

ONEIDA COUNTY ZONING AND SHORELAND PROTECTION ORDINANCE

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9.10 STATUTORY AUTHORIZATION

This comprehensive revision to the Oneida County Zoning and Shoreland Protection Ordinance is adopted pursuant to the authorization contained in the following sections of the Wisconsin Statutes: 59.03, 59.69, 59.692, 59.694, 281.31, 293.33, 144.839, 236.45, 30.12(3)(c), and 30.13(2).

9.11 PURPOSE - UNDERLYING ORDINANCE

It is the purpose of this ordinance to promote the public health, safety, convenience and general welfare; to encourage planned and orderly land use development; to protect property values and the property tax base; to permit the careful planning and efficient maintenance of highway systems; to insure adequate highway, utility, health, educational and recreational facilities; to recognize the needs of agriculture forestry, industry and business in future growth; to encourage uses of land and other natural resources which are in accordance with their character and adaptability; to preserve wetlands, to conserve soil, water and forest resources; to protect the beauty and amenities of landscape and man-made developments; and to protect healthy surroundings for family life.

It is further the goal of this ordinance to promote the following specific purposes:

- A. Prevent and control water pollution through:
 - 1. Requiring setbacks between septic tanks and soil absorption systems from lakes and other watercourses.
 - 2. Regulating the use of septic tanks and soil absorption systems to protect the public health, safety and general welfare, and
 - 3. Requiring alternate methods of sewage disposal where land conditions make soil absorption methods unsuitable.

- B. Further the maintenance of safe and healthful conditions through:
 - 1. Regulating the location and installation of septic tanks.
 - 2. Limiting structures to those areas where soil and geologic conditions will assure optimal operation
 - 3. Regulating the location of wells.

- C. Protect spawning grounds, fish and aquatic life through:
 - 1. Preserving wetlands and other fish and aquatic habitat.
 - 2. Regulating pollution sources.
 - 3. Controlling shoreline alterations, dredging and lagooning.

- D. Control building sites, placement of structures and land uses through:
 - 1. Separating conflicting land uses.
 - 2. Prohibiting certain uses detrimental to the shoreland area.
 - 3. Setting minimum lot sizes and widths.
 - 4. Regulating side yards and building setbacks from roadways and waterways.
 - 5. Requiring the platting of subdivisions.
 - 6. Establishing minimum lot sizes.

- E. Preserve shore cover and natural beauty through:
 - 1. Restricting the removal of natural shoreland cover.
 - 2. Preventing shoreline encroachment by structures.
 - 3. Controlling shoreland excavation and other earth moving activities.
 - 4. Regulating the use and placement of boathouses and other structures.

9.12 APPLICABILITY

A. State Agencies and Municipalities 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 sec. 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 sec. 30.12(4)(a), Wis. Stats., applies.

B. Jurisdiction

The general zoning provisions of this ordinance, consisting of Articles 1, 2, 3, 4, 5, 6, 7, 8 and 10, shall apply in all town territory, subject to town approval as provided in sec. 59.69(5), Wis. Stats. The shoreland protection provisions of this ordinance contained in Article 9, including any provisions incorporated therein, shall apply and control throughout the County in all shorelands as provided under sec. 59.692, Wis. Stats.

9.13 COMPLIANCE

No land or premises shall be used, no building or structure shall be erected, altered, moved, occupied, or used, and no activities shall be undertaken, except in conformity with the requirements of this ordinance. Where a violation is taking or has taken place, the property owner as well as any contractor who did the work, may be prosecuted.

9.14 CITATION TO WISCONSIN STATUTES AND ADMINISTRATIVE CODE

For purposes of this ordinance, citations to the Wisconsin Administrative Code and the Wisconsin Statutes mean the Wisconsin Administrative Code and Wisconsin Statutes existing at the time this ordinance was adopted and as the Wisconsin Administrative Code and Wisconsin Statutes are subsequently renumbered, amended, and revised.

9.15 TYPES OF PERMITS - GENERALLY

This ordinance authorizes the issuance of five general types of permits, as follows:

- A. Zoning Permits. Zoning permits are generally required to be obtained before a use identified in each district as a permitted use may occur or a structure is built or altered. The specific zoning permit provisions are found in Article 3 of this ordinance.
- B. Administrative Review Permits. Administrative review permits are required to be obtained before a use identified as an administrative review use may occur. The specific administrative review permit provisions are found in Article 3 to this ordinance.
- C. Conditional Use Permits. Conditional use permits are required to be obtained before a use identified in each district as a conditional use may occur. The specific conditional use permit provisions are found at sections 9.40 to 9.42 of this ordinance.
- D. Sanitary Permits. Sanitary permits are required for the installation or enlargement of any sewage disposal system. The specific sanitary permit provisions are found at section 9.38 of this ordinance.
- E. Shoreland Alteration Permits. Shoreland alteration permits are required to fill, grade, lagoon, dredge, ditch or excavate shoreland. The specific shoreland alteration permit provisions are found at section 9.97 of this ordinance.
- F. List of Issued Permits Provided to Towns. The department shall, on at least a quarterly basis, provide a list of all permits issued by the county pursuant to this ordinance (except sanitary sewer permits) to the town clerk of the town in which the property affected by the permit is located.

9.16 GENERAL PROVISIONS

- A. Abrogation and Greater Restrictions. If a town ordinance exists relating to the subject matter contained in this ordinance or any amendments to it, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise. It is not intended by this ordinance to repeal, abrogate or impair any existing deed restrictions or other ordinances, except where specifically so stated. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
- B. Interpretation. The provisions of this ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the county, and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes.
- C. Buildings Under Construction. Nothing contained in this ordinance shall require any change in the plans, construction, size or designated use of any structure or part thereof for which a location and occupancy permit or zoning permit under existing or previous requirements has been validly issued, provided the permitted construction is actually under way at the time this ordinance becomes effective.
- D. Repeal of Previous Zoning Provisions. This ordinance shall repeal and replace those portions of the previous ordinance known as the "Oneida County Zoning and Shoreland Protection Ordinance as amended through the enactment of ordinance amendment #596 by the Oneida County Board of Supervisors on March 21, 2000," to the extent, and as provided, by state law. (Amend. #603)
- E. Severability. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of this ordinance shall not be affected.
- F. Effective Date. This ordinance shall be effective upon adoption and publication as required by law. The general zoning provisions of this ordinance shall not be effective throughout all town territory until they have been approved by the town board pursuant to sec. 59.69(5)(c), Wis. Stats. The existing ordinance shall remain in effect in a town for a period of up to one year or until this ordinance is approved by the town board, whichever period is shorter, pursuant to sec. 59.69(5)(d), Wis. Stats. The shoreland protection provisions of this ordinance, however, including any provisions incorporated therein, shall be effective in all shorelands of the county where applicable, as provided in sec. 59.692, Wis. Stats.

9.17 PROHIBITION AGAINST UNSAFE STRUCTURES (#5-2018)

Unsafe and/or dilapidated structures are prohibited in Oneida County. The Zoning Administrator, Assistant Zoning Administrator, Land Use Specialist or Zoning Technician may act pursuant to sec. 66.0413, Wis. Stats. When the safety and welfare of the public requires immediate action, said Zoning authorities may enter the premises, with assistance from town or County protective services personnel as may be necessary, and cause such structure to be made safe or removed. The expense of such work shall be recovered by the county against the owner or occupant.

9.18 PROHIBITION AGAINST USE OF VEHICLES FOR HUMAN HABITATION

The placement on property of cars, buses, trucks, automobiles, or any other portable or motor vehicles, which are on wheels, skids, rollers, blocks, jacks, posts, piers, foundations or similar support which are used or intended to be used primarily for human habitation, whether temporary or permanent, shall be prohibited. The placement of recreational vehicles, motor homes, and camping trailers shall be prohibited unless in a permitted campground or recreational vehicle park under section 9.53, or as exempted in sections 9.33(F) and 9.33(G).

9.19 Relaxation of standards for persons with disabilities (#25-2004)

The Zoning Director 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.

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CHAPTER 9 ARTICLE 2 – ZONING DISTRICTS

- 9.20 Zoning Districts
 - 9.21 Forestry (Districts 1-A, 1-B, and 1-C)
 - 9.22 Single Family Residential (District 2)
 - 9.23 Multiple Family Residential (District 3)
 - 9.24 Residential / Farming (District 4) and Residential / Retail (District 14)
 - 9.25 Recreational (District 5)
 - 9.26 Business B-1 and B-2 (Districts 6 and 7)
 - 9.27 Manufacturing and Industrial (District 8)
 - 9.28 General Use (District 10)
 - 9.29 Rural Residential (District 15)
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9.20 ZONING DISTRICTS

A. Districts Created

The following zoning districts are created:

- District 1-A - Forestry
- District 1-B - Forestry
- District 1-C - Forestry
- District 2 - Single Family Residential
- District 3 - Multiple Family Residential
- District 4- Residential and Farming
- District 5 - Recreational
- District 6 - Business (B-1)
- District 7 - Business (B-2)
- District 8 - Manufacturing and Industrial
- District 10 - General Use
- District 11 - Shoreland-Wetland District*
- District 14 - Residential and Retail
- District 15 - Rural Residential

<p>*Note that the specific provisions applicable to the Shoreland-Wetland District are contained in section 9.91 of this ordinance.</p>

B. District Boundaries

The boundaries of each of the zoning districts shall follow (1) the line or lines extended indicated on the United States General Land Office survey maps, or (2) along meandered streams or lakes, or (3) along railroad right-of-ways, highways, boundaries or recorded plats or along any recognizable or clearly definable line. The boundaries of the zoning districts are as shown on the current Oneida County Official Zoning Map, as designated by the zoning administrator, and as subsequently amended: 1" = 400' scale wetland boundary maps for the Town of Lynne, dated June 1, 1993; the Wisconsin Wetland Inventory Maps for all towns in Oneida County other than the Town of Lynne, stamped "Final" on December 15, 1983; and revised Wisconsin Wetland Inventory Maps for the Town of Lynne, stamped "Final" on June 15, 1993, which are hereby adopted and made a part of this ordinance. If a discrepancy exists between the wetland boundaries shown on the 1" = 400', scale wetland boundary maps for the Town of Lynne and the revised Wisconsin Wetland Inventory Maps for the Town of Lynne, the wetland boundaries shown on the revised Wisconsin Wetland Inventory Maps shall be used to delineate the boundaries of District 11, the Shoreland-Wetland District. Detailed legal descriptions of the boundaries of the zoning districts are contained in the Master Zoning District Document maintained by the department. In the event of a conflict between the boundaries of the Zoning Districts contained in the Master Zoning District Document and the Oneida County Zoning Map, the boundaries contained in the Master Zoning District Document shall govern and prevail.

C. Condominiums - Generally

The provisions of this ordinance apply to condominiums.

D. Types of Uses - Generally

Three types of principal uses are allowed in each zoning district - permitted uses, administrative review uses, and conditional uses. The purpose of the three types of uses is to provide more flexibility and to streamline the zoning process.

1. Permitted Uses

Only the permitted use specified for a zoning district, services essential to the permitted use, and its accessory uses shall be permitted in that district as a matter of right. Generally, a zoning permit must be issued by the zoning administrator before a permitted use may occur. (See sections 9.31 to 9.33.) In some instances, the

zoning administrator may add specific conditions to the issuance of a zoning permit. (See sections 9.35 and 9.36.)

2. Administrative Review Uses

Each zoning district has uses that are identified as administrative review uses. The purpose of this delineation is to allow expedited action on those uses that might otherwise be designated as conditional uses requiring full committee review and action. Administrative review uses are those uses and their accessory uses that, while compatible with the permitted uses for the district, generally require that specific conditions be imposed on the use to fulfill the purpose of the zoning district and this ordinance. Pursuant to section 9.36, an administrative review permit containing specific conditions must be issued by the zoning administrator before such a use may occur.

