may be initiated according to [Section 17.62\(5\)](#).
- (c) CERTIFICATE OF COMPLIANCE. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:
 1. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
 2. Application for such certificate shall be concurrent with the application for a permit;
 3. If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
 4. The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that floodproofing measures meet the requirements of par. (14).

(d) OTHER PERMITS

The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

(11) ZONING AGENCY

The Water & Land Use Planning Committee of the Lnglade County Board of Supervisors shall be the zoning agency for purposes of this section as provided for in [Section 17.61\(2\)](#).

(12) BOARD OF ADJUSTMENT

The Board of Adjustment, created under [s. 59.694, Stats.](#), is hereby authorized or shall be appointed to act for the purposes of this section.

(13) TO REVIEW APPEALS OF PERMIT DENIALS

- 1. The Board of Adjustment shall review all data related to the appeal of this section.

2. For appeals of all denied permits the Board shall:
 - a. Follow the procedures of par. 12;
 - b. Consider Water & Land Use Planning Committee's recommendations; and
 - c. Either uphold the denial or grant the appeal.
3. For appeals concerning increases in regional flood elevation the Board shall:
 - a. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
 - b. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

(14) FLOODPROOFING

- (a) No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the flood proofing measures will protect the structure or development to the flood protection elevation.
- (b) Flood proofing measures shall be designed to:
 1. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 2. Protect structures to the flood protection elevation;
 3. Anchor structures to foundations to resist flotation and lateral movement; and
 4. Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.
- (c) Flood proofing measures could include:
 1. Reinforcing walls and floors to resist rupture or collapse caused by water pressure or
 2. Adding mass or weight to prevent flotation.
 3. Placing essential utilities above the flood protection elevation.
 4. Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.

17.42 EXCLUSIVE AGRICULTURAL DISTRICT (A-1).

5. Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.
6. Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

(15) PUBLIC INFORMATION

All records are public, available, and distributed upon request in accordance with the public records law and Langlade County policy.

17.42 EXCLUSIVE AGRICULTURAL DISTRICT (A-1).

(1) PURPOSE.

This district is designed for large scale agricultural uses of land devoted to the growing of crops and the raising of livestock.

(2) PERMITTED USES.

- (a) Agricultural production including activities listed under [91.01\(2\), Wis. Stats.](#)
- (b) Parking of travel trailers for noncommercial purposes only. Unoccupied trailers may be parked indefinitely. Those occupied may only park on a temporary basis, not exceeding 30 days.
- (c) Accessory Uses, as follows:
 1. A building, structure, or improvement that is an integral part of, or is incidental to, an agriculture use.
 2. An activity or business operation that is an integral part of, or incidental to, an agricultural use.
 3. A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in 1. Or 3., that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
 4. Any other use that the Wisconsin Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an accessory use.
- (d) Auctions, temporary, that meet the provisions of section 17.42(2)(c).
- (e) Christmas tree sales and roadside stands limited to one stand or sales site per farm use solely for the sale of products on the premises or nearby premises.

- (f) Residences; single family, manufactured homes, 2 family and mobile homes, provided that the dwelling unit is occupied by a person who or a family at least one member of which earns a substantial part of his livelihood from farm operations (at least 50% of his/her gross income) on the parcel and/or is a parent, child or spouse of the farm operator and includes migrant labor camps that are certified under [s.103.92](#). Preexisting residences located, prior to January 1, 2014, in areas subject to zoning under this section which do not conform to this paragraph may be continued in residential use and exempted from any limitations imposed or authorized under [59.69\(10\), Wis. Stats.](#), and [17.12](#) of this chapter.
- (g) Maple syrup processing facilities which produce not more than 2,000 gals. per season.
- (h) A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
- (i) Other uses identified by the Wisconsin Department of Agriculture, Trade and Consumer Protection by rule.

(3) CONDITIONAL USES.

- (a) Institutional Uses subject to standards listed under [Sec. 91.46\(5\)\(a-e\)](#).

- 1. Communication Facilities. (see [Sec. 17.26](#) & [ch. 17.266](#))
- 2. Correctional facilities.
- 3. Fire protection facilities.
- 4. Hospitals and clinics.
- 5. Nursing homes and personal care facilities.
- 6. Schools.

- (b) Governmental Uses subject to standards listed under [Sec. 91.46\(5\)\(a-e\)](#).

- 1. Airports.
- 2. Community buildings, garage and storage facilities.
- 3. Parks.

- (c) Religious uses to standards listed under [Sec.91.46\(5\) \(a-e\)](#).

17.42 EXCLUSIVE AGRICULTURAL DISTRICT (A-1).

1. Churches.
2. Religious schools.

(d) Agriculturally Related Business and Service Establishments defined as the following:

1. Agricultural services. A facility, whether or not located on a farm, that has a primary purpose providing services directly to farms including but not limited to farm management, agricultural consultation, crop consulting, inspection, testing and/or grading.
2. Manufacture or processing of foods and beverages where the operation is substantially related to the agricultural production of the area and is consistent with [91.01\(3\) Wis. Stats.](#) and [ATCP 49.01\(2\)](#).
3. Maple syrup processing facilities which produce in excess of 2,000 gals. per season.
4. Mixing and manufacturing of feeds and feed ingredients.
5. Sales, rental and servicing of farm supplies and equipment.
6. Sawmills, portable and permanent.

(e) Farm Dwellings and Related Structures. Farm dwellings and related farm structures may be separated from the farm plot, provided that the parcel created conforms with all regulations in the Agricultural/Forest/Residential District and less than 10 acres, and meets the requirements of Chapter 18, Land Division. (Rev. Ord. #2-2007). If a separated farm dwelling is not maintained under common ownership, then a rezone is required.

(f) Transportation, communications, pipeline, electric transmission, utility, or drainage uses that qualify under [91.46\(4\) Wis. Stats.](#) if the use does not qualify as permitted under [Section 17.42\(2\)\(h\)](#).

(g) Other agricultural-related, religious, utility, institutional or governmental uses similar to those listed in [s 17.42\(3\)](#) which meet an applicable provision of [Ch 91 Wis Stats](#), and which are compatible with the purposes of this district, and which do not conflict with agricultural uses and found necessary in light of alternative locations available for such uses.

(4) STANDARDS.

(a) Permitted Uses. A parcel is not contiguous if separated by land owned by other persons, unless the intervening land is a river or stream, a transportation corridor or a utility corridor. Lands in rivers and streams, within utility corridors or rights-of-way are not

17.42 EXCLUSIVE AGRICULTURAL DISTRICT (A-1).

subtracted from the required acreage of the parcel. Lands within transportation corridors or rights-of-way are not subtracted from the required acreage of the parcel. Lands within transportation corridors or rights-of-way are subtracted from the required acreage only if the fee title to such corridor or right-of-way is vested in a governmental entity and only if the adjoining farmland is not liable for property taxes on such corridor or rights-of-way. Those dwelling units that are permitted uses in the district must have lots of at least two acres and be at least 150' in width except as provided in Section 18.23(2)(c) and except on navigable water bodies, the minimum lot standards of [Sec. 17.300\(5\)](#) shall apply. Adding land to a pre-existing parcel when the acreage of the additional land is less than one acre is permitted and does not require a rezoning. (Rev. Ord. #2-2007 & #3-2009)

- (b) Conditional Uses. Conditional uses may be approved only if the Board of Adjustment finds that the use will not conflict with agricultural uses on surrounding lands and that the location is necessary after consideration of possible alternative locations.
- (c) Standards for Rezoning of Lands Out of the A-1 District. The County shall by March 1 of each year provide to the Wisconsin Department of Agriculture, Trade and Consumer Protection a report on the number of acres that it has rezoned out of the A-1 District during the previous year including a map that shows the location of those acres. The County Board may approve petitions for rezoning lands out of the Exclusive Agricultural District only upon a finding of the following factors 10, 11, 12 and 13 after a public hearing and that such a rezoning is in the public interest after consideration of the following factors:
 - 1. Adequate public facilities exist to serve the development or will be provided.
 - 2. Provisions of these facilities and services will not be an unreasonable burden to local governments.
 - 3. Land is suitable for development.
 - 4. The development will not cause unreasonable air or water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.
 - 5. Potential conflict with remaining agricultural land and uses in the area.
 - 6. Need for the proposed development in the location specified.
 - 7. Availability of alternative locations.
 - 8. Productivity of the agricultural lands that are involved or affected.
 - 9. Whether the development as proposed is located to minimize the amount of agricultural land converted.

17.422 GENERAL AGRICULTURAL DISTRICT (A-2).

10. The land is better suited for a use not allowed in the farmland preservation zoning or Exclusive Agricultural district.
11. The rezoning is consistent with any applicable comprehensive plan.
12. The rezoning is substantially consistent with the county certified farmland preservation plan.
13. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

17.422 GENERAL AGRICULTURAL DISTRICT (A-2).

(Adopted 11-17-09 Ord. #5-2009) Subject to [s.17.423](#) Farm Preservation Overlay District Requirements where applicable

(1) PURPOSE.

This district is designed for small scale agricultural uses of land devoted to the growing of crops and the raising of livestock and limited residential use in those rural areas not suited to large scale, exclusive agriculture uses.

(2) PERMITTED USES.

- (a) Agricultural production crops, livestock, forestry (see SIC manual) and includes activities listed under [91.01\(2\) Wis. Stats.](#)
- (b) Structures for uses associated with an accessory to permitted or approved conditional uses.
- (c) Auctions, temporary.
- (d) Christmas tree sales and roadside stands limited to one stand or sales site per farm use solely for the sale of products on the premises or nearby premises.
- (e) Residences; single family, and manufactured homes on parcels 20 acres or larger. Preexisting residences located in areas subject to zoning under this section which do not conform to this paragraph may be continued in residential use and exempted from any limitations imposed or authorized under [59.69\(10\), Wis. Stats.](#), and [17.12](#) of this chapter.
- (f) Maple syrup processing facilities which produce not more than 2,000 gals. per season.
- (g) Utilities.
- (h) Existing dwellings and related structures may be separated from the parcel, provided that the parcel created conforms with all regulations set forth in the

Agricultural/Forest/Residential District, but not to exceed 5 acres, and meets the requirements of Chapter 18, Land Division.

- (i) Structures, animal shelters, barns and sheds. Raising or maintaining livestock will be allowed except on lots less than 5 acres, the total population of such livestock shall not exceed one animal unit equivalent per acre.
- (j) Permitted uses as authorized in the A-1 District.

(3) CONDITIONAL USES.

- (a) Governmental Uses.
 - 1. Fire protection facilities.
 - 2. Community buildings, garage and storage facilities.
 - 3. Parks.
- (b) Religious uses.
 - 1. Churches.
 - 2. Religious schools.
- (c) Conditional Uses as authorized in the A-1 District.

(4) STANDARDS.

- (a) Permitted Uses. The minimum parcel size to establish a residence is 20 acres. Lands in rivers and streams, within utility corridors or rights-of-way are not subtracted from the required acreage of the parcel. Lands within transportation corridors or rights-of-way are subtracted from the required acreage only if the fee title to such corridor or right-of-way is vested in a governmental entity and only if the adjoining farmland is not liable for property taxes on such corridor or rights-of-way.
- (b) Conditional Uses. Conditional uses may be approved only if the Board of Adjustment finds that the use will not conflict with uses on surrounding lands and that the location is necessary after consideration of possible alternative locations.
- (c) Standards for Rezoning of Lands Out of the A-2 District. The County Board may approve petitions for rezoning lands out of the General Agricultural District only upon a finding that such a rezoning is in the public interest after consideration of the following factors:
 - 1. Adequate public facilities exist to serve the development or will be provided.
 - 2. Provisions of these facilities and services will not be an unreasonable burden to local governments.
 - 3. Land is suitable for development.
 - 4. The development will not cause unreasonable air or water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.

17.423 FARM PRESERVATION OVERLAY

5. Need for the proposed development in the location specified.

(d) Standards for Residences.

1. New residential parcels and structures shall conform to the dimensional standards for single family residences in the R-1 District.
2. Residences on preexisting parcels shall satisfy the standards of [Section 17.12](#).

(e) Other Permitted and Conditional Uses. The appropriate provisions of [17.05-17.300](#) shall apply.

17.423 FARM PRESERVATION OVERLAY

(1) PURPOSE.

This district provides for the conservation and protection of lands planned for farmland preservation in the Lantada County Farmland Preservation Plan. This district is an overlay district applying the provisions of the A-1 district in addition to the underlying district requirements. This overlay will only be applied within areas planned for farmland preservation in the Lantada County Farmland Preservation Plan and zoned Forestry (F) or General Agriculture (A-2).

- (a) This overlay will only be mapped over an underlying base Agricultural (A-2) and Forestry (F) zoning districts.
- (b) Note: all properties that receive a rezone will be automatically taken out of the certified Farm Preservation zoning district and will be tracked to provide DATCP an annual audit by March 1 of every year pursuant to [Wis. Stats. 91.48\(2\)](#).

(2) PERMITTED USES.

- (a) Any permitted use authorized in the Exclusive Agricultural District (A-1). See [17.42\(2\)](#).

(3) CONDITIONAL USES.

- (a) Any conditional use authorized in the Exclusive Agricultural District (A-1). See [17.42\(3\)](#).

(4) STANDARDS.

- (a) Permitted and Conditional Uses: As authorized and regulated in the Exclusive Agricultural District (A-1). See [Section 17.42 \(4\)\(a-b\)](#).
- (b) Standards for Rezoning Lands out of the Farm Preservation Overlay: As authorized and regulated in the Exclusive Agricultural District (A-1). See [Section 17.42\(4\)\(c\)](#).

17.43 AGRICULTURAL/FOREST/RESIDENTIAL DISTRICT (AFR).

(1) PURPOSE.

This district provides for a mixture of farming, forestry and non-farm residential uses in those rural areas that are not suited to exclusive agricultural use or large scale forestry practices.