3. Conditional Uses

Conditional uses and their accessory uses are those uses which, because of their unique characteristics, cannot properly be allowed without consideration of the impact of those uses. Such uses may be allowed subject to the specific limitation, review, and approval provisions for conditional uses provided in this ordinance.

E. Accessory Uses and Structures (#83-2003, 35-2004, 07-2005, 4-2018, 7-2018)

Accessory uses and structures shall not be permitted in the Single-Family Residential District (District 2), the Multiple-Family Residential District (District 3), the Residential and Retail District (District 14), and the Rural Residential District (District 15) until the principal structure is constructed or under construction. However, an accessory structure may be constructed prior to construction of a residence if:

- (1) The accessory structure has no plumbing.
- (2) The accessory structure shall be used exclusively for personal storage only, not for rental or lease of space.
- (3) Human occupancy is prohibited.
- (4) The maximum size of the structure is 1500 square feet.

F. Unclassified and Unspecified Uses

Unclassified or unspecified uses are presumed to be prohibited unless authorized by the Committee after review and recommendation of the zoning administrator, provided that such uses are compatible with the

permitted uses, administrative review uses, or conditional uses allowed in that district.

9.21 FORESTRY DISTRICTS 1-A, 1-B, and 1-C (Amended #14-2001,19-2001, 07-2004, 14-2008)

A. DISTRICT 1-A FORESTRY

1. Purpose

The purpose of the District 1-A Forestry is to protect the integrity of the county's forested lands by preserving such land in a relatively natural state. Any human habitation is intended to be limited in duration and seasonal in nature, not year round. It is not intended, for example, that services such as snow plowing or school busing would be provided in this district. Since forest, wildlife, water and minerals are the chief resources to be developed in District 1-A Forestry, no building, land or premises shall be used except for one or more of the specified uses listed below. Year-round dwellings, principal residences, or uses requiring year-round dwellings are prohibited.

2. Forestry Use/Structure Agreement

Before any county permit will be issued relating to the construction, placement, or use of a dwelling in District 1-A Forestry, a forestry use structure agreement in a form approved by the committee and available from the department shall be executed by the property owner and recorded with the office of the Oneida County Register of Deeds. Such agreement shall acknowledge and agree to the limitations on residential uses in District 1-A Forestry and shall be binding on successors and assigns. In the event the County Board changes the district in which a property subject to such agreement is located to one in which year-round dwellings, principal residences, or uses requiring year-round dwellings are permitted, the department shall execute a release of such agreement at the written request of the property owner or his/her successors or assigns.

3. Permitted Uses

- a. Silviculture
- b. Portable sawmills and debarking operations
- c. Growing and harvesting of any wild crop such as wild rice, ferns, mosses, berries, mushrooms, tree fruits and seeds, and marsh hay
- d. Fire detection and control structures

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- e. Agriculture, including animal and poultry husbandry, bee-keeping, dairying and grazing, field crops, orchards, or horticulture
- f. Seasonal dwelling
- g. Private parks and playgrounds
- h. Wilderness and recreational uses
- i. Historical markers

4. Administrative Review Uses

- a. Licensed fur farms, deer farms, fish hatcheries and fisheries
- b. Seasonal recreational camps with more than 1 principal structure
- c. Wildlife preserves
- d. Public parks and playgrounds
- e. Boat liveries and sale of bait
- f. Telephone and public utility lines
- g. Religious shrines

5. Conditional Uses

- a. Hydroelectric dams and power plants
- b. Aircraft landing fields
- c. Non-portable sawmills and debarking operations
- d. Metallic mineral exploration
- e. Non-metallic mining
- f. Governmental uses
- g. Campgrounds and golf grounds
- h. Structures used in communications subject to section 9.54
- i. Flowage areas, transmission lines and substations

6. Minimum Lot Sizes

The minimum lot size requirements for District 1-A Forestry are contained in Appendix A to this ordinance, which is incorporated herein by reference. For any lot or tract of land that does not meet the minimum size requirements for this district as set forth in Appendix A, see Section 9.75 of this ordinance.

B. DISTRICT 1-B FORESTRY

1. Purpose

The purpose of District 1-B Forestry is to protect the integrity of the county's forested lands by preserving such land in a relatively natural state. Since forest, wildlife and water are the chief resources to be

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developed in District 1-B Forestry, no building, land or premises shall be used except for one or more of the specified uses listed below.

2. Permitted Uses

- a. Silviculture
- b. Portable sawmills and debarking operations
- c. Growing and harvesting of any wild crop such as wild rice, ferns, mosses, berries, mushrooms, tree fruits and seeds, and marsh hay
- d. Fire detection and control structures
- e. Agriculture, including animal and poultry husbandry, beekeeping, dairying and grazing, field crops, orchards, or horticulture
- f. Seasonal dwelling
- g. Private parks and playgrounds
- h. Wilderness and recreational uses
- i. Historical markers
- j. Year-round dwellings

3. Administrative Review Uses

- a. Licensed fur farms, deer farms, fish hatcheries and fisheries
- b. Seasonal recreational camps with more than 1 principal structure
- c. Wildlife preserves
- d. Public parks and playgrounds
- e. Boat liveries and sale of bait
- f. Telephone and public utility lines
- g. Religious shrines

4. Conditional Uses

- a. Hydroelectric dams and power plants
- b. Aircraft landing fields
- c. Non-portable sawmills and debarking operations
- d. Governmental uses
- e. Campgrounds and golf grounds
- f. Structures used in communications subject to section 9.54
- g. Flowage areas, transmission lines and substations

5. Prohibited Uses

Any expansions in size, capacity or hours of operation are strictly prohibited for existing resorts, marinas, and business establishments located in District 1-B Forestry that were established and operating prior to the effective date of this ordinance.

6. Minimum Lot Sizes

The minimum lot size requirements for District 1-B Forestry are contained in Appendix A to this ordinance, which is incorporated herein by reference. For any lot or tract of land that does not meet the minimum size requirements for this district as set forth in Appendix A, see Section 9.75 of this ordinance.

C. DISTRICT 1-C FORESTRY

1. Purpose

The purpose of District 1-C Forestry is to protect the integrity of the county's forested lands by preserving such land in a relatively natural state. Since forest, wildlife and water are the chief resources to be developed in District 1-C Forestry, no building, land or premises shall be used except for one or more of the specified uses listed below.

2. Permitted Uses

- a. Single family dwellings, including long-term family rental and lease arrangements requiring a 30 consecutive day minimum length of stay
- b. Seasonal dwelling
- c. Year-round dwellings
- d. Community and other living arrangements as allowed by Sec. 59.69, Wis. Stats. that are property licensed by the appropriate state agency and that have the capacity for eight or fewer persons
- e. Silviculture
- f. Gardens and greenhouses for home use
- g. Historical markers
- h. Growing and harvesting of any wild crop such as wild rice, ferns, mosses, berries, mushrooms, tree fruits and seeds, and marsh hay
- i. Stabling of one horse per 10 acres for owner's or tenant's exclusive use only

3. Administrative Review Uses

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- a. Day care centers if a home occupancy and only in accordance with the provisions of Section 9.43 regarding home occupations
- b. Telephone and public utility lines and transmission facilities. Communication structures regulated pursuant to Section 9.54 are prohibited in this district, except for government owned or contracted operations
- c. Customary home occupations, provided the space requirements do not exceed that which is customary for a family dwelling and accessory buildings and only in accordance with the provisions of Section 9.43 regarding home occupations
- d. Bed and breakfast establishments with 2 or fewer guest rooms

4. Conditional Uses

- a. Bed and breakfast establishments with 3 or more guest rooms
- b. Professional and service offices such as doctor, dentist, lawyer, accountant, insurance, artist and musician when situated in a dwelling and only in accordance with the provisions of Section 9.43 regarding home occupations
- c. Government uses
- d. Public parks

5. Minimum Lot Sizes

The minimum lot sizes requirements for District 1-C Forestry are contained in Appendix A to this ordinance, which is incorporated herein by reference. For any lot or tract of land that does not meet the minimum size requirements for this district as set forth in Appendix A, see Section 9.75 of this ordinance.

9.22 SINGLE FAMILY RESIDENTIAL (DISTRICT 2) (#08-2000, 19-2001, 83-2003 & 11-2004, 14-2008)

A. Purpose

The purpose of the Single Family Residential District is to provide an area of quiet seclusion for families. This is the county's most restrictive residential zoning classification. Motor vehicle traffic should be infrequent and people few.

B. Permitted Uses

- 1. Single family dwellings, including long-term single-family rental and lease arrangements requiring a 30 consecutive day minimum length of stay.

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2. Community and other living arrangements as allowed by sec. 59.69, Wis. Stats., that are properly licensed by the appropriate state agency and that have the capacity for eight or fewer persons.
3. Silviculture
4. Gardens and greenhouses for home use
5. Historical markers
6. Growing and harvesting of any wild crop such as wild rice, ferns, mosses, berries, mushrooms, tree fruits and seeds, and marsh hay.
7. An accessory structure may be constructed on a vacant unimproved lot but only in conformity with Section 9.20(E).

C. Administrative Review Uses

1. Cemeteries
2. Day care centers if a home occupancy, and only in accordance with the provisions of section 9.43 regarding home occupations
3. Telephone and public utility lines and transmission facilities. Communication structures regulated pursuant to section 9.54 are prohibited in this district, except for government owned or contracted operations
4. Customary home occupations, provided the space requirements do not exceed that which is customary for a family dwelling and accessory buildings and only in accordance with the provisions of section 9.43 regarding home occupations
5. Professional and service offices such as: doctor, dentist, lawyer, accountant, insurance, artist and musician when situated in a dwelling and only in accordance with the provisions of section 9.43 regarding home occupations
6. Bed and breakfast establishments with 2 or fewer guest rooms

D. Conditional Uses

1. Churches, schools, libraries, community buildings and museums
2. Community living arrangements with 9 or more residents. The county may review the CUP after issuance, pursuant to sec. 59.69, Wis. Stats.
3. Governmental uses
4. Bed and breakfast establishments with 3 or more guest rooms
5. Public parks and playgrounds
6. Pre-existing, licensed resorts, hotels, motels and tourist rooming houses, individual unit replacements or expansions consistent with the number and/or square footage permitted under Appendix A.

E. Prohibited Uses

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Any expansions in size, capacity or hours of operation are strictly prohibited for existing, camps, campgrounds, marinas, and business establishments other than D(6) above, located in the Single Family Residential District that were established and operating prior to December 27, 2004.

F. Minimum Lot Sizes

The minimum lot size requirements for the Single Family Residential District are contained in Appendix A, which is incorporated herein by reference. For any lot or tract of land that does not meet the minimum size requirements for this district as set forth in Appendix A, see Section 9.75 of this ordinance.

9.23 MULTIPLE FAMILY RESIDENTIAL (DISTRICT 3) (#19-2001, 83-2003, 11-2004, 28-2005, & 18-2006)

A. Purpose

The purpose of the Multiple Family Residential District is to provide for multi-family dwellings in an environment of quiet seclusion for families, with other permitted uses restricted to those directly benefiting the area residents.

B. Permitted Uses

1. All the permitted uses of District 2 Single Family Residential
2. An accessory structure may be constructed on a vacant unimproved lot but only in conformity with Section 9.20(E).
3. No permitted uses shall be reviewed or approved involving Multiple Family Dwelling units during the term of this amendment involving property in the Town of Newbold in Oneida County. This moratorium shall be in effect upon passage and publication for a maximum period of 180 days.

C. Administrative Review Uses

1. All the administrative review uses of District 2 Single Family Residential
2. Boarding and lodging houses
3. Public parks and playgrounds
4. Sales and service operations conducted exclusively for the convenience of the residents of a multi-family dwelling
5. Tourist rooming house (1 rental unit)
6. Multiple family dwellings consisting of 4 units or less

D. Conditional Uses

1. All the conditional uses of District 2 Single Family Residential
2. Hospitals, sanitariums, clinics, convalescent and nursing homes but not including correctional institutions
3. Community living arrangements with 16 or more residents
4. Multiple family dwellings consisting of 5 or more units
5. Golf grounds
6. Pre-existing, licensed resorts, hotels, motels and tourist rooming houses, individual unit replacements or expansions consistent with the number and/or square footage permitted under Appendix A.
7. No conditional uses shall be reviewed or approved involving Multiple Family Dwelling units during the term of this amendment involving property in the Town of Newbold in Oneida County. This moratorium shall be in effect upon passage and publication for a maximum period of 180 days.