(2) PERMITTED USES.

- (a) Agricultural production, crops, livestock and forestry.
- (b) Auctions, temporary.
- (c) Parking of recreational vehicles for noncommercial purposes only.
- (d) Residences, manufactured homes.
- (e) Residences, single family.
- (f) Structures, animal shelters, barns and sheds. Raising or maintaining animals will be allowed on lots of 1.5 acres or larger. The total population of such animals shall not exceed one animal equivalent unit per acre. These structures shall be located not less than 50' from any lot line.
- (g) Structures for uses associated with an accessory to permitted or approved conditional uses.
- (h) Utilities.

(3) CONDITIONAL USES.

- (a) Additions to, expansions of or continued operations of preexisting uses.
- (b) Conditional uses in the A-1 District.
- (c) Conditional uses in the F District.
- (d) Residences, mobile home.
- (e) Residences, 2 family.

(4) STANDARDS.

- (a) Minimum Parcel Size. Minimum parcel size for agricultural production: none, except that no livestock shall be kept on a parcel of less than 1.5 acres.
- (b) Standards for Residences.

17.44 RESIDENTIAL SINGLE FAMILY DISTRICT (R-1).

1. New residential parcels shall conform to the dimensional standards for single family residences in the R-1 District.

2. Residences on preexisting parcels shall satisfy the standards of [Section 17.12](#).

(c) Other Permitted and Conditional Uses. The appropriate provisions of [17.05-17.300](#) shall apply.

17.44 RESIDENTIAL SINGLE FAMILY DISTRICT (R-1).

(1) PURPOSE.

This district provides attractive areas for development of single family residences and protection of such residences from incompatible land uses.

(2) PERMITTED USES.

(a) Cemeteries.

(b) Churches.

(c) Community buildings.

(d) Parks.

(e) Manufactured home residences.

(f) Single family residences.

(g) Schools.

(3) CONDITIONAL USES.

Home occupation.

(4) STANDARDS.

(a) Building heights. see [Section 17.11](#).

(b) The minimum parcel size and width for preexisting lots to accommodate residences shall meet the minimum width and area standards as specified in [SPS 383, Wis. Adm. Code](#).

(c) The minimum parcel size and width for new lots shall be two acres and 100' in width, except as provided in Section 18.23(2)(c) and except lots abutting navigable water bodies, the minimum lot standards of [Sec. 17.300\(5\)](#) shall apply. Lots served by public sanitary sewers shall have a minimum area of 20,000 sq. ft. and a minimum average width of 100'. (Rev. Ord. #3-2009)

17.45 RESIDENTIAL, MULTIPLE FAMILY AND CONDOMINIUM DISTRICT (R-2).

(d) All lots must meet the standards of [Ch. 17.12\(6\)](#) and Ch. 18 of this Code of Ordinances, unless otherwise stated.

(e) Setback requirements:

1. Required front (road) setback shall be as specified in [17.15](#) of this chapter.
2. Required side yard setback area for principle structures. 10' one side/30' total side or as provided in [Sec. 17.300\(5\)](#) [17.30\(12\)](#) or [17.15\(5\)](#) or [17.12\(6\)\(a\)4](#). (Rev. Ord. #2-2007)
3. Required rear yard setback area. 15' or as provided in [17.300\(5\)](#). (Rev. Ord. #2- 2007)

(f) Minimum Lot Area.

1. Lots will meet the requirements as defined in [SPS 385, Wis. Adm. Code](#).
2. Lots shall meet the standards and other requirements of Ch. 18 of this Code of Ordinances.

17.45 RESIDENTIAL, MULTIPLE FAMILY AND CONDOMINIUM DISTRICT (R-2).

(1) PURPOSE.

The purpose of this district is to accommodate residential development at higher densities than single family densities and to provide necessary supporting services and facilities. This district should be mapped as demand warrants at locations that have the size and physical capacity to handle multiple story or multiple unit buildings, greater area of paving and parking and higher intensity activity. The sites should be attractive for human occupancy and should be buffered from high intensity commercial, industrial or transportation activity. Buffer areas or open space should be provided between this district and other residential districts, agriculture and forest areas.

(2) PERMITTED USES.

- (a) Community buildings.
- (b) Churches.
- (c) Golf courses.
- (d) Parks.
- (e) Manufactured home residences.

17.46 MOBILE HOME PARK DISTRICT (R-3).

- (f) Single family residences.
- (g) Residence/condominium, up to 4 family units.
- (h) Schools.

(3) CONDITIONAL USES.

- (a) Clinics.
- (b) Hospitals.
- (c) Nursing homes.
- (d) Residence/condominium, over 4 family units.

(4) STANDARDS.

- (a) The standards of [17.44\(4\)](#) apply to permitted uses in this district.
- (b) The standards for conditional uses:
 - 1. Site Characteristics and Design, General. The Board of Adjustment shall carefully study the site and its environs in relation to the proposed development. In order to grant approval, the Board must conclude that the site and site design satisfies the purpose of this district and is capable of affording reasonable comfort and amenity to the proposed residents and that the development will fit compatibly within the neighborhood.
 - 2. Lot Area and Dimensions. a. Sewered lots. Sewered lots shall have a minimum street frontage of 150'. Lot size shall be capable of accommodating the principal and accessory structures; the required parking and associated walkways; the front, side and waterfront setback areas; the rear yard area; necessary utility easements; and shall provide at least 500 sq. ft. of usable open space per dwelling unit, not including areas occupied by structures, parking or circulation. Additionally, lot size and dimension shall generally conform to lot sizes within the community.
 - 3. Unsewered lots. Unsewered lots shall satisfy the standards of [17.44\(4\)](#) and shall, additionally, provide adequate primary and replacement private sewage system areas, no more than 50% of which area shall be counted toward the required usable open space area.

17.46 MOBILE HOME PARK DISTRICT (R-3).

(1) PURPOSE.

This district is intended to regulate the design and arrangement of mobile home parks and the residential use of mobile homes therein.

(2) PERMITTED USES.

- (a) Churches.
- (b) Community buildings.
- (c) Golf courses.
- (d) Parks.
- (e) Residence, mobile home or manufactured home, located within the mobile home park.
- (f) Single family residence for the owner or operator.

(3) CONDITIONAL USES.

- (a) Mobile home sales involving storage and display of units for sale on a sales lot separate for the portion of property devoted to the mobile home park use.
- (b) Home occupation.

(4) STANDARDS.

- (a) For individual mobile homes located within the mobile home park, the dimensional standards shall be as contained in the County approved plot plan for the park. In addition, these standards shall apply:
 - 1. All mobile homes and manufactured homes must have permanent foundations which meet the requirements in [SPS 321, Wis. Adm. Code](#).
 - 2. Each mobile home shall be equipped with skirting that conceals from view the frame, support columns or piers, crawl space storage area and utility connections of the mobile home. Skirting shall be of durable all-weather construction manufactured for the purpose of covering the undercarriage area. Skirting shall be fashioned in accordance with manufacturer's instructions and provided with adequate ventilation.
- (b) For mobile home parks:
 - 1. Minimum parcel size for the park shall be 6 acres.
 - 2. Maximum number of mobile home stands, 3 per gross acre.

3. The distance from any mobile home stand to the boundary line of the mobile home park shall be not less than 40' and this buffer area shall contain earth mounds, walls, solid or louvered fencing, open fencing with appropriate planting, or a 70% visually solid year-round buffer 6' in height.
4. The distance from any mobile home stand to any internal street right-of-way, walkway, common parking area or other common area shall be 10' minimum.
5. All drives, parking areas and walkways shall be hard surfaced.
6. The distance between mobile home stands shall be not less than 20'.
7. One acre of the gross mobile home park site shall be devoted to recreational facilities.
8. Each individual mobile home shall be located only on an individual permanent foundation, which meets the requirements in [SPS 321, Wis. Adm. Code](#). A mobile home permanent foundation coverage shall be defined as the outline of the actual mobile home and the associated indoor living and service area. The permanent foundation shall provide for practical placement on and removal from the lot of mobile homes and retention of the home in a stable condition and in satisfactory relationship to its surroundings. Each permanent foundation shall be constructed of appropriate materials, graded, placed and compacted so as to be durable and adequate for the support of the maximum anticipated loads during all seasons. Mobile home permanent foundations shall include provisions for supports and anchors.
9. The minimum width of each mobile home stand lot area shall be 40'. The minimum depth shall be 100'. The minimum area of the outdoor living area shall not be less than 400 sq. ft. with a least dimension of 20'.
10. Automobile parking spaces shall be provided within the mobile home park in sufficient numbers to provide 2 spaces for each mobile home stand plus an additional car space for 4 stands to provide for guests, parking and delivery and service vehicles. At least one car space shall be located on each lot.
11. Accessory structures owned by and servicing the uses of a mobile home stand shall comply with the standards on maximum lot coverage. Such structures shall not be used as independent living units with permanent provisions for sleeping, cooking and sanitation. Such structures shall be designed and maintained in a manner that will enhance the appearance of the mobile home development.
12. Mobile home stands shall not occupy an area in excess of 1/3 of their respective lot area. The sum of the stand area and the area occupied by on-lot parking and accessory structures shall not exceed 1/2 of the lot area.

17.47 MOBILE HOME SUBDIVISION DISTRICT (R-4).

- (c) For permitted uses other than mobile homes, the provisions of [Section 17.24](#) apply.
- (d) For mobile home sales, the provisions of [Section 17.48\(4\)](#) apply.

17.47 MOBILE HOME SUBDIVISION DISTRICT (R-4).

(1) PURPOSE.

This district is intended to regulate the design and arrangement of the individual mobile home on large lot subdivisions designed for that purpose.

(2) PERMITTED USES.

- (a) Park, playfield or playground.
- (b) Residence, manufactured home, one per lot.
- (c) Residence, mobile home, one per lot.
- (d) Residence, mobile home addition, one per lot.
- (e) Residence, single family, one per lot.
- (f) Structures, accessory.
- (g) Structures, animal shelters, barns and sheds. Raising or maintaining animals will be allowed on lots of 1.5 acres or larger. The total population of such animals shall not exceed one animal equivalent unit per acre. These structures shall be located not less than 50' from any lot line.

(3) CONDITIONAL USES.

- (a) Club or lodge.
- (b) Community buildings.
- (c) Home occupation.

(4) STANDARDS.

- (a) Maximum height, 25'.
- (b) Lot size shall be 1 1/2 acres or greater.
- (c) One mobile home per lot.

17.471 RESIDENTIAL, LARGE LOT (R-5).

- (d) Each mobile home shall be connected to a public or private water supply before occupancy.
- (e) Each mobile home shall be connected to a public sewage disposal system or approved on-site sewage disposal system before occupancy.
- (f) Each mobile home shall be placed on a permanent foundation meeting the requirements of [SPS 321, Wis. Adm. Code](#).
- (g) Each mobile home shall be provided with tie-downs and skirting installed in compliance with [17.46\(4\)](#).

17.471 RESIDENTIAL, LARGE LOT (R-5).

(1) PURPOSE.

This district provides areas for the development of single family residences on large tracts of land, five acres or more in size.

(2) PERMITTED USES.

- (a) Permitted uses in the AFR, Agriculture/Forestry/Residential District.

(3) CONDITIONAL USES.

- (a) Conditional uses in the AFR District.

(4) STANDARDS.

- (a) Minimum Parcel Size. The minimum parcel size for new lots shall be 5 acres.
- (b) All other standards in the AFR District.

17.48 GENERAL COMMERCIAL DISTRICT (C).

(1) PURPOSE.

This district provides locations for primarily retail and wholesale trade establishments engaged in sales of merchandise or service or both. The intent is to allow firms and operations whose primary function is selling to retail customers or clients. Processing of materials may be conducted as subordinate to retail or wholesale sales. It is the policy of the County to promote economic development and a strong local economy. It is recognized, however, that most commercial uses should be located in the urban communities where full range of needed services can be afforded to such uses. Since this chapter applies solely to unincorporated lands, the bulk of which are rural in character, the General Commercial District provides for only a small number of commercial uses to be permitted. Other commercial uses are conditional uses.

(2) PERMITTED USES.

Retail or wholesale businesses engaged in sale of the following goods or services:

17.48 GENERAL COMMERCIAL DISTRICT (C).

- (a) Auto service stations.
- (b) Banks and similar services.
- (c) Business and professional offices and studios.
- (d) Community buildings, such as town halls, fire stations, police stations, etc.
- (e) Dental and medical clinics.
- (f) Hotels/motels.
- (g) Laundromats/cleaners.
- (h) Restaurants/taverns.
- (i) Retail/wholesale stores and shops offering convenience goods and services.

(3) CONDITIONAL USES.

The difference between permitted uses and conditional uses within this district is made on the following:

- (a) The showing of a need for a rural location for the proposed use.
- (b) Those operations of large size or high traffic generation.
- (c) Those operations where display of goods or sales are conducted primarily in an open yard and not primarily within a building or structure.
- (d) Uses:
 - 1. Retail or wholesale business involving sales of goods and/or services.
 - 2. Drive-in restaurants and theaters.
 - 3. Institutional (penal, correctional, religious, mental, orphanage, or of a similar nature).
 - 4. Equipment sales and service (farm, automobiles, mobile homes, machinery, etc.).
 - 5. Dwelling, multiple family.
 - 6. Arcades.

7. Residence, single family or manufactured home, but only as accessory to a principal use.

(4) STANDARDS FOR PERMITTED USES.

- (a) Minimum Parcel Size. Applicants shall submit a plot plan showing principal and accessory structures, fencing, paving, landscaping, screening, lighting, storage areas and parking and plans for management of surface waters. The plot plan must demonstrate that the site has sufficient and usable space for all these identified features and for vehicular and pedestrian circulation to and within the site. A permit shall be denied if the Zoning Administrator is not satisfied that the site and the plot plan as indicated can provide such adequate and functional spacing, operations and surface water management.
- (b) PARKING. Off-site parking and loading. See [Section 17.56](#).
- (c) FRONT YARD (ROAD) SETBACK. See [Section 17.15](#).
- (d) SIDE YARD SETBACK. None, except 15' where the parcel abuts land zoned agricultural, residential or conservancy.
- (e) REAR YARD SETBACK. No structure and no object other than fencing shall be located closer than 5' to a rear lot line.
- (f) STATE PLAN APPROVAL. All state plan approvals are obtained for public buildings and made part of the zoning permit.

(5) STANDARDS FOR CONDITIONAL USES.

- (a) Subsection (4) shall be applied by the Board of Adjustment.
- (b) In addition, careful examination shall be made of potential problems of:
 1. Attractiveness or physical appearance.
 2. Egress.
 3. Ingress
 4. Maintenance.
 5. Safety on nearby roads.
 6. Traffic.
 7. Waste management.

17. 49 INDUSTRIAL DISTRICT (I).

- (c) The Board of Adjustment shall attach conditions as necessary to assure safety, compatibility and attractiveness.

(6) STANDARDS FOR REZONING OF LANDS INTO THE COMMERCIAL DISTRICT.

- (a) The showing of a need for a rural location for the proposed use.
- (b) The relationship of the proposed use to other adjacent commercial uses.
- (c) The suitability of the land for the installation of a sanitary system to serve the proposed use.
- (d) Adequate public facilities, including roads, exist to serve the proposed development.
- (e) Conflicts will not be created with adjacent land uses.
- (f) Availability of alternative locations already zoned commercial which are more closely related to other commercial uses.
- (g) Proposed site has sufficient space for structures, parking, vehicular and pedestrian circulation, storage areas, landscaping, signing, etc.

17. 49 INDUSTRIAL DISTRICT (I).

(1) PURPOSE.

The Industrial District is established to accommodate manufacturing and related processing activities.

(2) PERMITTED USES.

- (a) Electrical and electronic machinery, equipment and supplies.
- (b) Fabricated metal products.
- (c) Food and kindred products, not including meat products.
- (d) Furniture and fixtures.
- (e) General manufacturing.
- (f) Instrument manufacturing.
- (g) Leather and related products.
- (h) Lumber and wood products.

17. 49 INDUSTRIAL DISTRICT (I).

- (i) Machinery.
- (j) Printing, publishing and allied industries.
- (k) Rubber and plastic products.
- (l) Textile products, apparel.
- (m) Stone, clay and glass products.
- (n) Transportation equipment.
- (o) Transportation services.

(3) CONDITIONAL USES.

- (a) Chemicals and allied products.
- (b) Concrete products.
- (c) Landfills.
- (d) Generation of electrical power.
- (e) Manufacturing and distribution of gas.
- (f) Meat products.
- (g) Ordnance and accessories.
- (h) Paper mills.
- (i) Petroleum refinery and related industries.
- (j) Primary metal industries.
- (k) Storage or processing of industrial wastes.
- (l) Recycling centers.
- (m) Solid waste transfer stations.

(4) STANDARDS.

17. 49 INDUSTRIAL DISTRICT (I).

- (a) **Minimum Parcel Size.** Applicants shall submit plot plans showing principal and accessory structures, fencing, paving, landscaping, screening, lighting, storage areas and parking, and plans for management of surface waters. The plot plan must demonstrate that the site has sufficient and usable space for all these identified features and for vehicular and pedestrian circulation to and within the site. A permit shall be denied if the Zoning Administrator is not satisfied that the site and the plot plan as indicated can provide such adequate and functional spacing, operations and surface water management.
- (b) **Parking.** Off-site parking and loading. See [Section 17.56](#).
- (c) **Front Yard (road) Setback.** See [Section 17.15](#).
- (d) **Side Yard Setback.** 10' where abutting property that is also zoned Industrial, 50' where abutting property is in any other zone or district provided by this ordinance.
- (e) **Rear Yard Setback.** 15' where abutting property that is also zoned Industrial, 50' where abutting property in any other zone or district provided by this chapter.
- (f) **State Plan Approval.** All State plan approvals are obtained for industrial buildings and facilities and made a part of the zoning permit.
- (g) **Operational Standards.**
 - 1. **Air pollution.** All activities that emit any fly ash, dust, fumes, vapors, mists, gases, liquids or solid particles shall meet all State and federal EPA standards and requirements.
 - 2. **Fire and Explosive Hazards.** All activities involving the manufacturing, utilization, process or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire fighting and fire suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have noncombustible exterior walls and automatic fire extinguishing system.
 - 3. **Glare and Heat.** All operations producing intense glare and heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.
 - 4. **Odors.** No activity with the exception of agricultural activity shall emit any odorous matter of such nature of quantity as to be unhealthful outside its premises.
 - 5. **Radioactivity and Electrical Disturbances.** No activity shall emit or release radioactivity or electrical disturbances outside its premises that are dangerous or would adversely affect the use of neighboring premises.

17.50 QUARRYING DISTRICT (Q).

6. Vibration. No activity shall emit vibrations that are discernible without instruments outside its premises.
7. Water Quality Protection. No activity shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials that may be harmful to human, animal, plant or aquatic life. All discharges from any activity shall meet all State and federal EPA standards and requirements.
8. Noise. All noise shall be so muffled or otherwise controlled so as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

17.50 QUARRYING DISTRICT (Q).

(Rev. Ord. #2-2007) (Rev. Ord. #3-2008)

(1) PURPOSE.

The Quarrying District provides for the conduct of extraction of sand, gravel, rock, marl, clay and similar materials. This district shall be employed as an overlay district to describe an area where quarrying may occur for a specified period of time. The overlay district shall be removed after reclamation has been completed and/or one year from the expiration date of the last permit granted by the Board of Adjustment.

(2) PERMITTED USES.

Any uses permitted in the underlying district during any time which quarrying has been approved as a conditional use.

(3) CONDITIONAL USES.

- (a) Quarrying.
- (b) Building, temporary.
- (c) Material processing equipment.

(4) APPLICATION REQUIREMENTS.

- (a) WRITTEN DESCRIPTION. An application for conditional use shall contain the following:
 1. A description of the scope of the proposed operation including but not limited to:
 - a. type of materials to be extracted.
 - b. total estimated volume of materials to be extracted.

17.50 QUARRYING DISTRICT (Q).

- c. total acreage to be disturbed by excavation and other activities (stockpiles, roads, staging/processing areas)
 - d. duration of the operation.
 - e. daily hours of operation.
 2. A description of all significant physical and biological features of the proposed site and the potential impacts to those features. Physical features would include types of soil and underlying material, minimum depth to groundwater, location and distance to surface waters, wetlands, drainageways, and agricultural ditches within 300' of the perimeter of the proposed excavated area. Biological features would include the types of vegetation and the approximate acreage of each.
 3. A description of all possible health, safety, and nuisance impacts to the surrounding area.
 4. A written description of operations, including:
 - a. timetable and estimated annual extraction volumes.
 - b. equipment and methods to be used for excavating, processing and transporting.
 - c. use and handling of any chemicals.
 - d. measures to be taken to protect groundwater and surface water.
 - e. methods to be used for temporary stabilization of slopes or stockpiles.
 - f. description of proposed final land use.
 - g. any other information required to explain features of the operations diagram.
- (b) OPERATIONS DIAGRAM. The operator shall also submit a plan view diagram which includes:
1. An illustration of the sequential stages of the operation.
 2. Horizontal and vertical measurements of the site, including location and elevation of a benchmark.
 3. Locations of:
 - a. Equipment.
 - b. Fuel or chemical storage.
 - c. Stockpiling or other material storage areas.
 - d. Ingress and egress.
 - e. Scales.
 - f. Surface water, wetlands, drainage ways on the site or within 300' of the perimeter of the site.
 - g. Erosion control measures.
 - h. Landscaping or revegetation area.
 - i. Screening from adjacent properties and roads.
 4. Setbacks from property lines and road rights-of-way.

17.50 QUARRYING DISTRICT (Q).

5. Any other information from the written description that is appropriate for the diagram, including location and distances to residences, wells, etc.

(c) Other information required:

1. Proof of ownership.
2. A copy of the United States Geological Survey topographical map of the site and the area extending beyond the site for a minimum distance of 300' in all directions.

(5) STANDARDS.

The Board of Adjustment shall consider the following standards, but are not limited to these standards in determining conditions for approval:

- (a) **SETBACK AND OTHER DIMENSIONAL REQUIREMENTS.** The Board of Adjustment may set forth conditions regarding appropriate setback and other dimensional requirements, particularly with reference to avoiding a nuisance effect on the surrounding properties.
- (b) **HOURS OF OPERATION:** The Board of Adjustment may set forth conditions regarding hours of operation in order to avoid possible noise disturbances with surrounding properties.
- (c) **MANAGEMENT OF SURFACE WATERS AND GROUNDWATER.** The Board of adjustment may set forth conditions to address the proper management of surface water runoff and groundwater in order to prevent erosion and contamination from occurring on the site and adjacent properties.
- (d) **PROTECTION OF UNIQUE NATURAL FEATURES.** The Board of Adjustment may consider impacts on natural features and may set forth conditions to protect such features.
- (e) **LENGTH OF OPERATION.** The Board of Adjustment may establish an expiration date for the operation of a quarry in those instances when the quarry is proposed for a specific project duration (i.e., highway reconstruction). In those instances when no expiration date is established, the quarry can be operated indefinitely provided that the quarry is operated in compliance with the operation plan and all conditions established by the Board. If the quarry is not operated in compliance with the plan and conditions, the Board may consider revoking the permit as provided for in [Section 17.65\(5\)](#).

(6) RECLAMATION.

A quarry shall meet the requirements as set forth in Chapter 20 of this Code of Ordinances.

(7) QUARRY EXEMPTIONS FROM CHAPTER 20.

17.51 METALLIC MINING EXPLORATION DISTRICT (MME).

Any quarry operation which would have been required prior to June 1, 2001 to submit a reclamation plan as a part of the conditional use permit application, but is listed as exempt from reclamation plan submittal by Chapter 20 (i.e., pits less than 1 acres in size or exempt due to local transportation project), shall still be required to submit a reclamation plan that meets the requirements in Chapter 20.

(8) EXEMPTIONS FROM REZONING TO QUARRYING DISTRICT.

One time quarry operations, adjacent to or in close proximity to a local transportation project, greater than one acre in size, with less than six month duration, which are funded through CHIP or STP Rural or similar programs are exempt from the rezoning process. A conditional use permit would still be required. A condition of approval for these short term, single purpose quarries shall be that the quarry is for the specified project and for the specified duration of the contract. One time quarry operations less than one acre in size with less than six month duration would also be exempt from rezoning and a fill and grade permit would be required.

17.51 METALLIC MINING EXPLORATION DISTRICT (MME).

(1) PURPOSE.

The purpose of this district is to provide for the conduct of exploration for metallic materials. This district shall be employed as an overlay district to describe an area where exploration may occur for a specified period of time. When the exploration is finished, the overlay district shall be removed and the uses permitted by the underlying district allowed to continue. In the event metallic minerals are found, a petition for zoning amendment to a mining district shall be required for the specified site on which the mining is to take place.

(2) PROHIBITED AREAS:

Metallic mineral exploration activities are prohibited within any of the following described areas. The areas include both the aboveground portion and the underground portion extending vertically from the site boundaries within the specified setback areas:

- (a) Within 1,000' of any residence, seasonal or year round.
- (b) Within 1,000' of any navigable lake, pond, or flowage,
- (c) Within 300' of any navigable river or stream or to the landward side of the floodplain, whichever distance is greater.
- (d) In any area that would not be suitable for a mining district zone as specified in [17.52\(2\)](#) with the exception of the areas size.
- (e) Within 5,000 feet of any Outstanding Resource Water (ORW) in the County.
- (f) Within 2,000 feet of any Exceptional Resource Water (ERW) in the County.
- (g) Within 2,500 feet of all state natural areas and the endangered resource areas identified in the County Forest Plan and the following formal county recreation areas:

1. Veteran's Memorial Park
2. Summit Lake Park
3. Moose Lake Park
4. Bow and Gun Range
5. Camp Susan 4-H
6. Kettlebowl Ski Hill
7. Gartzke Flowage
8. Post Lake Dam Park
9. Camp Lyle

(3) PERMITTED USES.

- (a) Any uses permitted in the underlying district during any time in which the exploration is being conducted.
- (b) Exploration.

(4) STANDARDS FOR PERMITTED USES.

- (a) The minimum area needed to establish an exploration district shall be 80 acres and there shall be a 750' buffer between exploration activities and the exploration district boundary. The buffer is an area left in its natural state and will remain undisturbed.
- (b) Standards as outlined for permitted uses in the underlying district.
- (c) The applicant shall obtain a zoning permit and provide a plan which describes and illustrates the following:
 1. Type of exploration.
 2. Use of equipment or machinery.
 3. Ingress and egress.
 4. Location of drilling in relation to property lines.
 5. Location of drilling in relation to lakes, streams, floodplains, and wetlands.
 6. Ownership of mineral rights.
 7. Method and timeframe for drill hole abandonment and reclamation plan.
 8. Timeline for exploration.
- (d) As part of the zoning permit application, the applicant shall submit an approved exploration license from the DNR.

(5) CONDITIONAL USES.

- (a) Prospecting.

(6) STANDARDS FOR CONDITIONAL USES.

17.51 METALLIC MINING EXPLORATION DISTRICT (MME).

- (a) An application for conditional use shall contain a description for all significant aspects of the prospecting, a description of all significant conditions within the prospecting area and an analysis of all significant impacts on the surrounding areas. The application shall contain:
 - 1. Easements to surface rights or use of the lands.
 - 2. A legal description of the lands and minerals being searched for.
 - 3. A topographic map, outlining the lands to be explored. Contour interval is to be specified by the County.
 - 4. A prospecting permit, issued by the DNR under [CH. NR 131.06](#), Wis. Adm. Code.