E. Minimum Lot Sizes

The minimum lot size requirements for the Multiple Family Residential District are contained in Appendix A, which is incorporated herein by reference. For any lot or tract of land that does not meet the minimum size requirements for this district as set forth in Appendix A, see Section 9.75 of this ordinance.

- 9.24 RESIDENTIAL AND FARMING (DISTRICT 4) (#1-2005,11-2008))
RESIDENTIAL AND RETAIL (DISTRICT 14) (#19-2001, 65-2002, & 83- 2003)

A. RESIDENTIAL AND FARMING (DISTRICT 4)

1. Purpose

The purpose of the Residential and Farming District is to provide an area for residential, limited commercial and agricultural development in a rural atmosphere.

2. Permitted Uses

- a. All the permitted uses of District 3 Multiple Family Residential
- b. The keeping of personal livestock and poultry, hobby farms, horses
- c. Sale of farm produce provided the produce is raised or produced on the same premises, and the erection of structures required in connection therewith

3. Administrative Review Uses

- a. All the administrative review uses under District 3 Multiple Family Residential
- b. Commercial greenhouses

4. Conditional Uses

- a. All the conditional uses of District 3 Multiple Family Residential
- b. Commercial agriculture, horticulture and farming operations
- c. Commercial stables or riding academies
- d. Airports and landing fields
- e. Mobile home, manufactured home and house trailer parks, only in accordance with the provisions of section 9.52, and provided they otherwise comply with this ordinance
- f. Schools
- g. Trap and skeet shooting and rifle, pistol, and archery ranges
- h. Contractor storage yards
- i. Retail or wholesale business
- j. Non-metallic mining
- k. Metallic mineral exploration
- l. Dog kennels and/or cat boarding facilities
- m. Animal shelters, as defined in Wis Stats., 173.40(c).
- n. Wildlife rehabilitation centers pursuant to Wis. Administrative Code NR19 or facilities subject to a federal permit
- o. Veterinary clinics or animal hospitals
- p. Structures used in communications subject to Section 9.54

5. Minimum Lot Sizes

The minimum lot size requirements for the Residential and Farming District are contained in Appendix A, which is incorporated herein by reference. For any lot or tract of land that does not meet the minimum size requirements for this district as set forth in Appendix A, see Section 9.75 of this ordinance.

B. RESIDENTIAL AND RETAIL (DISTRICT 14)

1. Purpose

The purpose of the Residential and Retail District is to provide an area for single family dwellings, multiple family developments, farming, and retail / wholesale businesses.

2. Permitted Uses

- a. All the permitted uses of District 3 Multiple Family Residential

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- b. Sale of farm produce provided the produce is raised or produced on the same premises and the erection of structures required in connection therewith
- c. Private riding stables (non-commercial) for owner's use, accessory to Residential dwellings
- d. An accessory structure may be constructed on a vacant unimproved lot but only in conformity with Section 9.20(E).

3. Administrative Review Uses

- a. Commercial greenhouses
- b. Retail or service business

4. Conditional Uses

- a. Horticulture operations, farming operations, commercial agriculture operations, provided no more than 1 head of livestock or 10 poultry birds per acre are raised
- b. Commercial stables or riding academies
- c. Airports and landing fields

5. Minimum Lot Sizes

The minimum lot size requirements for the Residential and Retail District are contained in Appendix A, which is incorporated herein by reference. For any lot or tract of land that does not meet the minimum size requirements for this district as set forth in Appendix A, see Section 9.75 of this ordinance.

9.25 RECREATIONAL (DISTRICT 5) (#19-2001 & 1-2005)

A. Purpose

The purpose of the Recreational District is to provide an area for the orderly and attractive grouping of recreational oriented service establishments as well as encouraging the maintenance and enjoyment of the county's natural resources.

B. Permitted Uses

- 1. All the permitted uses of District 3 Multiple Family Residential
- 2. Personal stables, not to exceed more than 1 animal/head of livestock per acre.

C. Administrative Review Uses

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1. All the administrative review uses of District 3 Multiple Family Residential
2. Boat liveries, boat storage, and sale of bait
3. Recreational camps with more than 1 principal structure
4. Commercial riding academies
5. Gift and specialty shops customary in a recreation district
6. Servicing of marine, snowmobile, and other recreational vehicles

D. Conditional Uses

1. All the conditional uses of District 3 Multiple Family Residential
2. Hotels, motels, and resorts (with 5 or more units)
3. Mobile home, manufactured home and house trailer parks, only in accordance with the provisions of section 9.52, and provided they meet the requirements of this ordinance
4. Restaurants, dinner clubs, taverns, and other private clubs
5. Amusement parks and drive-in theaters
6. Marinas and/or boat launching areas
7. Schools
8. Campgrounds
9. Telephone exchanges and rights-of-way for transmission facilities, telephone, power, utility lines, and structures used in communication
10. Golf grounds
11. Dog kennels and/or cat boarding facilities
12. Animal shelters, as defined in Wis. Stats., 173.40(c)
13. Wildlife rehabilitation centers pursuant to Wis. Administrative Code NR19 or facilities subject to a federal permit
14. Veterinary clinics or animal hospitals

E. Minimum Lot Sizes

The minimum lot size requirements for the Recreational District are contained in Appendix A, which is incorporated herein by reference. For any lot or tract of land that does not meet the minimum size requirements for this district as set forth in Appendix A, see Section 9.75 of this ordinance.

9.26 BUSINESS B-1 AND B-2 (DISTRICTS 6 AND 7) (#19-2001,83-2003,1-2005 & 28-2005,11-2008, 7-2009, 4-2011,3-2017)

A. BUSINESS B-1 (DISTRICT 6)

1. Purpose

The purpose of the Business District (B-1) is to provide an area for general retail and commercial business use.

2. Permitted Uses

Subject to section 9.26(A)(4)(c) below, the following are permitted uses in the Business District (B-1):

- a. All the permitted uses of District 3 Multiple Family Residential
- b. Any retail business use to the extent lawfully existing and operating in District B-1 on the effective date of this ordinance
- c. Any office, professional and service use customary in a business district to the extent lawfully existing and operating in District B-1 on the effective date of this ordinance
- d. Any amusement enterprise uses such as theaters, bowling and amusement parlors to the extent lawfully existing and operating in District B-1 on the effective date of this ordinance
- e. Warehouses accessory to retail or service establishments

3. Administrative Review Uses

- a. All administrative review uses of District 3 Multiple Family Residential.
- b. Any new retail business that does not have a drive-through or drive-in component and does not have any outdoor operations (other than customer or employee parking)
- c. Any new office, professional and service establishment customary in a business district that does not have a drive-through or drive-in component and does not have any outdoor operations (other than customer or employee parking)
- d. Multi-tenant use involving an existing building with 4 units or less.
- e. Churches, schools, libraries, community buildings and museums.

4. Conditional Uses

- a. All the conditional uses of District 3 Multiple Family Residential.
- b. Any new amusement enterprise such as theaters, bowling and amusement parlors, that do not have a drive-through or drive-in component and do not have any outdoor operations (other than customer or employee parking)
- c. Any retail business, office, professional or service establishment that involves a drive-through or drive-in component or has any outdoor operations (other than customer or employee parking)
- d. Mall and multi-tenant buildings.
- e. Hotels, motels, and resorts (with 5 or more units).
- f. Any permitted use or administrative review use in this district, which is located on property adjacent to or across the street from a residential district.

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- g. Dog kennel and/or cat boarding facilities.
- h. Animal shelters, as defined in Wis. Stats., 173.40(c).
- i. Wildlife rehabilitation centers pursuant to Wis. Administrative Code NR19 or facilities subject to a federal permit.
- j. Veterinary clinics or animal hospitals.
- k. Communication structures located on existing government structures, or on existing sanitary district owned facilities.
- l. Co-location on a legal pre-existing communication structure.
- m. Multi-tenant use involving an existing building with 5 or more units.
- n. Heliport associated with a licensed health care facility.

5. Minimum Lot Sizes

The minimum lot size requirements for the Business (B-1) District are contained in Appendix A, which is incorporated herein by reference. For any lot or tract of land that does not meet the minimum size requirements for this district as set forth in Appendix A, see Section 9.75 of this ordinance.

B. BUSINESS B-2 (DISTRICT 7)

1. Purpose

The purpose of the Business District (B-2) is to provide an area for some additional types of commercial businesses than those allowed in Business District (B-1).

2. Permitted Uses / Administrative Review Uses

All the same provisions pertaining to permitted uses and administrative review uses as set forth above in section 9.26(A) for Business District (B-1) are incorporated herein by reference.

3. Conditional Uses

- a. All the conditional uses of Business District (B-1)
- b. Any permitted use or administrative review use in this district, which is located on property adjacent to a residential district
- c. Mall and multi-tenant buildings
- d. Hotels, motels, and resorts (with 5 or more units)
- e. Mobile home, manufactured home and house trailer parks, only in accordance with the provisions of section 9.52 and provided they otherwise comply with this ordinance
- f. Light industry
- g. Structures used in communications subject to Section 9.54

4. Minimum Lot Sizes

The minimum lot size requirements for the Business (B-2) District are contained in Appendix A, which is incorporated herein by reference. Except for public or private parks, wetland or floodplain designated areas shall not be included in calculating minimum lot size. For any lot or tract of land that does not meet the minimum size requirements for this district as set forth in Appendix A, see Section 9.75 of this ordinance.

9.27 MANUFACTURING AND INDUSTRIAL (DISTRICT 8) (#19-2001, 14-2008)

A. Purpose

The purpose of the Manufacturing and Industrial District is to provide an area for manufacturing and industrial operations that, on the basis of their physical and operational characteristics, would achieve desirable economic benefits for the community while at the same time not producing unreasonably detrimental impacts to the surrounding area

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such as noise, dirt, smoke, odor, traffic, physical appearance or other similar factors.

B. Permitted Uses

Subject to section 9.27(D)(2) below, the following are permitted uses in the Manufacturing and Industrial District:

1. Any permitted use, administrative review use or conditional use of District 1 Forestry except seasonal dwellings, which are not permitted
2. Any existing trade or industry

C. Administrative Review Uses

1. Expansion to any existing trade or industry to the extent lawfully existing and operating in District 8 on the effective date of this ordinance, provided it is not located on property adjacent to a residential district
2. Cold storage warehouses

D. Conditional Uses

1. All the conditional uses of District 4 Residential and Farming, except mobile home parks, manufactured home parks and house trailer parks and dwelling units of any kind whether year-round or seasonal are not allowed.
2. Any permitted or administrative review uses in this district, which are located on property adjacent to a residential district.
3. Any new trade or industry use not located adjacent to a residential district.
4. Metallic mineral exploration.

E. Special Conditional Uses

Metallic mineral prospecting and metallic mineral mining, subject to all special conditional use application, review and approval provisions found in the metallic mineral mining and prospecting provisions in section 9.61 of this ordinance.

F. Minimum Lot Sizes

The minimum lot size requirements for the Manufacturing and Industrial District are contained in Appendix A, which is incorporated herein by reference. For any lot or tract of land that does not meet the minimum size requirements for this district as set forth in Appendix A, see Section 9.75 of this ordinance.

9.28 GENERAL USE (DISTRICT 10) (#19-2001)

A. Purpose

The purpose of the General Use District is to provide areas for a variety of mixed uses.

B. Permitted Uses / Administrative Review Uses / Conditional Uses

All the same provisions applying to permitted uses, administrative review uses and conditional uses (but not special conditional uses) in the following districts - Forestry, Single Family, Multiple Family, Residential and Farming, Recreational, Business (B-1), Business (B-2), and Manufacturing and Industrial also apply to the General Use District and are incorporated herein by reference.