- (b) The applicant shall provide a prospecting plan, which shall describe the phases of the prospecting as follows:
 - 1. Use of equipment.
 - 2. Storage and/or stockpiling of materials.
 - 3. Ingress and egress (road, temporary).
 - 4. Protection of water, surface and subsurface.
 - 5. Construction and use of temporary buildings.
 - 6. Cutting of trees and/or removal of other vegetation.

- (c) The applicant shall provide a reclamation plan which shall describe as a minimum:
 - 1. Reclamation plan under the Wisconsin Administrative Code.
 - 2. Uses of land after full reclamation.

- (d) The applicant shall provide financial guarantee by bonding, conditioned upon faithful performance of the requirements of the conditional use permit, Wisconsin Administrative Code and the Wisconsin Statutes. The Board of Adjustment shall set the amount of the bonding, sufficiently to insure full reclamation from the prospecting activities.

- (e) The initial grant to carry on exploration activities shall not be effective for more than 5 years. The Board of Adjustment may extend a conditional use permit for 3 additional years at one time, provided all conditions have been met. Conditions may be modified as part of an extension application. Fees for an extension shall be the same as for the initial application. If an applicant desires to transfer the permit to another party, the Board of Adjustment shall review and approve the transfer as it relates to compliance with the code standards and permit conditions.

17.52 MINING DISTRICT (M).

(7) An application for a zoning permit or a conditional use permit under this section shall be denied if the Zoning Administrator or Board determines the application does not satisfy [Section 17.02](#) and the following standards:

- (a) Provide protection of adjacent properties from noise, dust, fumes, and other nuisances in the interest of the public's health, safety, comfort, and general welfare.
- (b) Provide for the protection of the County's natural resources including surface water and groundwater, wetlands, and air, and valued natural areas.

17.52 MINING DISTRICT (M).

(1) PURPOSE.

The purpose of this district is to provide for the conduct of mining for metallic minerals. This district as it applies to actual mining and processing is intended to be a basic use district and should include enough land area to accommodate the principal (mining) use and to afford adequate buffering and land for accessory use.

(2) PROHIBITED AREAS:

Metallic mining shall not be conducted within any of the following areas:

- (a) Within areas specified in [Section 17.51\(2\)](#).
- (b) No sulfide mining and related activities (e.g., tailing management, beneficiation) within the Wolf River watershed.
- (c) Within the County, there shall be no disposal of mining wastes from a mine outside of Langlede County.

(3) PERMITTED USES.

Any uses permitted in the districts petitioned from during the time in which the uses are being converted to mining. Agriculture and forestry uses are encouraged to continue during the mining phase.

(4) STANDARDS FOR PERMITTED USES:

- (a) Standards as outlined for permitted uses in the underlying district.

(5) CONDITIONAL USES.

- (a) Manufacturing or processing operations.
- (b) Mining of metallic minerals.
- (c) Shipping operations.

(6) STANDARDS FOR CONDITIONAL USES.

- (a) The minimum area needed to establish a mining district shall be 160 acres and there shall be a 1,000' buffer between mining activities and the mining district boundary. The buffer is an area left in its natural state and will remain undisturbed except for roads.
- (b) An application for a conditional use shall contain a description for all significant aspects of the mining, a description of all significant conditions within the mining area and an analysis of all significant impacts on the surrounding area, and:
 - 1. Proof of ownership and mineral rights.
 - 2. A legal description of the lands.
 - 3. A topographic map, outlining the lands to be used for the mining activities Contour interval to be specified by the County.
 - 4. The Final Environmental Impact Statement as required by [NR 150](#), [NR 131](#), and [NR 132](#).
- (c) The applicant shall provide a mining plan, which shall describe the phases of mining, which shall include:
 - 1. A mining plan, submitted in accordance with [NR 132.07, Wis. Adm. Code](#).
 - 2. Construction and uses of buildings.
 - 3. Construction and uses of shipping facilities.
 - 4. A list of chemicals and reagents to be used, how shipped and stored.
- (d) The applicant shall provide a reclamation plan which shall describe as a minimum:
 - 1. Requirements of [NR 132.08, Wis. Adm. Code](#).
 - 2. Uses of land after full reclamation.
- (e) Wetlands affected by mining or reclamation activities shall be replaced or mitigated. At a minimum, the wetlands shall be mitigated at a one lost one added ratio with the Board of Adjustment determining if additional wetlands shall be created and their location. Any mitigation shall be within the borders of the County.

(f) An application for a conditional use permit under this section shall be denied if the Board of Adjustment determines the application does not satisfy [Section 17.02](#) and [17.51\(6\)](#) and the following standards:

1. The mining activity (including and not limited to operations, waste management, and reclamation) shall not be allowed to degrade the quality and quantity of groundwater in the County.
2. The mining activity (including and not limited to operations, waste management and reclamation) shall not be allowed to impact any lake or stream's size, water quality or level.

(g) FINANCIAL ASSURANCE.

1. **General.** The applicant shall provide financial assurance by bonding, conditioned upon faithful performance of the requirements of the conditional use permit, Wisconsin Administrative Code and the Wisconsin Statutes. After consulting with the applicant and considering all relevant information including, but not limited to, information gathered at public hearings and provided by the town board, the County Board may require the applicant to post a bond in an amount the County Board shall determine, the amount of which shall be sufficient to cover all reasonably foreseeable damages and negative impacts stemming from mining operations, including but not limited to, reclamation costs, potential groundwater contamination costs, long term care costs which are not already adequately bonded for under other local, State and federal requirements. The County Board may accept the bond required by the DNR under [NR 132.09, Wis. Adm. Code](#), provided the County is assured that the amount of the bonding is sufficient to insure the full reclamation from the mining activities. If assurances are not made, the County Board shall set the amount of the bonding.
2. **General Liability Insurance.** Applications for a mining permit shall be accompanied by a copy of a certificate of insurance, as required by the DNR, certifying that the applicant has in force general liability insurance policy issued by an insurance company authorized to do business in Wisconsin or evidence that the operator has satisfied state or federal self-insurance requirements. Insurance shall cover all mining activities of the applicant and afford personal injury and property damage protection.
3. **Groundwater Trust Fund.**
 - a. The applicant shall deposit into an interest-bearing trust account \$25,000.00 for each well potentially impacted, as identified by the hydrologic study. The original deposit, any additional deposits and other accumulated interest shall remain in the trust account for a period of 40 years after certificate of completion, issued by the WI DNR. If no outstanding claims are pending at the end of the 40 year period, any remaining balance shall be returned to the operator. The applicant agrees to establish the trust account at a bank or financial organization identified by Langlade County.

- b. The applicant shall pay the cost for the County to monitor all potentially impacted private or public wells as identified by the hydrologic study. The applicant shall also pay the cost of any licensed professional hired by the county to collect and interpret the results.
- c. The groundwater trust fund shall be used to pay for replacing any contaminated, damaged or depleted wells and/or for providing potable water to any well owner/claimant whose well has been contaminated, damaged or depleted. The mine operator may object to payment of these claims only if it can establish that the contamination, damage or depletion is not due in whole or in any part to the mining operation.
- d. Any person whose well is contaminated damaged or depleted beyond the identified hydrologic study area may apply for funds for a replacement well or alternate water supply if that person can demonstrate, by the preponderance of the evidence, that the contamination, damage or depletion was due in whole or in any part to the mining operation.
- e. The Langlede County Zoning Administrator or their designee is designated to supervise and administer the groundwater trust fund. It shall approve of the distribution of monies from said fund to claimants under this subsection. The County Zoning Administrator, shall be empowered to hold meetings and hire licensed professionals to assist him or her in the proceeds of ascertaining the entitlement of the claimant to compensation, to ascertain the amount of such damages and to authorize disbursements to the claimant or to purchase and provide water to the claimant. The groundwater trust fund shall also be monitored to determine if there are adequate funds to cover actual and/or pending claims. The County Zoning Administrator shall request the operator to provide additional funding within 30 days if funding is deemed inadequate.

4. Property Value Compensation Fund.

- a. The applicant may enter a property value compensation agreement with any political subdivision where property values are, or are likely to be, impacted by the mining operation.
- b. Langlede County, at the cost of the applicant, will hire a licensed independent agent to create a distribution plan for a compensation fund which identifies property whose values have been determined to be impacted by the mine. Criteria to be used for the determination of impact shall come from the Environmental Impact Report and Statement, and other criteria as determined by the licensed independent agent. Prior to the commencement of any mining, the operator shall compensate those property owners identified in the distribution plan.

5. Road Damage Compensation Trust Fund.

- a. The applicant may enter into a roadway maintenance agreement with any political subdivision whose roads are, or are likely to be, affected by the mining operation.
- b. The applicant shall fund an irrevocable road damage compensation trust. The applicant shall initially deposit funds in an amount determined by the BOA to be the reasonably anticipated cost to construct, maintain, repair and reconstruct all affected public roadways to meet the traffic demands to be caused by the mining operation. The cost projection shall be based on a roadway improvement and maintenance engineering study required by the BOA, at the applicant's expense.
- c. The Laclede County Zoning Administrator or their designee shall supervise and administer the fund. The County Zoning Administrator shall approve the distribution of monies from said fund to claimants under this subsection. The County Administrator shall be empowered to hold meetings and hire licensed professionals to assist him or her in the process of ascertaining the entitlement of the claimant to compensation, the amount of damages, and authorizing disbursements to the claimant. The County Zoning Administrator may seek the cooperation and assistance of the County Highway Committee and County Highway Commissioner, if any, in planning and undertaking all road studies, planning, construction, maintenance and repair pursuant to the road damage compensation trust. The trust fund shall also be monitored to determine if there are adequate funds to cover actual and/or pending claims. The County Zoning Administrator shall request the operator to provide additional funding within 30 days if funding is deemed inadequate.

6. Local Impact Agreements.

- a. The applicant may enter into a local impact agreement with any political subdivision which is, or is likely to be, impacted by the mining operation.
- b. Laclede County, at the cost of the applicant, may hire a licensed independent agent to create a distribution plan for compensation to political subdivisions impacted by the mine. Criteria to be used for the determination of impact shall come from the Environmental Impact Report and Statement, and other criteria as determined by the licensed independent agent. Prior to the commencement of any mining, the operator shall compensate those political subdivisions identified in the distribution plan.

(h) MONITORING AND INSPECTIONS. The initial grant to carry on mining activities shall be for a specified period as determined by the Board of Adjustment. The Zoning Administrator shall review the annual reports of review made by the DNR. If the reports indicate compliance to the provisions of the conditional use permit, the uses shall

17.53 AIRPORT HEIGHT LIMITATIONS DISTRICT (AH).

continue. If the DNR require modification of the applicant's metallic mining permit which in turn requires modification of the terms of the conditional use permit, the Board of Adjustment shall review the permit. The Zoning Administrator, in conjunction with the DNR under [NR 132.13, Wis. Adm. Code](#), may enter and make the necessary inspections to insure compliance with the provisions of the conditional use permit. The Board of Adjustment may extend a conditional use permit for additional specified periods of time. Fees for an extension shall be the same as for the initial application. If an applicant desires to transfer the permit to another party, the Board of Adjustment shall review and approve the transfer as it relates to compliance with the code standards and permit conditions.

- (i) Approval of a conditional use permit under this section is subject to and contingent on satisfaction of all other requirements of the DNR for a metallic mining permit.
- (j) If a Committee is appointed to negotiate a local agreement with a mining company, the membership of that committee shall include members of the Water and Land Use Planning Committee. A local agreement shall not be approved until the Final Environmental Impact Statement is completed by the DNR.

17.53 AIRPORT HEIGHT LIMITATIONS DISTRICT (AH).

This district is intended to regulate the height shown on the map dated 4/15/94 entitled "Height Limitation Zoning Map, Langlade County Airport, Antigo, Wisconsin". This district shall be regulated under Ch. 21 of this Code of Ordinances. This district shall be employed as an overlay district to describe the area in which heights are limited.

MISCELLANEOUS PROVISIONS

17.55 SIGNS.

- (1) The size, type and location of signs shall be as provided by this section, except when State regulations are more prohibitive and except that this section shall not prohibit "no hunting", "no trespassing", "for sale", "for rent", temporary political signs, home occupation signs, farm identification signs, temporary real estate signs, church bulletin signs or similar signs not larger than 6 sq. ft. in gross area.
- (2) Within the Conservancy District and the Residential Districts, no sign shall be permitted except for the signs listed under sub. (1) and reasonable signage on nonconforming establishments.
- (3) In other districts, the following signs shall be prohibited:
 - (a) Any sign, especially illuminated signs, which interfere with the vision of motor vehicle operators or faces or shines directly upon any residential property.
 - (b) Rotating, moving or flashing signs.

17.56 PARKING AND LOADING SPACE REQUIREMENTS.

- (c) Signs which are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as traffic control devices, or which hide from view any traffic or street sign or signal or which obstruct the view in any direction to a street or road intersection.
- (d) Advertising signs, posters, placards and circulars on any public right-of-way or public property, except those placed or approved by a unit of government.
- (4) Off premise signs are prohibited in all zoning districts except the Commercial and Industrial zoning districts where a principal use has been established. Nonconforming off premise signs that are destroyed or removed can not be replaced unless they are in compliance with this section.
- (5) No permits shall be required for signs as a requirement of this section.
- (6) The Zoning Administrator may order that signs be in conformance with this section or be removed.
- (7) Commercial signs located within Shoreland areas shall comply with the requirements of [Sec. 17.300\(16\)\(e\)](#).
- (8) Signs not meeting any of the above stated standards may be allowed to apply for a conditional use permit.

17.56 PARKING AND LOADING SPACE REQUIREMENTS.

(1) PURPOSE.

It is the intent of these requirements to assure that all land uses provide adequate vehicle parking spaces on their premises and to prevent imposition of burdens on public roads or neighboring properties due to hazardous driveway or parking arrangements or other causes of traffic blockage.

(2) REQUIRED SPACES.

The number of spaces listed below shall be provided for each listed land use:

| <u>USES</u> | <u>NUMBER OF SPACES REQUIRED</u> |
|---|--|
| Dwellings, including mobile homes | 2 for each dwelling unit |
| Hotels, motels or resorts | 1 for each guest room or unit |
| Hospitals, boardinghouses | 1 for each 2 beds and 1 for each 3 employees |
| Sanitariums, nursing homes, rest homes | 1 for each 5 beds and 1 for each 3 employees |
| Medical and dental offices | 6 for each doctor |
| Churches, theaters, auditoriums, town halls, funeral parlors, | 1 for each 4 seats or 1 for 28 sq. ft. of floor area if no |

17.56 PARKING AND LOADING SPACE REQUIREMENTS.

| | |
|---|---|
| community centers, vocational schools and other places of public assembly | permanent seats are provided in the main auditorium or seating area |
| Elementary schools | 1 for each employee |
| High Schools | 1 for each 500 sq. ft. of floor area |
| Restaurants, bars, places of entertainment, repair shops, retail and service stores | 1 for each 150 sq. ft. of floor area |
| Manufacturing and processing plants and warehouses | 1 for each 3 employees |
| Banks, business, governmental and professional offices | 1 for each 3 employees |
| Bowling alleys | 5 for each alley |
| Automotive services, drive-in retail establishments | 1 for each 2 employees, plus adequate space for customer parking |

(3) USES NOT LISTED.

When a particular use is not listed, the parking requirement for a similar use shall apply.

(4) COMBINATION OF USES.

When 2 or more uses are combined, the total parking requirement shall be equal to the sum of the spaces required for each individual use.

(5) PARKING SPACE SPECIFICATIONS.

- (a) All required parking spaces shall contain a rectangular area with a minimum width of 10' and a minimum length of 18'. Usable garage spaces can serve to satisfy parking requirements.
- (b) Except for one and 2 family residences, all parking spaces shall be permanently marked by painted lines, parking blocks, posts or other suitable markers.
- (c) Each required parking space shall be arranged with respect to driveways in such a way as to allow safe and easy entrance and exiting of a standard size passenger car without moving any other properly parked vehicle.
- (d) The parking area shall be arranged with an internal driveway which permits access to all parking spaces and the public streets. No parking space shall have direct access to a public street except via the internal driveway, and no parking space shall be arranged to require or encourage the vehicle to back onto a public street. Sufficient waiting area shall be provided so that at peak periods of use, vehicles waiting to enter the premises to park or use drive-up facilities shall not line up on a public right-of-way, block a required parking space or block an entrance or exit to a required parking area.

17.58 PLANNED RESIDENTIAL DEVELOPMENT.

(6) DRIVEWAYS SERVING REQUIRED PARKING SPACES.

- (a) Driveways at point of contact with a public road shall have a minimum width of 10' and a maximum width of 30'.
- (b) No direct access by private driveways shall be permitted to any State or federal highway without written permission of the County Highway Department.
- (c) When connected driveways provide access to more than one street, driveways and parking areas shall be designed in a way which does not encourage vehicles to cross the property in order to take shortcuts or evade stop signs or other traffic control devices.
- (d) Driveways shall be located and designed to be as safe as practical and to cause the minimum interference with the orderly flow of traffic on public streets. This includes, but is not limited to, consideration of the following:
 - 1. Clear visibility for at least 100' in each direction on streets with a speed limit of 30 mph or slower or visibility of 300' on all other public streets.
 - 2. Driveways shall generally be placed directly in line with a driveway on the opposite side of the street.
 - 3. Location of driveways with respect to intersections, turning lanes and other driveways.
 - 4. Effect on traffic flow on public streets.

(7) OFF STREET LOADING REQUIREMENTS.

All commercial and industrial buildings shall be provided with sufficient off-street loading spaces so that no public street, road or alley need be blocked by such activities.

17.58 PLANNED RESIDENTIAL DEVELOPMENT.

(1) PURPOSE.

A Planned Residential Development is intended to permit smaller lots where the physical layout of the lots is so arranged as to better control pollution, preserve ground cover and promote the objectives of this ordinance than would be possible if normal development standards were applied. This may be accomplished by increasing shoreline setbacks and by clustering structures on one portion of the parcel. A condition of all Planned Residential Development is the preservation of open space, preferably along the shoreline, in perpetuity.

(2) REQUIREMENTS FOR PLANNED RESIDENTIAL DEVELOPMENT.

The Water and Land Use Planning Committee may at its discretion, upon its own motive or upon petition, authorize a Planned Residential Development by approving a plat under Chapter 18 of the County Code of Ordinances for a specific project upon finding, after a public hearing, that all of the following facts exist:

17.58 PLANNED RESIDENTIAL DEVELOPMENT.

- (a) Location and Area. The area proposed for homesites is located in the R-1, R-2, or AFR Districts and the gross project area is at least 35 contiguous acres. Gross project area shall include the total project area less mapped wetlands, floodways and areas below the ordinary highwater mark of navigable waters and may include lands in other zoning districts.
- (b) Pollution Control. The location and nature of the privately owned wastewater treatment systems which will serve the homesites individually or collectively is in compliance with the County Sanitary Code.
- (c) Open Space. At least 50% of the gross project area shall be dedicated as permanent open space. Open space may be:
 - 1. Dedicated to the public;
 - 2. Retained by the former owner;
 - 3. Held in common by the residents of the Planned Residential Development; or
 - 4. Held as individual outlots by owners of the Planned Residential Development.

Lands dedicated to the public must be accepted by action of the governing body of the accepting unit of government. If the open space is to be held in common by owners of lots in the development, a homeowner's association or similar legally constituted body shall be created to maintain it. Any restriction placed on use of lands which is required by this ordinance or which was placed as a condition of approval of a Planned Residential Development shall vest in the County the right to enforce the restriction against anyone who has or acquires an interest in the land subject to the restriction.

Open space shall be deed and plat restricted to nonstructural agricultural, forestry, recreational or environmental protection uses except that minor structures essential to open space recreational uses may be approved. A privately owned wastewater treatment system may be located in such an area provided no suitable site is available on the lot served by the system. Open space shall be contiguous .

- (d) Density. The number of platted homesites shall not exceed 150% of those which would have been possible if the same land were platted in accordance with the minimum lot sizes, setbacks, widths and water frontage provided by the applicable provisions of the zoning ordinance. This figure shall be determined by dividing the gross project area, excluding streets, by the minimum lot sizes otherwise required by applicable provisions of this ordinance.
- (e) Lot Sizes, Widths, Setbacks, and Vegetation Protection. The minimum lot size for such development shall be 20,000 square feet with a 100 foot minimum lot width and 10 foot side yard. Shoreline setback and vegetation protection area provisions in [Sec. 17.300](#) shall

apply except that the maximum width of a lake viewing corridor may be up to 100 feet if it is located on lands which are commonly held.

(f) Design Standards. Roadways, lots and building envelopes shall be located in areas where they will have the least effect on forests, environmentally sensitive areas, cropland, pasture, meadow, farm buildings and historic structures, and where they will retain or enhance the visual character of the rural landscape. However, in resolving conflicts between these interests, priority shall be given to protection of waterways and their buffers, steep slopes regulated floodplains and avoidance of a fragmented landscape.

(g) Building Sites. Building sites shall include at least 6,650 square feet of contiguous, buildable area excluding sites designated for privately owned wastewater treatment systems and all areas where construction of buildings and related infrastructure is precluded by the provisions of County Ordinances. (Rev. Ord. #2-2007)

1. Buildings and roads shall be located as to minimize conflicts with uses of adjacent lands.
2. Building sites which make structures as visually inconspicuous as practicable from public roadways and waters shall be selected.
3. Building sites shall not include wetlands or floodways and shall comply with the land disturbance provisions of [Section 17.300\(8\)](#).

(h) Roads and Infrastructures. Rev. Ord. #2-2007)

1. Roads and, where practicable, infrastructures shall not be located in open fields but shall be sites along forest edges and shall be designed to maximize the amount of forest in the Planned Residential Development which is contiguous with adjacent forested lands.
2. Roads shall follow existing contours to minimize the extent of cuts and fills.
3. Where sites include linear features such as existing access roads, tree lines and fence rows, roadways shall, where practicable, follow these features to minimize their visual impact.
4. All driveways shall serve a minimum of two units.
5. The maximum number of units served by a common driveway shall be four unless the applicant demonstrates that a greater number will promote the objectives of this ordinance.
6. Maximum length of common driveways shall be 1,320 feet.

7. All lots using common driveways shall require a driveway maintenance agreement. The agreement shall require approval of the Water and Land Use Planning Committee and shall be recorded with the deeds to the affected lots.

(i) Site Development and Land Disturbing Activities.

1. Existing natural drainageways shall be retained.
2. Existing natural vegetation shall be preserved in areas where disturbance outside the building envelope is not essential.
3. Where building sites are located in woodlands, a wooded buffer of at least 30 feet shall be retained between the building site and the common drive or roadway.

(3) PROCEDURE FOR ESTABLISHING A PLANNED RESIDENTIAL DEVELOPMENT.

The procedure for establishing a Planned Residential Development shall be as follows:

- (a) Petition. A petition setting forth all of the facts required in [Section 17.58\(2\)](#) shall be submitted to the Land Records and Regulations Department along with the required fee. (Rev. Ord. #2-2007)
- (b) Review and Hearing. Upon determining that the petition is complete, the Department shall forward the petition to the Water and Land Use Planning Committee which shall give notice and hold a public hearing consistent with the provisions of [Section 17.66\(5\)](#). The Committee shall consider the recommendations of any federal, state or local agency which provides information relating to the standards for establishment of a Planned Residential Development.
- (c) Findings and Conditions of Approval. The Water and Land Use Planning Committee shall make written findings as to the compliance or noncompliance of the proposed Planned Residential Development with each of the requirements set forth in [Section 17.58\(2\)](#). If the plat is granted in whole or in part, the Committee shall attach such written conditions to the plat approval as are necessary to assure compliance with the provisions of [Section 17.58\(2\)](#). The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks, location of privately owned wastewater treatment systems and preservation of ground cover and open space. The Committee shall specifically approve or reject the plat and deed restrictions relating to the location, ownership and use of dedicated open space and shall require proof of the recording of such restrictions with the county register of deeds prior to the issuance of any building permits for the project.
- (d) Planning Studies. A petitioner may, at his own expense, develop the facts required to establish compliance with the provisions of [Section 17.58\(2\)](#) or may be required to

17.60 PURPOSE.

contribute funds to the county to defray all or part of the cost of such studies undertaken by the county or any agency or person with whom the county contracts for such work.

ADMINISTRATION AND ENFORCEMENT

17.60 PURPOSE.

This subchapter contains provisions on the administration and enforcement of the requirements of this chapter. The provisions of this subchapter apply, as indicated, to all parts of this chapter.

17.61 AGENCIES AND OFFICES INVOLVED IN CHAPTER ADMINISTRATION AND ENFORCEMENT: DEFINITIONS OF ROLES AND RESPONSIBILITIES.

(1) COUNTY BOARD.

The County Board is responsible for the enactment, amendment and repeal of this chapter. The County Board appropriates funds in support of the office of the Zoning Administrator, the Water and Land Use Planning Committee and the Board of Adjustment.

(2) THE WATER AND LAND USE PLANNING COMMITTEE.

The Water and Land Use Planning Committee is a committee of the County Board, created pursuant to [Sec. 59.69, Wis. Stats.](#), and serves as the County planning agency pursuant to [Sec. 236.02, Wis. Stats.](#) This Committee is responsible for overseeing the office of the Zoning Administrator and for other functions assigned to it by this chapter or by State Statutes.

(3) THE COUNTY BOARD OF ADJUSTMENT.

The Board of Adjustment is a board created by action of the County Board pursuant to [Sec. 59.69, Wis. Stats.](#) The Board of Adjustment is responsible for hearing and deciding administrative appeals, variance application and applications for conditional uses as provided in this chapter.

(4) OFFICE OF THE COUNTY ZONING ADMINISTRATOR.

The office of the Zoning Administrator is an administrative department of the County government created by the County Board. The office is headed by a Zoning Administrator appointed by the County Board on the recommendation of the Water and Land Use Planning Committee. The office shall also consist of such other personnel as shall be provided for the office. In addition to duties and responsibilities specified elsewhere in this chapter, the Administrator shall be responsible for directing the work of the office, making periodic reports as required on the activities of the office and for training and educational activities to assure that persons connected with ordinance administration are able to keep abreast of developments in the field of County land use ordinances.

17.62 DUTIES OF THE ZONING ADMINISTRATOR: RECORDS: INSPECTIONS: DETERMINATIONS: PERMITS: FEES.

(1) ADVISING APPLICANTS.

The Zoning Administrator shall advise applicants for permits and approvals as to the provisions of this chapter and shall assist them in preparing activities, assure that the regional flood elevation for the proposed development is shown on applicable permit applications, and issue certificates of compliance where appropriate.

(2) KEEPING RECORDS.

The Zoning Administrator shall keep records of applications received; committee, board or office actions on such applications; permits issued; inspections made; enforcement actions undertaken; and other similar activities. The Administrator shall also keep official records of floodplain zoning maps, zoning and changes thereto and a list of all documentation's of certified elevations, documentation of certified lowest floor and regional flood elevations for floodplain development.

(3) MAKING INSPECTIONS.

The Zoning Administrator shall make such inspections of premises as are required to determine compliance of land use activities within the terms of this chapter, inspect damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred. Except in cases of emergency, such inspections shall be made only at a reasonable hour, with reasonable notice to the owner and/or occupant of the premises and with consent, unless it is made pursuant to Wisconsin Statutes. By applying for a permit or approval, an applicant consents to allow the Zoning Administrator to enter upon and inspect the property as needed.