C. Minimum Lot Sizes

The minimum lot size requirements for the General Use District are the same as those specified for District 4 Residential and Farming, District 5 Recreational, and District 8 Manufacturing and Industrial. For any lot or tract of land that does not meet the minimum size requirements for this district as set forth in Appendix A, see Section 9.75 of this ordinance.

9.29 RURAL RESIDENTIAL (DISTRICT 15) (#19-2001, & 83-2003)

A. Purpose

The purpose of the Rural Residential District is to establish and preserve residential characteristics in outlying areas of Oneida County. This is a low density residential area, requiring large open spaces, while at the same time preserving, protecting and enhancing woodlands, wildlife habitat areas, and other related scenic and natural areas.

B. Permitted Uses

1. All the permitted uses and all the conditional uses of District 2 Single Family Residential
2. Horticulture, silviculture, all non-commercial types of agriculture, provided no more than 1 head of livestock or 10 poultry birds per acre are raised
3. Private riding stables (non-commercial) for owner's use, accessory to Single Family Residential dwellings
4. Sale of farm produce, provided the produce is raised or produced on the same premises, and the erection of structures required in connection therewith.
5. An accessory structure may be constructed on a vacant unimproved lot but only in conformity with Section 9.20(E).

C. Administrative Review Uses

Public parks and playgrounds

D. Conditional Uses

Principal use tennis courts, golf grounds, and related structures

E. Minimum Lot Sizes

The minimum lot size requirements for the Rural Residential District are contained in Appendix A, which is incorporated herein by reference. For any lot or tract of land that does not meet the minimum size requirements for this district as set forth in Appendix A, see Section 9.75 of this ordinance.

ONEIDA COUNTY ZONING AND SHORELAND PROTECTION ORDINANCE

CHAPTER 9 ARTICLE 3 - ZONING, ADMINISTRATIVE REVIEW, AND SANITARY PERMITS

- 9.30 Purpose
 - 9.31 General Description of Permits
 - 9.32 Zoning Permit Requirement
 - 9.33 Exceptions to Zoning Permit Requirement
 - 9.34 Zoning Permit Application Process
 - 9.35 Permitted Uses Requiring Administrative Review
 - 9.36 Procedure for Administrative Review Permits
 - 9.37 Miscellaneous Zoning and Administrative Review Permit Provisions
 - 9.38 Sanitary Permit
-

9.30 ZONING, ADMINISTRATIVE REVIEW AND SANITARY PERMITS - PURPOSE

In order to ensure compliance with this ordinance and provide for proper administrative review and record keeping, a zoning permit is generally required before a permitted use may occur. An administrative review permit is required before an administrative review use may occur. A sanitary permit is required to enlarge or install a sewage disposal system. This article addresses zoning permits, administrative review permits and sanitary permits.

9.31 GENERAL DESCRIPTION OF PERMITS (15-2017)

A. Permitted Uses

As provided in sections 9.32 and 9.33 below, generally a zoning permit must be obtained from the zoning administrator before a permitted use may occur or a structure is built, erected, placed, enlarged, altered or moved. The procedures for the issuance of such a zoning permit are found at sections 9.34 and 9.35. Even in the case of a listed "permitted use," after reviewing a zoning permit application, the zoning administrator may determine that special conditions need to be imposed to control the impact of a proposed permitted use. When this occurs, the permitted use is treated as an administrative review use. Section 9.35 describes the situations in which certain permitted uses may be treated as administrative review uses. In such a situation, the zoning administrator would process the application under the procedures applicable to administrative review permits contained in section 9.36.

B. Administrative Review Uses

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Before an administrative review use may occur, an administrative review permit must be obtained from the zoning administrator. The permit may contain conditions and/or restrictions as the zoning administrator deems necessary. The purpose of requiring administrative review of such uses is to provide for appropriate review while at the same time allowing for expedited action on proposed uses that might otherwise be designated as conditional uses requiring full committee review and action. The procedures regarding administrative review permits are found at section 9.36.

9.32 ZONING PERMIT REQUIREMENT (8-2015,15-2017,5-2020)

A zoning permit shall be obtained before:

- A. A structure is built, erected, placed, enlarged, altered or moved.
- B. A structure is structurally altered so as to change its use or increase the square footage of its floor area or vertical surface area.
- C. A structure is repaired when 50% or more of a structure's CEAV has been damaged or destroyed by fire or other catastrophic cause.
- D. 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.
- E. The use of a structure or property is changed.
- F. A recreational vehicle is used as a dwelling for more than five (5) consecutive days unless exempt under 9.33(F).
 - 1. The placement of a recreational vehicle, camping trailer, motor home or park model on a parcel must comply with applicable setbacks, the minimum lot area and dimensional requirements for uses and zoning districts in Appendix A.
 - 2. Obtain a sanitary permit for a private on-site wastewater treatment system if the recreational vehicle is provided a connection to potable water and/or electric.
 - 3. Obtain a nonplumbing sanitary system permit if not connected to water and/or electric.

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9.33 EXCEPTIONS TO ZONING PERMIT REQUIREMENT (#39-2004,05-2005,8-2015,15-2017,5-2020)

A. New Structure (Costs under \$2,500)

A zoning permit shall not be required when the total fair market value of materials and labor reasonably anticipated for the total cost of constructing a new structure is \$2,500.00 or less, and provided:

1. The structure is less than 200 square feet in size.
2. The structure is not part of a sewerage system.
3. Driveways, sidewalks and walkways greater than 75 ft from the OHWM provided they meet the impervious requirements of the ordinance.
4. The structure conforms with all other requirements of this ordinance.

B. Existing Structure (Alterations under \$2,500.00)

A zoning permit shall not be required for an existing structure when the cumulative fair market value of materials and labor for all structural alterations to the structure, excluding ordinary maintenance and repairs, is \$2,500.00 or less over the life of the structure, and provided:

1. The improvements or alterations do not structurally alter the structure so as to change its use.
2. The improvements or alterations do not include the replacement of an existing impervious surface greater than 200 square feet in size.
3. The structure conforms to all of the requirements of this ordinance.
4. The structural alteration does not result in any further encroachment upon any setback, yard or open space areas controlled by this ordinance.

C. Maintenance and Repairs

A zoning permit shall not be required for the maintenance and repair of a structure.

D. Public Utility Lines or Structures

A zoning permit shall not be required for the construction of public utility lines or structures.

E. Open Fences

A zoning permit shall not be required for the construction of open fences.

F. Recreational Vehicle

The placement of a recreational vehicle, camping trailer, motor home or park model on a parcel shall comply with applicable setbacks, the minimum lot area and dimensional requirements for uses and zoning districts in Appendix A if used as a dwelling, unless the recreational vehicle is being used in conformity with section 9.33(F)(3).

A zoning permit shall not be required and the dimensional requirements for uses and zoning districts in Appendix A do not apply for the placement of one recreational vehicle on a parcel, provided any of the following apply:

1. The recreational vehicle is being stored on the property, is not hooked up to electricity or water and is not being used as a dwelling or storage.
2. The recreational vehicle or camping tent is used on the owner's property for a period not to exceed two years while a permanent dwelling is under construction, provided that a zoning permit has been granted for the dwelling unit under construction and a notation was placed on the application for permit that a recreational vehicle is going to be used. Provisions of 13.24 of the Oneida County Private Onsite Wastewater Treatment System Ordinance (POWTS) applies.
3. The recreational vehicle is placed in a campground or recreational vehicle park in accordance with section 9.53 of this ordinance.

G. Construction Trailers

A zoning permit shall not be required in order to place construction trailers on property during any construction period authorized by a conditional use permit.

H. Other Requirements Apply

The exceptions to the zoning permit requirements contained in this article do not excuse a property owner from applying for and obtaining all other permits required by the Oneida County Ordinances or other local, state or federal laws or regulations.

9.34 ZONING PERMIT APPLICATION PROCEDURE (Amended #18-2006)

A. Applications

Applications for zoning permits shall be made on forms approved by the committee and available from the department. Completed applications shall be filed with the department.

B. Application Fee

The application fee as periodically designated by the County Board shall be paid when the application is filed.

C. Review for Completeness

Zoning permit applications shall be reviewed for completeness by the zoning administrator within 15 working days of the date the application is filed and the fee is paid. If a sanitary permit is required for the proposed activity, the zoning permit application will not be considered complete until a sanitary permit has been issued pursuant to this ordinance. For projects involving both a CUP and a zoning permit, the time period for review of the zoning permit shall not begin until after the CUP is approved by the committee. Written notice shall be given to the applicant and the committee of the zoning administrator's determination as to completeness.

D. Approval or Denial of Application

Within 15 working days of the date a zoning application is deemed complete, the zoning administrator shall deny or approve the zoning permit application and, if the application is approved, issue a written permit with or without conditions. No permit may be issued unless the zoning administrator determines that the proposed use and/or proposed structure is a permitted use under this ordinance, and is in compliance with all other requirements of this ordinance and any other applicable county ordinance. If the application is denied, written reasons for the denial shall be given to the applicant and the committee. The applicant shall be advised in writing of the right to appeal the denial to the Board of Adjustment.

9.35 PERMITTED USES REQUIRING ADMINISTRATIVE REVIEW (#29-2001)

The zoning administrator, upon receipt of a completed zoning permit application may require that the permitted use be treated as an administrative review use and require the issuance of an administrative review permit pursuant to the procedures contained in section 9.36 in the following situations:

- A. When a change from, or expansion of, an existing permitted use would involve the alteration and/or addition to an existing building of more than 25% of the square footage of the existing floor space.
- B. When a change from, or expansion of, an existing permitted use would involve a significant increase in the following:
 - 1. Daily wastewater generation

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2. Solid waste or garbage generation
 3. Number of customers or employees
 4. Use of yard space, storage of commercial vehicles, outdoor operations or noise
 5. Air emissions or odors (for example, from the installation of a garbage incinerator or smokehouse)
 6. Exterior lighting
- C. When any other permitted use that is likely to have a significant impact on surrounding property or on the provision of governmental services.
- D. When a proposed expansion is to a building or other structure in a road setback area and the owner has not obtained approval from the affected government entity.

9.36 PROCEDURE FOR ADMINISTRATIVE REVIEW PERMITS (5-2019)

An administrative review permit shall be required for all administrative review uses under this ordinance.

A. Application Procedure

1. Application reviewed for completeness

An administrative review permit application shall be completed and filed, along with the fee, with the zoning administrator. Administrative review permit applications shall be reviewed for completeness pursuant to section 9.34(C).

2. Referral to committee for CUP Procedures

If, after initial review, the zoning administrator determines that the proposed use more closely fits in the conditional use category, the matter shall be referred to the committee and handled as a CUP application. If the zoning administrator makes such a referral, the applicant must complete a CUP application for further consideration. Once completed, the CUP application shall be reviewed and acted upon by the committee pursuant to the CUP procedures contained in sections 9.41 and 9.42. The applicant will be responsible for paying any difference between the initial administrative review permit fee and the CUP application fee.

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3. Notice to Town, County, or State (#29-2001)

If the zoning administrator does not refer the completed application to the committee, the zoning administrator shall provide written notice of the completed application to the town in which the proposed use is located, or to the government entity having jurisdiction over an adjacent road that may be affected by the proposed use. The town or other government entity shall have 30 days to provide the zoning administrator with a written objection to the application for reasons of safety or otherwise under Sections 9.35 and 9.36 of this ordinance. If the zoning administrator receives a timely written objection, he or she shall refer the application to the committee to be reviewed and acted upon under the CUP procedures as provided in section 9.36(A)(2) above.

4. Issuance or denial of permit

If the zoning administrator does not receive written town objection, he or she shall attempt to approve, conditionally approve, or deny the application within 45 days of receipt of the completed application. However, the zoning administrator may extend this review time up to 90 days after the receipt of the completed application. If the application is approved or conditionally approved, the zoning administrator shall issue a zoning permit with any special restrictions or conditions attached to the approval. If the application is denied, written reasons for the denial shall be provided to the applicant and the committee. The applicant shall be given written notice of the right to appeal the zoning administrator's decision to the Board of Adjustment pursuant to section 9.85.