(4) MAKING DETERMINATIONS.

The Zoning Administrator shall make those administrative decisions and determinations as are specifically assigned to the Administrator by terms of this chapter.

(5) PERMITS, APPROVALS AND FEES.

The Zoning Administrator shall receive applications for the following permits and shall process the applications and the fees collected in the following manner:

(a) Zoning Permit.

1. A zoning permit shall be issued before any of the following may occur:
 - a. Before any building or structure not exempted below is erected, moved or structurally altered so as to increase its floor area.
 - b. Before any building or structure or any parcel or tract of land is substantially changed as to use provided, however that:
 - * Zoning permits shall not be required for structural alterations involving ordinary maintenance and repair, except replacement of roof trusses requires a zoning permit.
 - ** On farms, zoning permits shall be required only for structures for human habitation or for other structures permanently fixed to the ground and located within the front

17.62 DUTIES OF THE ZONING ADMINISTRATOR: RECORDS: INSPECTIONS: DETERMINATIONS:
PERMITS: FEES.

(road) setback area; (note accessory structures are required to meet Right-of-way setbacks) or

*** For new structures, improvements or alterations involving \$1,000 or less in value, provided such work or structure conforms with all provisions of this chapter.

2. Zoning permits shall be issued only if the parcel is in compliance with this Code of Ordinances.
3. Application for zoning permits shall be made on forms furnished by the Zoning Administrator. Issuance of a sanitary permit is a precondition to issuance of a zoning permit whenever applicable. Permits shall be issued if the application and information obtained through field inspections, if any, causes the Administrator to conclude that the proposed use will comply with all applicable regulations.
4. Information required on zoning permits issued for sites in or adjacent to the floodplain:
 - a. The elevation of the lowest floor using National Geodetic and Vertical Datum (NGVD) or North American Vertical Datum (NAVD).
 - b. A site development plan which accurately locates or describes the proposal with respect to the Floodway and Floodfringe Districts showing the dimensions of the lot and locations of all existing and proposed structures from lot lines, centerlines of all abutting highways and the ordinary high watermark of any abutting or nearby watercourses, the location and elevation of existing or future access roads, and the location of floodplain and floodway limits as determined from the official floodplain zoning maps.
 - c. Information concerning all private water supply systems and on-site sewage disposal systems to be installed, the location of all existing wells, structures and on-site sewage disposal systems and the ordinary high watermark of all streams and lakes within 100' of a proposed sewage disposal site.
 - d. Data sufficient to determine the regional flood elevation of the location of the development.
 - e. Data requirements to analyze developments:
 - i. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in [s. 236, Stats.](#), and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds \$125,000. The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

The applicant shall provide:

- ii. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity.
 - iii. A map showing location and details of vehicular access to lands outside the floodplain; and
 - iv. A surface drainage plan showing how flood damage will be minimized.
5. A fee pursuant to [Sec. 17.63](#) shall be submitted to the Zoning Administrator when application is made for a zoning permit.
 6. At the discretion of the Zoning Administrator The location of all proposed structures shall be staked out by the applicant or owner and the Zoning Administrator shall be contacted at least 3 working days prior to beginning construction so the Administrator may verify setbacks and other requirements.

(b) Applications for Administrative Appeals, Conditional Use Permits, and Variances.

1. When Required.
 - a. Administrative appeals. Appeals to the Board of Adjustment may be taken by persons aggrieved or by an officer, department, board or bureau of the municipality affected by any decision of the Zoning Administrator. Such appeal shall be taken within 30 days of the decision or determination by filing with the Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof.
 - b. Conditional use permits. Upon application for a use specifically listed as a conditional use under the terms of this chapter.
 - c. Variances. Upon application for permitted uses, where deviation of the standards of this chapter must apply in order for a permit to be issued for such use.
2. Application and Referral. Applications for administrative appeals, conditional use permits and variances shall be made to the Zoning Administrator on forms provided by him. Upon completion, the applications shall be referred to the Board of Adjustment for processing and disposition.
3. Fee. A fee set pursuant to [Sec. 17.63](#) shall be submitted to the Zoning Administrator when applications are made.

4. Sanitary and Zoning Permits for Conditional Use and Variance. Issuance by the Board of Adjustment of a conditional use permit or variance shall not relieve the applicant of the obligation to obtain sanitary and zoning permits. The fee normally charged for zoning permits shall not be imposed when the use has been approved as a conditional use or variance.

(c) **Relaxation of standards for persons with disabilities.** The Land Records & Regulations Department may issue a permit to relax dimensional standards of this ordinance in order to provide reasonable accommodation of persons with disabilities as required by provisions of federal and state law. Such relaxation shall be consistent with federal guidelines for accommodation of persons with disabilities and shall, where practicable, be terminated when the facility is no longer in use by a disabled person. A person applying for a permit for construction under this section shall establish:

1. that the facility or premises are routinely used by a disabled person;
2. the nature and extent of the disability; and
3. that the relaxation requested is the minimum necessary to provide reasonable use of the facility by the disabled person.

(6) PERMITS, POSTING.

Permit cards shall be placed in a prominent location on the premises during construction, alteration or moving, per instructions contained thereon

(7) EFFECT OF POSTING PERMITS.

Permits are issued on the basis of approved plans and applications and authorize only the use, arrangement and construction set forth in such approved plans and application, and no other use, arrangement or construction is authorized. Use, arrangement or construction varying with that authorized shall be deemed a violation of this chapter.

(8) PERMITS, EXPIRATION.

Permits shall lapse and become void if operations described in the permit are not commenced within two years of issuance of permit. No habitation shall be allowed in the basement of an incomplete dwelling.

(9) SUBMITTING INFORMATION TO THE DEPARTMENT OF NATURAL RESOURCES REGARDING ADMINISTRATION OF THE FLOODPLAIN REGULATIONS OF THIS CHAPTER.

The Zoning Administrator shall submit copies of any decisions granting or denying variances and appeals, all map and text amendments, and appeals for map or text interpretations to the Department of Natural Resources Regional Office within 10 days of the decision; copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken, violation reports, annual reports, copies of substantial damage assessments performed and all related correspondence

17.63 FEES.

concerning the assessments, and any other required information relating to floodplains to the Department Regional Office. The Zoning Administrator shall also submit copies of text and map amendments and biennial reports to the FEMA Regional Office.

17.63 FEES.

(1) FEE SCHEDULE.

See Water & Land Use Planning Committee Approved Fee schedule. (Rev. Ord. #2-2007)

(2) NONREFUNDABLE.

All fees received by the Zoning Administrator are nonrefundable unless determined to be refundable by the Zoning Administrator and shall be placed in the County treasury.

(3) PENALTY or AFTER THE FACT FEE.

Any building or structure erected, constructed, placed, moved or structurally altered or for any development or use of land, premises, building or structure without obtaining all permits and approvals prior to commencing the above stated activities may result in a triple fee.

17.64 BOARD OF ADJUSTMENT.

(1) GENERAL OPERATING RULES.

(a) Appointment and Term. The Board shall consist of 5 members and 2 alternate members (designated as Alternate #1 & #2) who shall be appointed by the County Board Chairman for staggered 3 year terms, commencing on July 1. Vacancies shall be filled in like manner for the unexpired term of any member whose term becomes vacant. Members shall all reside in the County and outside the City of Antigo and the Village of White Lake and no 2 members shall reside in the same town. (Rev. Ord. #2-2007)

(b) Operating Rules.

1. The Board shall choose its own chair, vice-chair and secretary at the first meeting after July 1 of each year.
2. The Board shall meet at the call of the Chair or at such other times as the Board may determine.
3. The Board shall comply with all requirements of the Wisconsin open meeting law in the conduct of the business before it. The nature of the Board's proceeding are quasijudicial. The Board may, therefore, deliberate in closed session after a hearing on the matter, provided legal requirements are complied with.
4. The Board may conduct site inspections of premises and the surrounding areas which are the subject of matters before the Board, provided that when the Board as a unit or individual members are engaged in such site inspections, they shall not allow

interested parties to present arguments and materials shall be received only at hearings before the Board.

5. The Board shall conduct a public hearing on all administrative appeals, conditional use and variance matters and resolve boundary disputes before it and shall cause a Class 2 notice under [Ch. 985, Wis. Stats.](#), to be published and shall give due notice of the hearing to all parties in interest, the town clerk and the town chairman and for floodplain matters, the Department of Natural Resources Regional Office at least 10 days in advance of the hearing. Any member may administer oaths to parties testifying and may compel attendance of witnesses.
 - a. Due notice to parties in interest shall mean that the office of the Zoning Administrator will mail, by ordinary postage, reasonable advance notice of all hearings and meetings on any pending matter to the applicant, to owners of record as shown in the real estate file in the property lister's office of properties which are located within 300' of the parcel involved in the application, to the clerk and chairman of the town where the property is located, to the clerk of any city or village located within 1.5 miles of the property involved in the application and to other parties who have made known to the office their specific interest in the matter and their request to receive such notices.
 - b. Failure of the office to accomplish such provisions of notice shall not invalidate or prejudice the proceedings, provided the Board concludes that reasonable efforts were made or that the parties who subsequently complain of not having been sent or of not receiving notice did, in fact, know of the proceedings and had reasonable opportunity to attend or be represented or to convey their views prior to the Board's decision.
6. All testimony before the Board by persons other than Board members and written or documentary evidence or material pertaining to matters before the Board shall be received at the hearings conducted by the Board provided, however, that the content of relevant ordinance or statutory materials shall be deemed to be before the Board in all cases and need not be entered into the record. All parties in interest shall be afforded reasonable opportunity to comment on all materials or information so received. Board members who are in possession of facts which may have a bearing on the matter before the Board shall enter same into the record of the hearing and opportunity shall be allowed for comments on such entries.
7. If following the close of a hearing the Board finds it necessary or desirable to receive additional information, evidence or arguments which may have a bearing upon the Board's decision, it shall reconvene a public hearing by properly posting an agenda, for the purpose of so doing. (Rev. Ord. #2-2007)
8. The Board shall deliberate on matters before it. The concurring vote of a majority of the Board shall be necessary to approve any administrative appeal, conditional uses or

variance before the Board. The vote of each member on each matter decided by the Board shall be recorded in the minutes. If a member is absent or if a member fails to vote, such fact shall similarly be recorded. The minutes of the Board shall show the Board's decisions and the votes of members thereon. Each decision of the Board shall be accompanied by written reasons in support of the decision, which written statement shall be signed or acknowledged by the members and entered into the minutes.

9. All decisions by the Board shall be made in accord with the standards of this chapter. The Board shall decide all matters before it within a reasonable time.
10. The Board shall cause complete records to be kept of its examinations on matters before it, of public hearings, site inspections, decisions and other official actions, which shall be immediately filed in the County zoning office and shall be a public record.
11. The Board may adopt procedural rules not in conflict with this chapter or State law.

(2) POWERS OF THE BOARD OF ADJUSTMENT, ADMINISTRATIVE APPEALS.

(a) Appealable Matters

1. Decisions by the Zoning Administrator which consists of interpretations of the terms of this chapter and which are made in the course of determining whether a permit of approval will be issued by such Administrator are appealable to the Board of Adjustment as administrative appeals.
2. Decisions by the Zoning Administrator to issue an enforcement demand or to commence other chapter enforcement activities, where the Administrator has determined that violation of this chapter exists, is appealable to the Board of Adjustment as an administrative appeal.
3. Decisions by the Water and Land Use Planning Committee which consists of interpretations of the terms of this chapter and which are made in the course of determining whether a permit or approval will be issued by the Zoning Administrator are appealable to the Board of Adjustment as administrative appeals.

(b) Procedures for Initiating an Administrative Appeal.

1. Eligible Appellants. Administrative appeals may be initiated by any person aggrieved by the decision or interpretation being appealed or by any officer, department, board or committee of the County government. An aggrieved appellant must have a legally recognizable interest which is or will be affected by the action of the zoning authority in question.

2. Time for Appeals. An appeal shall be commenced within 30 days after the making of the decision or interpretation being appealed.
3. Initiating an Appeal. An appeal shall be commenced by filing with the office of the Zoning Administrator a notice of appeal specifying the decision appealed from, the grounds for appeal, the relief requested and payment of the fee specified by [Ch. 17.63](#). Upon receipt of such a notice, the Zoning Administrator shall immediately notify the Board of Adjustment, the Corporation Counsel, the Water and Land Use Planning Committee and shall transmit to the Board all papers and files which constitute the record of the decision being appealed.
4. Stays. An appeal of a decision to issue a permit or approval, to issue an enforcement demand or to commence other chapter enforcement proceedings shall cause the permit or approval action to be suspended or shall stay further enforcement prosecution unless the Zoning Administrator and/or Corporation Counsel shall file with the Board of Adjustment a certificate, supported by a statement of facts, alleging that suspension or stay will cause imminent peril to life or property. If such a certificate is filed, proceedings shall not be stayed except upon a restraining order, which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.
5. Decisions by the Board of Adjustment. Following a public hearing and other investigation, the Board shall decide the matter based upon whether the decision, determination or interpretation being appealed was in error. The Board may reverse or affirm, wholly or partly, or may modify the decision appealed from and may make such decision as ought to have been made, and to that end shall have all powers of the officer from whom the appeal is taken. All decisions by the Board on administrative appeals shall be based upon the terms of this chapter and evidence as to legislative intent.

(3) POWERS OF THE BOARD OF ADJUSTMENT, CONDITIONAL USES.