B. Conditions

The zoning administrator may attach such special restrictions or conditions to the administrative review permit as deemed necessary to further the purposes of this ordinance. Such conditions may include, but are not limited to, the conditions listed in section 9.42(D).

C. Optional CUP Procedure

As an alternative to the administrative review permit procedures for administrative review uses contained in this section, an applicant may request that the administrative review procedure be waived and that the proposed use be handled under the conditional use procedures. Such request must be made before or at the time the applicant files an administrative review permit application. If the applicant chooses to have an administrative review use handled under the conditional use procedures, the person shall complete a CUP application, pay the CUP fee and otherwise comply with all the provisions applicable to a CUP.

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The CUP application shall be reviewed and acted upon pursuant to the CUP procedures and provisions contained in sections 9.41 and 9.42.

9.37 MISCELLANEOUS ZONING AND ADMINISTRATIVE REVIEW PERMIT PROVISIONS (15-2017)

- A. Expiration. A zoning permit, shoreyard alteration permit or administrative review permit shall expire two years from the date of issuance of the permit and may not be renewed.
1. The footings, foundation or slab and the outside shell of the structure must be complete at the time the original permit expires. If the footings, foundation or slab and the outside shell is not complete within two years, a new zoning permit must be applied for and approved.
- B. Reapplication After Denial
1. No zoning permit, shoreyard alteration permit or administrative review permit application which has been denied by the zoning department shall be considered again within one year of the written denial.
 2. An applicant may re-file a zoning permit, shoreyard alteration permit or administrative review permit application if the application does not involve a request for a similar project or project of similar size, scope and design or where the application no longer conflicts with any ordinance provisions.
- C. Posting of Permit. Once issued, the zoning permit, shoreyard alteration permit or administrative review permit shall be posted in a prominent place on the premises or structure prior to and until after the completion of the building, erection, placement, enlargement, alteration or moving of the structure. The permit does not need to be posted if it was obtained solely because the use of a structure or property was changed and no building, erection, placement, enlargement, alteration, or moving of a structure will occur.
- D. Committee Consultation. The zoning department may consult with the committee on any zoning permit application, shoreyard alteration permit application or administrative review permit application.
- E. Permit Records. The department shall keep a complete record of all zoning permits, shoreyard alteration permits and administrative review permits and denials issued by the county.

9.38 SANITARY PERMIT

A. Sanitary Permit Required

The installation or enlargement of any sewage disposal system shall require a sanitary permit from the zoning administrator pursuant to the Oneida County private sewage system ordinance.

B. Private Sewage Disposal

No zoning permit shall be issued, and no work on, or the change of use of, a structure or facility requiring private sewage disposal facilities shall begin until a sanitary permit has been issued by Oneida County.

C. Public Sewer and Water Permit

The zoning administrator shall not issue any zoning permit to any applicant when said building facilities are to be served by a public sewer and water utility until said applicant has been issued a permit by the appropriate sewer and water utility to hook up to the public sewer and water utility.

9.39 [reserved for future use]

ONEIDA COUNTY ZONING & SHORELAND PROTECTION ORDINANCE

CHAPTER 9 ARTICLE 4 - CONDITIONAL USES AND STRUCTURES / HOME OCCUPATIONS

-
- 9.40 Conditional Uses
 - 9.41 Application for CUP
 - 9.42 CUP Application Review Process
 - 9.43 Home Occupations
-

9.40 CONDITIONAL USES

A. Purpose

This ordinance is based upon the division of the County into districts, within which districts the use of land and buildings, and location of buildings and structures in relation to the land, are mutually compatible. However, there are certain uses that, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts without consideration of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

B. Conditional Use Permit

Conditional uses are allowed only upon the issuance of a conditional use permit (CUP), as provided in sections 9.41 and 9.42 of this ordinance. Where applicable, a CUP is required in addition to a zoning permit under Article 3 above.

9.41 APPLICATION FOR CUP

A. Applicant

Any person having ownership interest in property, an exclusive possessory interest, or a contractual interest in property that may become an ownership or exclusive possessory interest, may apply for a CUP. Prior to final approval of the CUP, the entire tract covered by the CUP or proposed project shall be either under single ownership, evidenced by legal title or binding sales contract or under lease or such other legal control over the land and proposed use which is sufficient to insure that the applicant will be able to carry out the proposed project

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and assume all liability for the project which would normally be assumed under full land ownership.

B. Application Fee

The application fee as periodically designated by the County Board shall be paid when the application is filed.

C. Filing of Application

Application for a CUP shall be made on forms approved by the Committee and available at the Department. A completed application, together with the applicable CUP application fee shall be filed with the Department. A minimum of 3 copies of the completed application must be filed, and the Zoning Administrator may request up to 7 additional copies without charge. The Zoning Administrator shall immediately initial and date one copy of the application when received.

D. Additional Information

In addition to the information obtained on the application, the Zoning Administrator and/or Committee may request any additional information deemed necessary or appropriate for review.

9.42 CUP APPLICATION REVIEW PROCESS (Amend #2-2008, 9-2009, 5-2019)

A. Completed Applications Referred to Committee

1. The application shall first be reviewed by the Zoning Administrator for completeness. When is deemed complete by the Zoning Administrator, a notation of completeness shall be made on the application, and it shall be referred to the Committee.

B. Town Recommendation, Notice and Public Hearing

The Committee shall seek an advisory recommendation from the town board of the town in which the proposed conditional use is located and shall hold a public hearing on the completed application. Notice of the hearing shall be published as a Class 2 notice pursuant to Ch. 985, Wis. Stats. In addition, at least 10 days prior to the date of the public hearing, written notice of the application and public hearing shall be mailed to the following:

1. The clerk of any municipality exercising extraterritorial jurisdiction where the proposed conditional use is located
2. The clerk of the town where the proposed conditional use is located

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3. The applicant

C. Issuance or Denial of Application

1. Conditional use permit applications shall be reviewed for completeness by the Zoning Administrator within 30 working days of the date the application is filed and the fee is paid. The Committee shall attempt to approve the application, conditionally approve the application, or deny the application within 60 days of receipt of the completed application. However, at its sole discretion, the Committee may extend this review time for up to a total of 180 days after receipt of the completed application.
2. The Committee may request additional information from the applicant, the town, or others after the receipt of the completed application. If any comments or recommendations are timely received from the town, the Committee, in making its decision, shall consider but is not bound by the town's input.
3. If the application is approved or conditionally approved, the Zoning Administrator shall issue a written CUP with any conditions attached. The Zoning Administrator may require that the applicant and/or property owner sign a recordable CUP agreement expressly accepting the permit conditions.
4. If the application is denied, written reasons for the denial shall be provided to the applicant along with a notice of the applicant's right to appeal the denial to the Board of Adjustment.

D. Basis of Approval or Denial

1. The Planning and Development Committee shall review each conditional use permit application for compliance with all requirements applicable to that specific use and to all other relevant provisions of this ordinance. The Committee's decision to approve or deny the conditional use 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." Wis.Stats.§59.69(5e)(a)(2).
2. To aid in the review of and decision-making regarding the proposed conditional use project, the Planning and Development Committee shall evaluate the following specific criteria as applicable, but shall not be limited thereto:

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- a. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- b. The uses, values and enjoyment of neighboring property shall not be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
- c. The proposed conditional use is compatible with the use of adjacent land and any adopted local plans for the area.
- d. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- e. Adequate utilities, access roads, drainage and other necessary site improvements have been or will be provided for the conditional use.
- f. Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.
- g. The conditional use shall conform to all applicable regulations of the district in which it is located.
- h. The conditional use does not violate shoreland or floodplain regulations governing the site.
- i. Adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.

The foregoing criteria are deemed reasonable and, to the extent practicable, measurable.

3. An applicant's failure to demonstrate, by substantial evidence, that the application and all applicable requirements in this ordinance and conditions established by the county relating to the conditional use are or will be satisfied shall be grounds to deny the conditional use permit. At all times the burden of proof to demonstrate satisfaction of these criteria remains with the applicant.

E. Conditions

The Committee may attach conditions to the CUP deemed necessary or appropriate in furthering the purposes of this ordinance. Such factors to be considered may include, but are not limited to the following:

1. Landscaping
2. Type of construction
3. Sureties
4. Lighting
5. Fencing

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6. Planting
7. Screening
8. Operational control
9. Period of operation
10. Improved traffic circulation
11. Deed restrictions
12. Free and unlimited access to the project site during daylight hours to any Committee member or any Planning and Zoning employee investigating the project's construction, operation or maintenance
13. Written notification of the Department at least five days before the project is started and five days after each phase of the project is completed.
14. Parking requirements
15. Erosion control
16. Stormwater management
17. Signage
18. Construction schedule
19. An acknowledgment that the nature and extent of the conditional use shall not change from that described in the application and approved in the CUP

Conditions imposed as part of the conditional use permit shall be achievable, practicable and to the extent possible, measurable. Any conditions imposed must be related to the purpose of the ordinance and be based on substantial evidence.

F. Reapplication After Denial

1. No CUP application which has been denied by the Committee shall be considered again within one year of the written denial.
2. An applicant may file a CUP application if the application does not involve a request for a similar project or project of similar size, scope and design, or where the application no longer conflicts with any ordinance provisions.

G. Recording of CUPs

The Zoning Administrator shall keep a complete record of all CUPs issued by the County. The Zoning Administrator may record notice of a CUP with the register of deeds as appropriate.

H. Lapse of CUP

A CUP shall lapse and be void unless the use permitted by the CUP has been substantially commenced within three years from the date of issuance of the CUP and has been completed within the time period specified in the CUP.

9.43 HOME OCCUPATIONS

A. Purpose

The purpose of this section is to provide limited and reasonable accommodation for owner or residential tenant-occupied businesses in a residential district without the necessity of obtaining a rezoning into a commercial district, while also balancing the interests of the residential users.

B. Home Occupation Standards

A home occupation is an allowed accessory use in all residential districts, subject, however, to review and approval by the Zoning Administrator and compliance with the provisions of this ordinance. The following special standards shall be complied with:

1. The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached or detached garage.
2. There shall be no exterior alterations that change the character of the dwelling unit or garage. Nor shall there be any visible evidence from the exterior of the dwelling unit or garage that indicates it is being utilized for any purpose other than that of a dwelling unit or garage, other than those signs permitted in the district.
3. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structures located on the premises.
4. The home occupation must not create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference, electrical emissions, any nuisance not associated with the normal residential use in such a district, or other fire or safety hazards that are noticeably out of character with those normally associated with the typical residential use of such a district.
5. The home occupation shall not require the use of commercial vehicles for more than occasional delivery of materials to or from the property, and traffic generated by the home occupation may not exceed that which is normally associated with the typical residential use of such a district.

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6. The sale of goods from the location of the home occupation shall be limited to items produced on-site, and the sale of personal care and home care products made off-site, such as Tupperware, Shaklee, Amway and Avon, or other similar products that are customarily sold from a residence, as determined by the Zoning Administrator.
7. A home occupation shall not occupy more than 25% of the total floor area of the dwelling unit (excluding the garage). If a garage or other accessory structure is used for a home occupation, no more than 25% of the total floor area of the garage or accessory structure shall be occupied by the home occupation.
8. Persons employed at the home occupation site shall be limited to resident family members and not more than 1 non-resident employee at any given time.
9. Under no circumstances shall a vehicle repair or bodywork business qualify as a home occupation.
10. The home occupation must be clearly secondary and incidental to the residential use of the property.
11. The home occupation must not unreasonably interfere with residential occupancy of other parcels in the neighborhood.
12. Signage for the home occupation is governed by the sign regulations of this ordinance.
13. Garage sales as a type of home occupation are allowed in all residential districts provided that not more than three (3) such sales are held at a single dwelling unit per calendar year and that each sale shall not exceed four (4) consecutive days in duration.
14. Day care is allowed as a home occupation on residential premises. Standards may be imposed, and conditional use approval may be required, however, consistent with sec. 66.304, Wis. Stats., if applicable.
15. No production of items on site shall be conducted if that production is of a type typically permitted only in the industrial zoning districts.
16. For home occupations conducted by a residential tenant, the property owner's written permission is required as part of the compliance checklist required below.

C. Home Occupation Compliance Checklist / Review Fee

Prior to commencing any home occupation in a residential district, a compliance checklist shall be completed on a form approved by the Committee and available from the Department. The compliance checklist shall be signed by the owner and/or residential tenant of the property on which the home occupation takes place. The completed compliance checklist shall be filed with the Department, along with the review fee as periodically designated by the County Board. The completed checklist shall be reviewed by the Zoning Administrator to determine compliance with the requirements of this ordinance. If the

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proposed home occupation complies, the Zoning Administrator shall approve the home occupation and sign the checklist. If the proposed home occupation does not comply with this ordinance, the Zoning Administrator shall not approve the home occupation and shall not sign the checklist.

D. Continuing Compliance

If, at any time, the Zoning Administrator believes that any of the above standards or other provisions of this ordinance are being violated, the general enforcement, violation and penalty provisions of this ordinance shall apply.

- 9.44 [Reserved for future use]
- 9.45 [Reserved for future use]
- 9.46 [Reserved for future use]
- 9.47 [Reserved for future use]
- 9.48 [Reserved for future use]
- 9.49 [Reserved for future use]

ONEIDA COUNTY ZONING AND SHORELAND PROTECTION ORDINANCE

CHAPTER 9 ARTICLE 5 - ADDITIONAL TYPES OF USES

- 9.50 Legal Pre-Existing Structures and Uses in Non-Shoreland Area
 - 9.51 Condominiums
 - 9.52 Mobile Home, Manufactured Home and House Trailer Parks
 - 9.53 Campgrounds and Recreational Vehicle Parks
 - 9.54 Mobile Tower Siting
 - 9.55 Adult Oriented Business Ordinance
 - 9.56 Domesticated Chickens/Ducks
 - ~~9.57 Moratorium on Livestock Facilities Licensing~~
 - 9.58 Tourist Rooming House
-

9.50 LEGAL PRE-EXISTING STRUCTURES AND USES IN NON-SHORELAND AREA (#25-2004,4-2009)

A. Applicability

The lawful use of a structure or premises located in areas subject to this ordinance that existed at the time of the enactment of this ordinance, or any amendment thereto, may be continued although such use does not conform with the provisions of the zoning district in which it is located, subject to the conditions of this section.

B. Burden of Proof

The property owner shall have the burden to prove that:

1. The legal pre-existing use or structure was legally established and in existence at the time the applicable provision of this ordinance became effective.
2. The use of the property prior to the effective date of the ordinance provision was so active and actual and was not merely casual and occasional, or incidental to the principal use, such that the property owner has acquired a "vested interest" in the continuance of such a use.

C. Legal Pre-Existing Uses

1. A legal pre-existing use of a structure or premises may be expanded or enlarged upon issuance of an administrative review permit. No structural alteration, addition or repair to any building or structure with a legal pre-existing use, over the life of the building or structure shall exceed 100 percent of its building footprint at the time it became legal pre-existing unless it is permanently changed to conform to the requirements of this ordinance and provided that the requirements of Section 9.50 and 9.99 are met.

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2. Discontinuance. If a legal pre-existing use is discontinued for twelve (12) consecutive months, any future use of the structure or property shall conform to this ordinance.
3. Temporary structures. If the legal pre-existing use of a temporary structure is discontinued for any period of time, such legal pre-existing use may not be recommenced.
4. Nuisances. Uses that are nuisances shall not be permitted to continue as legal pre-existing uses.

D. Existing Structures (#29-2001, #25-2004)

1. Purpose. It is the purpose of this ordinance to recognize the interest of the owners of structures that encroach over lot lines, road right-of-way lines, or are located within the road setback, side yard or rear yard setback that were lawfully permitted under the previous ordinance or otherwise lawfully existed, and which existed at the time this ordinance took effect on June 26, 2005, that such structures shall be conforming.
2. Structures or portions thereof that were lawfully permitted under a previous ordinance or otherwise lawfully existed and which existed at the time this ordinance took effect on June 26, 2005, may only be altered or reconstructed in compliance with the limitations in this section.
 - a. Existing structures or portions thereof unlawfully constructed or altered shall be accorded no benefit under this section.
 - b. Subject to the requirements of this ordinance, if an owner can establish by permit application that a structure located in the road setback, side yard setback or rear yard setback areas has been destroyed or damaged after the effective date of this ordinance, June 26, 2005, by violent wind, fire, flood, or vandalism, the same may be reconstructed or repaired to the size, location and use it had immediately before the damage occurred, subject to the following conditions:
 - (1) Any structure that is destroyed or damaged due to a deliberate act by the owner or by his/her agent, or due to general deterioration or dilapidated condition, may not be reconstructed or repaired, except in conformance with the standards of this ordinance.
 - (2) Except as provided in §87.30(1d), Wis.Stats., structures that are subject to regulation under a floodplain zoning ordinance may not be reconstructed or repaired except in compliance with the floodplain zoning ordinance.
 - (3) The owner shall bear the burden of proof as to the size, location or use a destroyed or damaged structure situated less than the minimum distance required under this ordinance involving road right-of-way, public road centerline, side or rear lot line setbacks had within a reasonable time before such destruction or damage by providing photographic records, construction documents, and assessor's/appraiser's records pertaining to the structure.

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- (4) Reconstruction or repairs authorized under this provision shall be permitted only to the extent necessary to repair the specific damage caused by violent wind, vandalism, fire or flood and only that portion of the structure that has been damaged or destroyed may be reconstructed.
3. Accessory structures that encroach over lot lines, road right-of-way lines, or are located within the road setback, side yard or rear yard setback are permitted ordinary maintenance and repairs. Such structures should not be structurally altered, improved, replaced or expanded.
4. Principal buildings that encroach over lot lines or road right-of-ways may be continued subject to the following:
 - a. All work shall be in strict compliance with all other requirements of this ordinance.
 - b. Ordinary maintenance, repairs and non-structural improvements shall be permitted provided they do not alter the envelope of such structure, which consists of any existing exterior wall, roof structure, and foundation.
 - c. Structural improvements. The alteration of any structural members of the existing walls, roof, and interior structural members of such structure shall not be permitted.
5. Principal buildings located in the road setback, side yard setback or rear yard setback areas may be continued subject to the following conditions:
 - a. All work shall be in strict compliance with all other requirements of this ordinance. Ordinary maintenance, repairs and structural improvements shall be permitted.
 - b. In the event a proposed expansion is in a road setback area, the property owner shall obtain a written statement from the government entity that has jurisdiction over such road stating that it has no objection.
 - c. A principal building or portion thereof located in a road setback, side yard or rear yard setback area is permitted to be expanded vertically and horizontally, which may result in total replacement, in a direction away from the adjoining lot line or road right-of-way line. Upon reaching the setback line, such expansion may also be lateral to the setback line.

9.51 CONDOMINIUMS (Amended #18-2006)

A. Purpose

This section is created to clarify the application of zoning requirements, density requirements and legal descriptions on parcels of land to be covered by condominium declarations.

B. Compliance with Zoning Provisions Required

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Condominium uses are subject to all the applicable provisions of this ordinance to the same extent as other similar uses not under condominium ownership.

C. Platting Requirements

1. Condominiums may be created in Oneida County after approval by the Committee and appropriate town board by recording condominium instruments and plats with the county Register of Deeds pursuant to Ch. 703, Wis. Stats.
2. The plat shall show an owner's certificate.
3. The plat shall show a surveyor's certificate.
 - a. That the plat is a correct representation of the condominium.
 - b. That the identification and location of each structure, area and common area are correctly shown on the plat.
 - c. That the plat shall contain the surveyor's original signature and seal.
4. The plat shall be:
 - a. Drawn on muslin backed paper, or it is reproduced with photographic silver alloy image on double mat polyester film of not less than 4 mil thickness, 14 inches by 22 inches with a binding margin of 1-1/2 inches with waterproof non-fading black image.
 - b. On a legible scale of not more than 500 feet to an inch. The scale used shall be indicated on the plat graphically.
5. The plat shall provide a place for the approval of the appropriate town board chairman and clerk signatures.
6. The plat shall provide a place for the approval of the zoning administrator's signature after approval by the committee.

D. Minimum Lot Size

1. Minimum lot size for new construction or expandable condominium: Minimum lot size shall be the same as required pursuant to sections 9.51 and 9.75, and the appendix of this ordinance. Proof of availability of alternate sewage system areas complying with the requirements of Chapter 13, of the Oneida County Private Sewage System Ordinance and Wis. Admin. Code COMM 83 shall be provided and shown on the plat.
2. Minimum lot size for conversion condominium: A lot or tract of land of smaller dimension in area than the minimum required by this ordinance may be permitted to convert to a condominium if the lot is of record in the county Register of Deeds office prior to the effective date of this ordinance. If the condominium is to be expanded, it would have to meet all the requirements of the minimum lot size under section 9.51(D)(1).

E. Final Condominium Plat Requirements

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The final condominium plat shall show a boundary survey of the condominium, the location of all structures, the size and location of any limited common elements, the area available in square feet, the water frontage width, the size and location of all wetland areas, the roads providing access to the condominium(s) connected to a public road and the size and location of the alternate sewage system area or areas. All units shall be consecutively numbered on the plat. The final condominium plat shall be drafted in compliance with the requirements of Ch. 703, Wis. Stats. Final approval can only be given to that portion of an expandable condominium which is to be recorded initially. As additional units are added to expandable condominiums after the original condominium declaration, a preliminary and final condominium plat for each expansion shall be presented for consideration and approval to the Committee and appropriate town board. If the final condominium plat for the expansion area conforms substantially to the layout shown and approved on the expansion plans submitted with the original expandable condominium plat, it shall be entitled to approval with respect to such layout.

F. Preliminary Condominium Plats

A preliminary condominium plat of a new condominium, conversion condominium or expandable condominium may be submitted to the committee and appropriate town board for consideration of approval. Such preliminary plat shall include the following information:

1. The name of the condominium and legal description.
2. The approximate boundary of the parcel to be dedicated as common area for the condominium complex including any expansion areas in case of an expandable condominium.
3. The exact location of all existing buildings and general location of any proposed buildings to be constructed on the property.
4. The area in square feet of the total parcel.
5. The lineal footage of lake, pond, stream or watercourse frontage and the total square footage of all wetland areas.
6. Every unit or proposed unit shall be designated on the preliminary condominium plat by consecutive numbers.
7. Computations shall be shown on the preliminary plat which verify compliance with the parcel size required by this ordinance.
8. Proposed alternate sewage system areas shall be shown. Proof that these proposed areas conform to the requirements of Chapter 13 of the Oneida County Private Sewage System Ordinance, Wis. Admin. Code COMM 83 and Wis. Admin. Code COMM 85 shall be shown upon submission of the final condominium plat for approval.
9. Roads which provide access to the condominium shall be shown.
10. Existing easements which affect the condominium property.
11. Parking shall be provided pursuant to section 9.77 of this ordinance.

G. Approval of Preliminary Plats

If a preliminary condominium plat is submitted, it shall be reviewed by the committee and appropriate town board with respect to meeting appropriate ordinances. Within ninety (90) days of the date of receiving the plat by registered mail, certified mail or receipted delivery to the Planning and Zoning office and appropriate town office, the committee and town board shall take action to approve, approve conditionally or reject such plat and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by written agreement with the owner or his agent. Failure of the committee or appropriate town board to act within ninety (90) days, or extension thereof, shall constitute an approval of the preliminary condominium plat.