- (a) Nature of Conditional Uses. Certain uses are of such nature or their effects are so dependent upon specific circumstances as to make impractical the determination in advance of where and when and under what conditions they should be permitted. Provision has been made in this chapter for the determination of such cases as conditional uses. Conditional uses are land uses listed as such in each zoning district. They may be established in such district only upon approval by the Board of Adjustment.
- (b) Application for Approval of a Conditional Use. Any person holding an interest in lands within an area included within a zoning district may apply for a conditional use approval by filing an application and fee as specified in [Ch. 17.63](#). Conditional Use application can include single parcels or land or groupings of parcels, contiguous or noncontiguous. The application shall be transmitted by the Zoning Administrator to the Board. The applicant must demonstrate that the application and all requirements and conditions established by

the county relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence.

(c) Board Review and Decision. Following a public hearing and other investigations, the Board shall decide the matter based upon the following standards. The county's decision to approve or deny the permit must be supported by substantial evidence. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

1. Whether the use is listed as a conditional use in the zoning district where the lands are located or is a use which is not assigned by this chapter to any zoning district and which is similar in character to uses allowed in the district in which the site is located and which is compatible with the purpose and intent of such zoning district.
2. Where the regulations of the zoning district in which the lands are located contain specific standards for the class of the conditional use under consideration, those standards shall be applied by the Board.
3. In addition or where the zoning district contains no standards unique to that district or use, the Board shall apply the following standards:
 - a. No grant of a conditional use shall violate the spirit or intent of this chapter.
 - b. No conditional use shall be allowed which would be contrary to public health, safety or general welfare or which would be substantially adverse to property values in the neighborhood affected.
 - c. No use shall be permitted by conditional uses that would constitute a nuisance by reason of noise, dust, smoke, odor or other similar factors.

(d) Conditions. The Board of Adjustment may make the granting of an application for a conditional use contingent upon such expressed conditions as it considers necessary to further the aims of this chapter. These conditions may include, but are not limited to, specifications of:

1. The period of time in which all or part of the use may be permitted.
2. Setback and yard dimensions.
3. Specified sewage disposal and water supply facilities.
4. Landscaping and planting screens.

5. Operational controls.
6. Sureties.
7. Deed restrictions.
8. Location of structures, docks, piers or signs.
9. Location and amount of parking facilities.
10. Type of construction.
11. Type of shore covering.
12. The obtaining of other permits required by the State, federal government agencies and other County requirements based upon other ordinances as conditions that must be met before issuance of such permit.

(4) POWERS OF THE BOARD OF ADJUSTMENT, VARIANCES.

(a) Nature of Variances. Variances are waivers in the terms of this chapter. In a variance case, the terms of this chapter are not in dispute. An applicant for a variance acknowledges that this chapter forbids the development for which approval is sought. Two avenues of relief can be pursued in such a case. One is for the applicant to seek an amendment to this chapter. The second possible avenue of relief, one that is available only under strictly defined circumstances, is to seek a variance. Variances are an available form of relief only where the use in question is allowed in the zoning district, but the dimensional standards (setbacks, minimum lot area, building height, etc.), block or hinder the desired form of development. Where dimensional standards create a hardship which can be relieved by modifying the standards for that parcel of land without destroying the basic intent of this chapter, a variance is the appropriate means of granting the relief. The variance procedure allows the impact of general rules to be varied in response to unusual circumstances without involving the County Board in amendment procedures for each such localized situation. The Board of Adjustment may authorize in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where owing to special conditions affecting a particular property, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance:

1. Shall be consistent with the spirit and purpose of this chapter.
2. Shall not permit a lower degree of flood protection in the floodplain area than the flood protection elevation.
3. Shall not be granted because of conditions that are common to a group of adjacent lots or premises.

4. Shall not be granted unless it is shown that the variance will not be contrary to the public interest and will not be damaging to the rights of other persons or property values in the area.
 5. Shall not be granted for actions which require an amendment to this chapter or the maps.
 6. Shall not have the effect of granting or increasing a use of property which is prohibited in a particular zoning district.
 7. Shall not be granted solely on the basis of economic gain or loss.
 8. Shall not be granted for a self-created hardship.
 9. Shall not allow any alteration of a historic structure, including its use, which would preclude its continued designation as a historic structure.
- (b) Applications for Variances. Applications for variances in the applicable zoning regulations may be filed with the Zoning Administrator, along with payment of the application fee specified in [Ch. 17.63](#). The Administrator shall transmit the application to the Board.
- (c) Board Review and Decisions. Following a public hearing and other investigations, the Board shall decide the matter based upon the following standards:
1. No variance may be granted unless there is an unnecessary hardship present in that a literal enforcement of the terms of the zoning ordinance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or render conformity with such restrictions unnecessarily burdensome (the board of adjustment must consider the purpose of the zoning restriction, the zoning restriction's effect on the property, and the short-term, long-term and cumulative effects of a variance on the neighborhood, the community and on the public interests). (Rev. Ord.#2-2007)
 2. No variance may be granted unless there is a hardship due to the unique physical limitations of the property such as steep slopes or wetlands rather than the circumstances of the appellant. Rev. Ord. #2-2007)
 3. No variance may be granted that is contrary to the public interest as expressed by the objectives of the ordinance.
 4. To qualify for a variance under FEMA regulations, the following criteria must be met:
 - a. The variance may not cause any increase in the regional flood elevations;

- b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
- c. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

(d) Conditions.

- 1. Conditions shall be attached in writing to all approved variances where such conditions will achieve compliance with standards of this chapter.
- 2. Conditions may include, but are not limited to, specifications of par. (3)(d) of this section.

(e) Flood Insurance Premiums. When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

(5) POWERS OF THE BOARD OF ADJUSTMENT, FLOODPLAIN MAPPING DISPUTES.

(a) BOUNDARY DISPUTES. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- 1. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
- 2. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
- 3. If the boundary is incorrectly mapped, the Board should inform the Water & Land Use Planning Committee or the person contesting the boundary location to petition the Lantlade County Board of Supervisors for a map amendment according to 17.66(15).

(b) VARIANCE. The Board may, upon appeal, grant a variance from the standards of this section if the standards of [Section 17.64\(4\)](#) are met.

(6) COURT REVIEW.

Any person or persons, jointly or severally aggrieved by any decision of the Board of Adjustment, or any taxpayer, officer, department, board or bureau of the County may present to a court of record, a petition, duly verified, setting forth that such decision is illegal, in whole or in part,

17.65 VIOLATIONS.

specifying the grounds of illegality. Such petition shall be presented to the court within 30 days after the filing of the decision of the Board of Adjustment.

(7) CERTIORARI.

Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board and shall prescribe therein the time within a return thereto must be made. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application on notice to the Board and on due cause shown, grant a restraining order.

(8) RETURN WRIT.

The Board of Adjustment shall not be required to return the original papers acted upon it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth other facts as may be pertinent and materials to show the grounds of the decision appealed from and shall be verified.

(9) COURT DECISION.

If, upon hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

(10) COSTS.

Costs shall not be allowed against the Board unless it shall appear to the Board that it acted with gross negligence, in bad faith or with malice in making the decision appealed from. All issues in any proceeding under this section shall have preference over all civil action and proceedings.

17.65 VIOLATIONS.

(1) DECLARATION OF UNLAWFUL CONDUCT, ACTIVITIES AND CONDITIONS.

- (a) No person shall erect, construct, place or structurally alter any building or structure or establish or change any use of land, premises, building or structure in violation of the provisions of this chapter.
- (b) No person shall fail to comply with any standard of this chapter or with any condition or qualification placed upon the issuance of a permit or approval of variance granted, in due course, under this chapter.
- (c) All violations of this Chapter are declared public nuisances.

(2) LIABILITY.

17.65 VIOLATIONS.

- (a) Owners of lands or properties, occupiers of land or premises and agents of owners or occupants including, without limitation because of enumeration, building contractors, surveyors, plumbers, installers, soil technicians, road builders, grading and excavating contractors and their agents, are responsible for compliance with all provisions of this chapter which bear upon their area of competency and responsibility.
- (b) This chapter applies fully to all governmental and quasipublic and quasi-governmental lands, developments and activities unless specifically exempted by State or federal law.

(3) INVESTIGATION OF COMPLIANCE, NOTICE OF VIOLATIONS.

- (a) The Zoning Administrator is responsible for inspecting and investigating compliance of land use activities within the terms of this chapter.
- (b) If, upon such investigation, the Zoning Administrator becomes aware of a condition which he concludes is unlawful as defined in sub. (1), he notifies the parties to the situation whom he deems to be responsible and potentially liable, pursuant to sub. (2) of the detected violation.
- (c) In the event the property owner refuses the Zoning Department to enter upon the property for purposes of conducting an inspection, the Zoning Administrator may apply for a special inspection warrant.
 - 1. A demand that the condition that is alleged to constitute the present or potential violation be halted, prevented from occurring or remedied; or
 - 2. A statement that a complaint on the condition and demand for prosecution has been or will be transmitted to the Corporation Counsel and/or to enforcement officials, State agencies or both.
 - 3. In lieu of prosecution, the Zoning Administrator may enter into a written agreement with the responsible parties to resolve a violation of this Chapter.

(4) PROSECUTION, INJUNCTIONS AND PENALTIES IN COURT PROCEEDINGS.

- (a) The Corporation Counsel shall prosecute all violations of this chapter reported by the Zoning Administrator in accordance with this chapter and chapter 25.04.
- (b) Nothing in this section shall be deemed to prohibit private prosecutions of violations of this Chapter pursuant to [Ch. 59.69\(11\)](#), or other sections of the Wisconsin Statutes or common law.
- (c) The following forfeitures and penalties are hereby established for violation of this chapter:

17.66 AMENDMENT PROCEDURES.

1. For violations specified in sub. (1), a forfeiture of not more than \$1000 shall be imposed upon conviction or adjudication, plus the cost of prosecution for each violation.
 2. Each day a violation exists or continues shall be a separate offense.
- (d) As a substitute for or an addition to forfeiture actions, the Corporation Counsel may, on behalf of the County, seek enforcement of any and all parts of this chapter by court actions seeking injunctive or restraining orders or orders for restoration of the site.
1. The Zoning Administrator may declare violations of the Zoning Ordinance public nuisances.
 2. Upon the refusal of property owner to remedy the violation, as authorized by the Court, the Zoning Department may enter upon property to remedy a violation of this Chapter. The costs incurred by the County to remedy a violation of this Chapter may be assessed against the real estate as a special charge.

(5) OTHER ENFORCEMENT PROVISIONS.

- (a) Where a conditional use or a variance has been approved subject to specified conditions and where such conditions are not complied with, the Board of Adjustment may entertain and conduct a hearing upon a petition to revoke the conditional use approval or variance. Such hearing and action upon a petition shall follow procedures similar to those followed in considering the granting of such a use or variance. A finding of noncompliance with the conditions originally imposed shall be grounds for revocation.
- (b) A permit issued under mistake of fact or in violation of this ordinance, Wisconsin Administrative Code, or Wisconsin Statutes gives the permittee no vested right and is revocable.

17.66 AMENDMENT PROCEDURES.

(1) PURPOSE.

To set forth the procedures for the adoption and amendment of the text of this chapter and the zoning maps adopted by this chapter.

(2) THIS CHAPTER IS ADOPTED BY THE COUNTY BOARD.

- (a) The Board may, by a single ordinance, repeal an existing County zoning ordinance and reenact a comprehensive revision thereto. A comprehensive revision as used herein means a complete rewriting of an existing zoning ordinance which changes numerous zoning provisions and alters or adds zoning districts.
- (b) The County Board may amend the regulations of an ordinance or change the district boundaries.

- (c) Amendments may be to the text of the ordinance and/or to the zoning maps adopted by this chapter.

(3) PETITION FOR ZONING AMENDMENT.

A petition for amendment of this chapter may be made by:

- (a) Any property owner in the area to be affected by the amendment.
- (b) The town board of any towns wherein this chapter is in effect.
- (c) By any member of the County Board.
- (d) By the Water and Land Use Planning Committee.

(4) PETITION FOR ZONING AMENDMENT FILING.

A petition for amendment shall be filed as follows:

- (a) A petition for zoning amendment shall be completed within the office of the Zoning Administrator.
- (b) A fee, according to [Section 17.63](#), shall be paid upon the filing of the petition.
- (c) The completed petition shall be filed with the County Clerk or designee who shall:
 1. Immediately refer it to the Water and Land Use Planning Committee for their consideration, report and recommendations.
 2. Immediately send a copy of the petition or a notice of the public hearing to the County supervisors of any affected district.
 3. Report all petitions referred under this section to the County Board at a subsequent meeting.

(5) ACTION BY THE WATER AND LAND USE PLANNING COMMITTEE.

Upon receipt of such a petition, the Water and Land Use Planning Committee shall:

- (a) Call a public hearing thereon.
- (b) Provide notice of the time and place of such hearing by publication within the County of a Class 2 notice under [Ch. 985, Wis. Stats.](#)
- (c) Provide notice by registered mail to the town clerk and town chairman of each town affected by the proposed amendment at least 10 days prior to the date of such hearing. Proof of receipt of the notice can be substituted for registered mail.

17.66 AMENDMENT PROCEDURES.

- (d) Provide notice by ordinary mail to the petitioner, parties of interest and landowners within 300' of the described parcel unless the Water & Land Use Planning Committee, in the case of mass rezonings, waives this requirement when other methods have been used to notify the public. (Rev. 12/15/09-Res. #6-2009)
- (e) Provide notice by ordinary mail to State agencies, federal agencies, other County agencies and cities and villages where and when appropriate, i.e., floodplain zoning, shoreland zoning and extraterritorial zoning.

(6) ACTION BY AFFECTED TOWN BOARDS.

If an affected town disapproves of the proposed amendment, the board shall:

- (a) File a certified copy of the resolution adopted by the town board disapproving of the petition with the Water and Land Use Planning Committee.
- (b) This resolution must be filed prior to, at or within 10 days after the public hearing in the office of the Zoning Administrator.
- (c) Any town may extend its time for disapproving any proposed amendment under par. (b) by 20 days if the town board adopts a resolution providing for the extension and files a certified copy of the resolution with the county clerk of the county in which the town is located. The 20 day extension shall remain in effect until the town board adopts a resolution rescinding the 20 day extension and files a certified copy of the resolution with the county clerk of the county in which the town is located.