H. Approval of Final Plats

If the final condominium plat is submitted with the information as required in section 9.51(D) of this ordinance (including a copy of the condominium declaration) within six (6) months of the approval of the preliminary condominium plat, and it conforms to the layout shown on the plat, and if such satisfies the conditions imposed by the committee it shall be entitled to approval. If the committee and appropriate town board fail to act upon the plat within ninety (90) days of receiving the plat by registered mail, certified mail or receipted delivery to the zoning and town office, and the time has not been extended by written agreement with the owner or his agent, and if no unsatisfied objections have been filed within that period, the final condominium plat shall be deemed approved and upon demand a certificate to that effect shall be made on the face of the plat. A copy of the final plat shall be provided to the town board by the owner.

I. Amendments

1. An amendment may be made to any recorded condominium plat pursuant to the procedures set forth in Ch. 703, Wis. Stats., provided that the amended condominium plat is first presented to the committee and appropriate town board for consideration of approval. Such amendment shall not be recorded until the approval of the committee and appropriate town board has been obtained. Within ninety (90) days of the submission of such an amendment, the committee and appropriate town board shall take action to approve, approve conditionally or reject such amendment, and shall state in writing any conditions for approval or reasons for rejection unless the time is extended by a written agreement with the owner or his agent. Failure of the committee and appropriate town board to act upon the plat within ninety (90) days, or extension thereof, shall constitute an approval of the condominium amendment.

J. More Restrictive Town Ordinances

Nothing contained herein shall be construed to prohibit any town from enacting an ordinance that would be more restrictive than the provisions contained herein provided the town ordinance is not in conflict with any provisions hereof or any provision of Ch. 703, Wis. Stats., and that the ordinance is properly drawn up in compliance with sec. 60.61, Wis. Stats.

9.52 MOBILE HOME, MANUFACTURED HOME AND HOUSE TRAILER PARKS
(Amend. #10-2009,2-2015)

A. Site and Size

Mobile home, manufactured home and house trailer parks shall comply with the following requirements:

1. No permit shall be issued for the establishment of such a park unless the park is located on a minimum of 20 acres of land.
2. Individual lot area:
 - a. An individual lot for a single-wide mobile home or manufactured home shall not be less than 8,000 square feet in area in mobile home and manufactured home parks that do not conform to the provisions of sec. 9.52 A(1) and (3), and sec. 9.52 B through I.
 - b. An individual lot for a double-wide mobile home or manufactured home shall not be less than 16,000 square feet in area in mobile home and manufactured home parks that do not conform to the provisions of sec. 9.52 A(1) and (3), and sec. 9.52 B through I.
 - c. An individual lot not less than 8,000 square feet in area shall be required for each mobile home and manufactured home in mobile home and manufactured home parks that conform to the provisions of sec. 9.52 A(1) and (3), and sec. 9.52 B through I.
 - d. A mobile home, manufactured home or house trailer in excess of 32 feet in width shall be prohibited in mobile home, manufactured home or house trailer parks.
 - e. A mobile home, manufactured home or house trailer in excess of fifteen (15) feet in height shall be prohibited in mobile home, manufactured home or house trailer parks. This provision shall exclude community storm shelters in the height calculations.
 - f. The calculation for the minimum square footage required for the individual lot excludes the area necessary for the location of a primary and replacement septic system.
 - g. The density of house trailers permitted in a house trailer park shall be the same as the number of recreational vehicles permitted in recreational vehicle parks pursuant to sec. 9.53 A(3) of the ordinance.

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3. Subject to the minimum requirements set forth in (2) above, each individual lot shall be at least 60 feet in effective width. Effective width shall mean the average distance between side lot lines measured on a line parallel to the front lot line.

B. Yards and Setbacks

The following minimum setback regulations shall apply:

1. No building, structure, mobile home, manufactured home or house trailer shall be located within 100 feet of the adjacent property lines when the adjacent property is located in Use District #2, Single-Family Residential District, Use District #3, Multi-Family Residential District, Use District #14, Residential and Retail District, or Use District #15, Rural Residential District. For all other use districts, the distance shall be 50 feet.
2. No building, structure, mobile home, manufacture home or house trailer shall be closer than 20 feet to any state, county or township highway or road or arterial street or roadway right-of-way.
3. Mobile homes, manufactured homes and house trailers shall be setback a minimum of 15 feet from the traveled portion of any street or roadway within the park.
4. No part of any mobile home, manufactured home or house trailer, or any addition or appurtenance thereto, shall be located within 20 feet of any other mobile home, manufactured home or house trailer, or any addition or appurtenance thereto, nor within 50 feet of any accessory/service/community building.

C. Parking

There shall be at least one off-street parking space available for each lot which shall be located within 100 feet of such lot. However, the total number of parking spaces provided in each park shall be equal to not less than 1.33 times the maximum number of mobile homes, manufactured homes or house trailers that can be located in compliance with this Ordinance.

D. Landscaping

Within a 50 foot peripheral setback area along each property line of such a park, designated screen fencing or landscape planting shall be placed so as to be 50% or more opaque between the heights of two feet and eight feet from the average ground elevation when viewed from any point along each property line.

E. Design and Improvements

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The design and improvements provided in such proposed parks, including street widths and construction of approach streets or ways, shall conform to the requirements of the Oneida County Subdivision Control Ordinance. However, the street widths and construction requirements in the Oneida County Subdivision Control Ordinance shall be applied only to those streets which would be necessary to service a future conventional residential subdivision on such tract of land and need not be applied to secondary mobile home site access streets or ways unless the Planning and Zoning Committee determines certain requirements are necessary for ingress and egress of public emergency or service vehicles.

F. Common Space

Each park shall provide at least three acres of common space, exclusive of the required 50 foot peripheral setback area in which common recreational or service facilities can be located. An additional 200 square feet of common space shall be provided for each mobile home, manufactured home or house trailer in excess of 160 located within such park. Any such common space shall be reasonably compact in area so as to be usable and shall be located on well drained land which is not subject to periodic flooding or lengthy periods of wet conditions.

G. Driveways, Parking Spaces, Roads, and Streets

All driveways, parking spaces, roads and streets shall be graveled or paved with concrete or bituminous material.

H. Placement Requirement

1. Manufactured homes, mobile homes or house trailers shall be located at its park site in accordance with the manufacturer's installation instructions, if available, otherwise pursuant to accepted industry standards.
2. The space between the structure and the grade or slab shall be covered with materials compatible in design and appearance with the exterior of the structure.

9.53 CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS (Amend. #6-2009)

A. Size

Campground and recreational vehicle parks shall comply with the following requirements:

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1. No permit shall be issued for the establishment of a campground or recreational vehicle park unless such park is situated on a minimum of 20 acres of land.
2. Campgrounds which provide sites for primitive camping, tent camping and camping trailers shall not contain a total number of campsites that exceed eight campsites per acre, excluding any acreage located in a shoreland-wetland or floodplain district. No acre shall contain more than 20 campsites.
3. Recreational vehicle parks which provide sites for a mixture of recreational vehicles, motor homes, camping trailers, tent sites and primitive camping shall not contain a total number of campsites that exceed five camping sites per acre, excluding any acreage located in a shoreland-wetland or floodplain district. No acre shall contain more than 20 campsites.
4. Each individual campsite or recreational vehicle site shall be no less than 25 feet in width and 40 feet in length
5. Where the campground or recreational vehicle park fronts on a lake or other water frontage, the frontage width shall be not less than 500 feet per every 20 acres. The number of campsites and recreational vehicle sites to be allowed on a body of water shall be determined by the conditional use permit procedure set forth in sections 9.41 and 9.42 of this ordinance including but not limited to considering the gross water area, the number of such sites in a campground or recreational vehicle park, the number of permanent and seasonal residents on the body of water and the total amount of frontage owned by such other residents, the amount of frontage for future residential development and water frontage values. All other applicable provisions of this ordinance must also be met.
6. No decks shall be permitted at campsites located in campgrounds or recreational vehicle parks in excess of 200 square feet including steps provided for ingress and egress.
7. No more than one mobile home in excess of 400 square feet shall be permitted in a campground in a temporary or permanent nature.
8. No mobile homes in excess of 400 square feet shall be permitted in a campsite.
9. Subleasing of campsites or recreational vehicles, motor homes and camping trailers located in campgrounds and recreational vehicle parks is strictly prohibited.
10. An earth tone colored storage shed up to 48 sq ft shall be permitted at an individual campsite.
11. Structures commonly associated with a campsite such as fire rings, picnic tables, grills and necessary utility hook-ups shall be permitted at an individual campsite.
12. A three season room up to 400 sq ft with no bedroom or bathroom attached to the recreational vehicle shall be permitted at an individual campsite.

B. Yards and Setbacks

The following minimum setback regulations shall apply:

1. No building, structure, camp site or recreational vehicle site shall be located within 200 feet of adjacent property lines when the adjacent property is zoned single or multiple-family residential districts. For all other use districts, the minimum distance shall be 100 feet. No building, structure, campsite or recreational vehicle shall be closer than 75 feet to any state, county or town highway or road or arterial street or roadway right-of-way.
2. Recreational vehicles or tents shall not be located so close to the traveled portion of any streets or roadway within such park as to create a safety hazard.
3. No part of any recreational vehicle or tent, or any addition or appurtenance thereto, shall be placed within 10 feet of any other recreational vehicle or tent, or addition or appurtenance thereto, nor within 50 feet of any accessory/service building or structure.

C. Height

No building, structure or recreational vehicle located in a campground and recreational vehicle park shall exceed two stories or 25 feet in height.

D. Parking

There shall be at least one off-street parking space available for each individual camp site or recreational vehicle site which shall be located within 100 feet of such site. However, the total number of parking spaces provided in each campground and recreational vehicle park shall be equal to no less than 1-1/3 times the maximum number of sites which can be located in compliance with this ordinance.

E. Landscaping

Within a 50 foot peripheral setback area along each property line of such a park, designated screen fencing or landscape planting shall be placed so as to be 50% or more opaque between the heights of two feet and eight feet from the average ground elevation when viewed from any point along each property line.

F. Design and Improvement

The design and improvements provided in such proposed parks, including street widths and construction of approach streets or ways, shall conform to

the requirements of the Oneida County subdivision regulations. However, the street widths and construction requirements in the subdivision regulations shall be applied only to those streets which would be necessary to service a future conventional residential subdivision on such tract of land and need not be applied to secondary mobile home site access streets or ways unless the committee determines certain requirements are necessary for ingress and egress of public emergency or service vehicles.

G. Common Space

Each park shall provide at least three acres of common space, exclusive of the required 50 foot peripheral setback area in which common recreational or service facilities can be located. An additional 200 square feet of common space shall be provided for each campground or recreational vehicle in excess of 160 located within such park. Any such common space shall be reasonably compact in area so as to be usable and shall be located on well-drained land which is not subject to periodic flooding or lengthy periods of wet conditions.

H. Exception, Special Event Campground

A campground designed, maintained, intended or used for the purpose of providing sites for non-permanent overnight use of camping units at a special event, as those terms are defined in Wis. Admin. Code HFS 178, the operator of which special event campground has applied for and obtained a permit under HFS 178 and who has provided the County Clerk with a copy of the application and permit, shall not be required to meet the requirements of this section during the period of the special event, subject to the condition that the remaining provisions of Chapter 9, Oneida County Zoning and Shoreland Protection Ordinance, and section 12.04 of the General Code of Oneida County, Wisconsin are otherwise met.

9.54 MOBILE TOWER SITING (Amend #25-2005,03-2007,11-2008,2-2013,3-2015)

A. Purpose and Intent

1. Purpose.

The purpose of this ordinance is to regulate by a permit:

- a. The siting and construction of any new mobile service support structure and facilities.
- b. With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.
- c. With regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

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It is the intent of Oneida County to regulate mobile service support structures and facilities as permitted by §66.0404, Wis. Stats.

2. Authority

The Oneida County Board has the specific authority under §§59.69 and 66.0404, Wis. Stats., to adopt and enforce this ordinance.