(7) ACTION BY THE WATER AND LAND USE PLANNING COMMITTEE, APPROVAL, MODIFYING OR DISAPPROVAL.

- (a) If the town board affected in the case of an amendment relating to the location of boundaries of districts files a disapproving resolution, or the town boards of a majority of the towns affected in the case of all other amendatory ordinances file such resolutions, the Water and Land Use Planning Committee may not recommend approval of the petition without change, but may only recommend approval with change or recommend disapproval.
- (b) As soon as possible after the public hearing, the Water and Land Use Planning Committee shall act subject to par. (a) on such petition by either:
 - 1. Approving the petition;
 - 2. Modifying and approving the petition; or
 - 3. Disapproving the petition.

17.66 AMENDMENT PROCEDURES.

- (c) If the Committee approves, modifies and approves the petition, it shall cause an ordinance to be drafted effectuating its determination and shall submit such proposed ordinance directly to the County Board with its recommendations.
- (d) If the decision recommends denial of the petition, it shall report that recommendation directly to the County Board with the reason for such action.
- (e) Proof of publication of the notice of the public hearing held by the Water and Land Use Planning Committee and proof of the giving of notice to the town clerk of such hearing shall be submitted at the public hearing, reported in the hearing minutes submitted to the Board and filed with the petition for zoning amendment in the office of the Zoning Administrator.
- (f) Town board resolutions filed under sub. (6) shall be attached to either report.

(8) ACTION BY THE COUNTY BOARD.

Upon receipt of the report by the Water and Land Use Planning Committee, the County Board may:

- (a) Adopt the ordinance as drafted.
- (b) Adopt the ordinance with amendments.
- (c) Deny the petition for amendment.
- (d) Refuse to deny the petition as recommended by the Committee, in which case, it shall refer the petition back to the Committee with directions to draft an ordinance to effectuate the petition and report the same back to the County Board.
- (e) Upon report required by par. (d), the Board may:
 - 1. Adopt the ordinance.
 - 2. Reject the ordinance.

(9) PROTEST PROVISIONS FOR ZONING MAP AMENDMENTS.

In case protest petition against a proposed amendment is filed with the County Clerk at least 24 hours prior to the date of the meeting of the County Board at which the report of the Water and Land Use Planning Committee is to be considered, signed and acknowledged by the owners of 50% or more of the area proposed to be altered, or by abutting owners of over 50% of the total perimeter of the area proposed to be altered included within 300' of the parcel or parcels to be rezoned, action on such ordinance may be deferred until the zoning agency has had a reasonable opportunity to ascertain and report to the County Board as to the authenticity of such ownership statements. Each signer shall state the amount of area of frontage owned by him and shall include a description of the land owned by him. If such statements are found to be true, such ordinance shall not be adopted except by the affirmative vote of 3/4 of the members of the County Board

present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present, such protest may be disregarded.

(10) ACTION BY THE COUNTY CLERK.

If any such amendatory ordinance makes only the change sought in the petition and if the petition was not disapproved at or within 10 days after the public hearing by the town board of the town affected in the case of an ordinance regulating to the location of district boundaries or by the town boards of a majority of the towns affected in the case of all other amendatory ordinances, it shall become effective on passage. The County Clerk shall:

- (a) Record in his office the date on which such ordinance becomes effective.
- (b) Notify the town clerk of all towns affected by such ordinance of such effective date.
- (c) Insert such effective date in the proceedings of the County Board.
- (d) Any other such amendatory ordinance when so adopted, shall within 7 days thereafter, be submitted in duplicate by registered mail to the town clerk of each town in which lands affected by such ordinance are located.

(11) ACTION BY THE TOWN BOARDS, VETO.

(a) Text Amendments.

- 1. Within 40 days of adoption, the town board may file certified copies of resolutions disapproving such amendments with the County Clerk.
- 2. Within a shorter time, file certified copies of resolutions approving the amendments.
- 3. If a majority of towns file an approving resolution, a text amendment shall thereupon be in effect in all of the towns affected by the ordinance.

(b) Map Amendment.

- 1. Within 40 days of adoption, town boards may file certified copies of resolution disapproving the amendment with the County Clerk.
- 2. Within a shorter time, file certified copies of a resolution approving the amendment.
- 3. If the town board does not submit a veto resolution, the amendment becomes effective 40 days from adoption.

(12) ACTION OF THE COUNTY CLERK, RECORDS AND PUBLICATION.

- (a) Record in his office receipt of all disapproving and approving resolutions.

17.66 AMENDMENT PROCEDURES.

- (b) File in the office of the Zoning Administrator a copy of such resolutions and related correspondence, which shall become a part of the records of the Water and Land Use Planning Committee.
- (c) Record in his office the dates on which such ordinances or amendments become effective.
- (d) Report such activity to the County Board.
- (e) Cause such ordinance amendment or report to be published in accordance with appropriate statutes.

(13) LIMITATION OF ACTIONS.

A landowner, occupant or other person affected by this chapter or an amendment who claims that this chapter or amendment is invalid because procedures prescribed by the statutes or this chapter were not followed, shall commence an action within the time provided by [Ch. 893.73\(1\), Wis. Stats.](#), except this law does not apply unless there has been at least one publication of a notice of a zoning hearing in a local newspaper of general circulation and unless there has been held a public hearing on this chapter or amendment at the time and place specified in the notice.

(14) SHORELAND AND FLOODPLAIN ZONING.

All provisions of [Ch. 59.69, Wis. Stats.](#), apply to this chapter and any amendment, but the provisions enumerated in [Sec. 17.300](#) , [17.38](#) and [17.41](#) of this chapter and their amendments shall not require approval or be subject to disapproval of a town board.

(15) STANDARDS FOR REZONING.

- (a) Decisions on petitions for rezoning of areas in the Exclusive Agriculture District and Farm Preservation Overlay to other districts shall consider the standards listed in [Sec 91.48 \(1\) \(a-d\) Wis. Stats](#) and the following:
 1. Availability of adequate public facilities exist to serve the proposed land use change.
 2. Reasonableness of the burdens on local government for providing the needed services.
 3. Suitability of the land for development.
 4. Prospects that the development may cause unreasonable air or water pollution, soil erosion or adverse effects on valued natural areas.
 5. Effect of loss of agricultural lands.
 6. Relationship of the proposed uses to the use of agricultural lands adjacent hereto.

17.66 AMENDMENT PROCEDURES.

(b) Decisions on petitions for rezoning of areas in any zoning district to any other zoning district within the shoreland zoning jurisdiction of the County shall consider the following:

1. Availability of adequate public facilities to serve the proposed land use change.
2. Reasonableness of the burdens on local government for providing the needed services.
3. Suitability of the land for development.
4. Relationship of the proposed uses to the area, existing housing, business and existing adjacent zoning.
5. Need for the proposed uses.
6. Effect by the proposed uses on the adjacent waters.

(c) Decisions on petitions for rezoning of areas in the Floodplain District to other district shall consider the following:

1. The need for location within the floodplain.
2. The engineering data justifying removal of lands from the floodplain and conversion to other uses.
3. Alternative to the proposed location of other uses.
4. No amendment to the text of this chapter or to the zoning maps shall become effective until approved by the Department of Natural Resources, the Federal Insurance Administration and in the case of map amendments, until an official letter of map amendment has been issued by the Federal Insurance Administration, Federal Emergency Management Agency.
5. Actions which require an amendment include, but are not limited to, the following:
 - a. Any change in water surface profile.
 - b. Any change in the boundary of the floodplain area.
 - c. Settlement of conflicts between the water surface profiles and the floodplain zoning maps.
 - d. Any fill or encroachment that will cause a change equal to or greater than .01' in the water surface profile of the regional flood.

17.66 AMENDMENT PROCEDURES.

- e. Any upgrading of floodplain zoning ordinances required by State Administrative Code, State or federal law.
 - f. Any fill in the floodplain which raises the elevation of the filled area to heights at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
 - g. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.
6. All person petitioning for a map amendment which involves an increase in the height of the regional flood of .01' or more shall obtain flooding easements or other appropriate legal arrangements from all affected local units of government and property owners before the municipality may approve an amendment which would result in such an increase to the regional flood elevation.
 7. When considering amendments to the official floodplain zoning map in areas where no water surface profiles exist, the zoning agency shall consider data submitted by the Department of Natural Resources administrator's visual on-site inspections and other available information.
- (d) Decisions on petitions for rezoning of one zoning district to another zoning district allowed by this chapter shall consider the following:
1. Existing zoning and use of the lands.
 2. Proposed zoning and uses of the lands.
 3. Need for the proposed uses.
 4. Availability of adequate public facilities to serve the proposed land use change.
 5. Reasonableness of the burdens on local government to provide needed services.
 6. Suitability of the proposed uses to the existing uses adjacent thereto.
 7. Relationship of the proposed uses to the existing uses adjacent thereto.
 8. Relationship of the zoning amendment to Ch. 15 of this Code of Ordinances.
 9. Relationship of the zoning amendment to Ch. 18 of this Code of Ordinances.
 - a. Lands to be divided for residential purposes by minor subdivision in the Exclusive Agricultural District where creation of the lot is for the purpose of providing farm

17.67 RECONSIDERATION.

related housing, is exempt from the amendment procedures and shall remain a part of the zoning district, and shall not need an amendment.

- b. Lands to be divided for residential purposes by minor subdivision where creation of 4 lots or less in the Agriculture/ Forestry/Residential District are exempt from the amendment procedures and shall remain a part of the existing zoned district.

(e) Conditions on rezoning:

1. The Water and Land Use Planning Committee may recommend and the County Board may adopt an ordinance affecting an amendment of the zoning district map containing the condition that the change in the map will take effect on such date occurring within 12 months of the date of the County Board approval of the amendment when the first on-site inspection for building location is made and approved for the project sought to be established and, in the event such approved inspection has not occurred by the 12 month time period, the possibility of making effective the rezoning will then be terminated.
2. The Water and Land Use Planning Committee may recommend and the County Board may adopt an ordinance effecting an amendment of the zoning district map containing the condition that the change in map will take effect on such date occurring within 6 months of the date of County Board approval of the amendment when a restrictive covenant has been recorded binding the property to conditions specified in the amending ordinance, and in the event such covenant is not recorded by the end of the 6 month period, the possibility of making effective the rezoning will then be terminated.
3. Restrictive covenants shall be between the persons who petition for the zone change and the affected adjacent property owners. Conditions specified to be in such required covenants shall be related to the purpose of this chapter. They may include, as specified cases warrant, limits of permissible uses to less than the full range of uses otherwise allowable in the district into which the land is being placed. Enforcement rights over such covenant controls shall be afforded to the County, the town and owners of property within 300' of the site. The covenant controls shall be amendable or repealable upon petition of the owner of the lands subject to the controls and approval of the County Board after a hearing similar to a rezoning hearing. A rezoning of lands to a different zoning district shall also act to repeal the covenant controls. Except as provided above, the covenants shall run with the land.

- (f) The County shall by March 1 of each year provide to the Wisconsin Department of Agriculture, Trade and Consumer Protection a report on the number of acres that it has rezoned out of the A-1 District and Farm Preservation Overlay during the previous year including a map that shows the location of those acres.

17.67 RECONSIDERATION.

17.67 RECONSIDERATION.

No application, petition or appeal which has been dismissed or denied by the Board of Adjustment, Water & Land Use Planning Committee or County Board shall be considered again within one year of such denial, except upon a petition for reconsideration based upon a material alteration from the original application or petition and a motion to reconsider made by a member voting with the majority and passage by a 3/4 vote of the Committee or Board. No application, petition or appeal shall be reconsidered unless the Committee or Board determines that the petition for reconsideration contains a material alteration from the original application or petition. Any evidence which, in the opinion of the Committee or Board, could have reasonably been presented at the previous hearing does not qualify as a material alteration.

(1) PETITION FOR RECONSIDERATION.

Any party requesting consideration of an application, petition or appeal shall file a petition for reconsideration along with the requisite filing fee. Petitions for reconsideration shall be in writing and shall state the reasons for the request and be accompanied by necessary data and diagrams. The filing fee for a petition for reconsideration will not be refunded in the event the Committee or Board decides not to reconsider the application or petition.

(2) REHEARING.

A rehearing shall be held if the Committee or Board determines that the petition for reconsideration is based upon a material alteration from the original application or petition by a 3/4 vote. The rehearing shall be subjected to the same fee and notice and procedural requirements as the original hearing.

(3) VALIDITY, ADOPTION AND EFFECTIVE DATE.

(a) Validity.

1. All other ordinances or parts of ordinances in conflict with the provisions of this chapter are hereby repealed.
2. Invalidation by a court of any part of this chapter shall not invalidate the rest of the chapter.

(b) Force and Effect.

1. Following passage and publication by the County Board, this chapter shall be in full force and effect within the shoreland/wetland portion of the Conservancy District and Floodplain Districts of the County.
2. This chapter shall be in full force and effect throughout each town upon adoption as provided in [Ch. 59.69, Wis. Stats.](#)
3. This chapter is not intended to repeal, abrogate or impair any existing easement, covenants or private deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

(4) ADOPTION.

- (a) Upon passage by the County Board, this chapter becomes effective.
- (b) This chapter provides that the previous Langlade County Zoning Ordinance of 1967 shall remain in effect in those towns which adopted it for a period of one year or until this chapter is adopted by the respective town board, whichever period is shorter.
- (c) If a town board does not adopt this chapter within one year, neither the Langlade County Zoning Ordinance of 1967 nor this chapter shall be in effect in that town, except as related to the shoreland, wetland and floodplain provisions.