3. Adoption of Ordinance

This ordinance, adopted by Oneida County, provides for the regulation by permit:

- a. The siting and construction of any new mobile service support structure and facilities.
- b. With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.
- c. With regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

[Since §66.0404 terms this as a “zoning ordinance” and references the statutory zoning authorities that envision prior Planning and Development Committee review and require a public hearing prior to adopting a new zoning ordinance, the county should also adhere those requirements.]

B. Definitions

All definitions contained in §66.0404(1), Wis. Stats, are hereby incorporated by reference.

C. Exempt from Permitting

The following shall be exempt from the requirement to obtain a permit unless otherwise noted.

1. The use of all receive-only television antenna and satellite dishes.
2. Amateur radio and/or receive-only antennas. This ordinance shall not govern the installation of any antenna that is owned and/or operated by a federally licensed amateur radio operator and is used for amateur radio purposes or is used exclusively for receive-only purposes.
3. Mobile services providing public information coverage of news events of a temporary or emergency nature.

D. Siting and Construction of Any New Mobile Service Support Structure and Facilities and Class I Collocation

1. Application Process

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- a. A permit is required for the siting and construction of any new mobile service support structure and facilities.
- b. A permit is required for a class I collocation.
2. A written permit application must be completed by any applicant and submitted to the Oneida County Planning and Zoning Department. The application must contain the following information:
 - a. The name and business address of, and the contact individual for, the applicant.
 - b. The location of the proposed or affected support structure.
 - c. The location of the proposed mobile service facility.
 - d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - e. If the application is to construct a new mobile service support structure, 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.
 - f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
3. A permit application will be provided by the county upon request to any applicant.
4. 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.
5. 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:

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- a. Notify the town involved and all neighboring property owners within one-thousand (1000) feet.
- b. 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.
- c. Make a final decision whether to approve or disapprove the application.
- d. Notify the applicant, in writing, of its final decision.
- e. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
6. The county may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 2(f).
7. If 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 set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the county provides the applicant with substantial evidence that the engineering certification is flawed.
8. The fee for the permit is \$1,500 per §66.0404(4)(d).
9. Limitations. Permits for siting and construction of any new mobile service support structure and facilities and permits for class 1 collocations shall only be granted provided the following conditions exist:
 - a. If the location of the proposed mobile service support structure or mobile service facility is on leased land, the lease agreement does not preclude the lessee from entering into leases on the site with other provider(s) and there is no other lease provision operating as a bar to collocation of other providers.
 - b. The applicant has obtained Federal Communications Commission (FCC) license numbers and registration numbers if applicable.
 - c. The applicant and/or agent have copies of Findings of No Significant Impacts (FONSI) statement from the Federal Communications Commission (FCC) or Environmental Assessment or Environmental Impact Study (EIS), if applicable.
 - d. The applicant and/or agent have copies of the determination of no hazard from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings, if applicable.
 - e. The applicant and/or agent have plans indicating security measures (i.e. access, fencing, lighting, etc.).
 - f. For new mobile service support structures, the applicant has obtained a report prepared by an engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate additional antennas.
 - g. The applicant and/or agent have proof of liability coverage.

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- h. The applicant and/or agent have copies of an Affidavit of Notification indicating that all operators and owners of airports located within five (5) miles of the proposed site have been notified via certified mail.
- i. The facility or collocation is designed to promote site sharing, such that space is reasonably available to co-locators and such that telecommunication towers and necessary appurtenances, including but not limited to parking areas, access road, and
- j. utilities, are shared by site users whenever possible.

E. Class 2 Collocation

1. Application Process

- a. A county permit is required for a class 2 collocation. A class 2 collocation is a permitted use in the county but still requires the issuance of the county permit.
- b. A written permit application must be completed by any applicant and submitted to the Oneida County Planning and Zoning Department. 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.
- c. A permit application will be provided by the county upon request to any applicant.
- d. A class 2 collocation is subject to the same requirements for the issuance of a permit to which any other type of commercial development or land use development is subject, except that the maximum fee for a permit shall be \$500.
- e. 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 any of the required information is not in the application, the county shall notify the applicant in writing, within five 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.
- f. Within 45 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 town may agree in writing to an extension of the 45 day period:
 - (1) Make a final decision whether to approve or disapprove the application.
 - (2) Notify the applicant, in writing, of its final decision.

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- (3) If the application is approved, issue the applicant the relevant permit.
 - (4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
2. The fee for the permit is \$500.

F. Information Report

The purpose of the report under this subsection is to provide the county with accurate and current information concerning the telecommunications facility owners and providers who offer or provide telecommunications services within the county, or that own or operate telecommunications facilities within the county, to assist the county in enforcement of this subsection, and to assist the county in monitoring compliance with local, state and federal laws.

1. Information Report. All telecommunications tower owners of any new telecommunications tower shall submit to the Planning and Zoning Department a Telecommunications Facility Information Report (the "Report") within 45 days:

- a. Following permit approval.
- b. Following receipt of a written request from the Oneida County Planning and Zoning Department.
- c. Following any change in occupancy of the tower.

The report shall include the tower owner name(s), address(es), phone number(s), contact person(s), and proof of bond as security for removal. The tower owner shall supply the tower height or current occupancy, if applicable, the number of collocation positions designated, occupied or vacant. This information shall be submitted on the county form provided and designated for such use, and shall become evidence of compliance.

G. Removal/Security for Removal

1. It is the express policy of Oneida County and this ordinance that telecommunications towers be removed once they are no longer in use and not a functional part of providing telecommunications service and that it is the telecommunications provider's responsibility to remove such telecommunications tower and restore the site to its original condition or a condition approved by the Oneida County Planning and Zoning Department. This restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the telecommunications tower down to five (5) feet below the surface. After a telecommunications tower is no longer in operation, the provider shall have 180 days to effect removal and restoration unless weather prohibits such efforts. Permittee shall record a document with the

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Oneida County Register of Deeds showing the existence of any subsurface structure remaining below grade. Such recording shall accurately set forth the location and describe the remaining structure.

2. Security for Removal. The owner of any telecommunications tower shall provide to Oneida County, prior to the issuance of a permit, a performance bond in an amount based on a written estimate of a qualified remover of said types of structures, or Twenty Thousand Dollars (\$20,000), whichever is less, to guarantee that the telecommunications tower will be removed when no longer in operation. Oneida County will be named as obligee in the bond and must approve the bonding company. The county may require an increase in the bond amount after five (5) year intervals to reflect increases in the Consumer Price Index. The provider shall supply any increased bond within a reasonable time, not exceeding sixty (60) days, after the county's request. A permittee may submit a letter of credit in the amount set forth above, or, in the alternative, a permittee with several sites in the county may submit a master bond to cover all of said sites. A master bond or a letter of credit may, in the committee's discretion, be in an amount sufficient to secure removal from one site if the master bond or letter of credit provides for replenishing any amount used as the master bond or letter of credit covers any other site in the county.

H. Structural, Design and Environmental Standards

1. Mobile Service Support Structure, Antenna and Facilities Requirements. All mobile service facilities and mobile service support structures, except exempt facilities as defined in subsection (c), shall be designed to reduce the negative impact on the surrounding environment by implementing the measures set forth below:
 - a. Mobile service support structures shall be constructed of metal or other nonflammable material, unless specifically permitted by the county to be otherwise.
 - b. Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their functions.
 - c. Equipment compounds shall be constructed of non-reflective materials (visible exterior surfaces only). Equipment compounds shall be designed to blend with existing architecture in the area or shall be screened from sight by mature landscaping, and shall be located or designed to minimize their visibility.
 - d. Mobile service facilities, support structures and antennas shall be designed and constructed in accordance with the State of Wisconsin Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire Code, Oneida County Subdivision Ordinance, Oneida County Sanitation Ordinance, Electronic Industries Association (EIA), American

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- National Steel Institute Standards (ANSI), and American National Standards Institute (ANSI) in effect at the time of manufacture.
- e. Mobile service facilities and support structures shall not interfere with or obstruct existing or proposed public safety, fire protection or Supervisory Controlled Automated Data Acquisition (SCADA) operation telecommunication facilities. Any actual interference and/or obstruction shall be corrected by the applicant at no cost to the county.
2. **Site Development.** A leased parcel intended for the location of new mobile service facilities, mobile service support structures, and equipment compounds shall be located so as to permit expansion for mobile service facilities to serve all potential co-locators.
 3. **Vegetation protection and facility screening.**
 - a. Except exempt facilities as defined in subsection (c), all mobile service facilities shall be installed in a manner to as to minimize disturbance to existing native vegetation and shall include suitable mature landscaping to screen the facility, where necessary. For purposes of this section, “mature landscaping” shall mean trees, shrubs or other vegetation of a minimum initial height of five (5) feet that will provide the appropriate level of visual screening immediately upon installation.
 - b. Upon project completion, the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping as long as a telecommunication facility is maintained on the site.
 4. **Fire prevention.** All mobile service facilities shall be designed and operated in accordance with all applicable codes regarding fire prevention.
 5. **Noise and Traffic.** All mobile service facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end the following measures shall be implemented for all mobile service facilities, except exempt facilities as defined in subsection (c):
 - a. Noise producing construction activities shall take place only on weekdays (Monday through Saturday, non-holiday) between the hours of 6:00 a.m. and 6:00 p.m., except in times of emergency repair, and
 - b. Backup generators, if present, shall be operated only during power outages and for testing and maintenance purposes.
 6. **Separation Requirements.** Mobile service support structures shall be separated by a minimum of 2640 feet, except that:
 - a. Two (2) mobile service support structures may be permitted to be located within 100 feet of each other subject to approval of the Oneida County Planning and Development Committee.

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- b. Camouflaged mobile service support structures are exempt from the separation between mobile service support structures requirement listed above.

I. Penalty Provisions

- 1. Abandonment. Any antenna, mobile service facility, or mobile service support structure that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Upon application, the committee may extend the time limit to abandon once for an additional twelve-month period. Such extension shall be based on the finding that the owner or permit holder is actively seeking tenants for the site. After the expiration of the time periods established above, the following shall apply:
 - a. The owner of such antenna, mobile service facility or mobile service support structure shall remove said antenna, mobile service facility or mobile service support structure, including all supporting equipment, building(s) and foundations to the depth as otherwise herein required within ninety (90) days of receipt of notice from the Planning and Zoning Department notifying the owner of such abandonment. If removal to the satisfaction of the Planning and Zoning Department does not occur within said ninety (90) days, the Oneida County Planning and Zoning Director may order removal utilizing the established bond as provided under subsection (G) and salvage said antenna, mobile service facility or mobile service support structure, including all supporting equipment and building(s). If there are two or more users of a single mobile service support structure, then this provision shall not become effective until all operations of the mobile service support structure cease.
 - b. The recipient of a permit allowing a mobile service support structure and facility under this section, or the current owner or operator, shall notify the Oneida County Planning and Zoning Department within 45 days of the date when the mobile service facility is no longer in operation.
- 2. Penalties. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall be subject to the penalty provisions set forth in 9.82, Enforcement and Penalties of the Oneida County Zoning and Shoreland Protection Ordinance and upon conviction, may pay a forfeiture of not less than \$25.00 nor more than \$250.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the Planning and Zoning Department may seek injunctive relief from a court of record to enjoin further violations.

J. Severability

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1. If any provision of this ordinance or its application to any person or circumstance is held invalid according to §66.0404, Wis. Stats., the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

9.55 ADULT ORIENTED BUSINESS ORDINANCE (#29-2005, 2-2009)

A. Purpose and Intent

1. Purpose and Intent. It is the purpose of this ordinance to regulate the location of sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the county, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the county. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

B. Definitions

1. ADULT ARCADE means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis on "specified sexual activities" or "specified anatomical areas."
2. ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, streaming videos, DVDs, Blu-ray or other visual representations which are distinguished or characterized by their emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are distinguished or characterized by their emphasis on "specified sexual activities" or "specified anatomical areas."

This definition shall expressly exclude films, motion pictures, video cassettes, slides or other similar photographic reproductions given an "R" or "NC-17" rating by the Motion Picture Association of America.

3. ADULT CABARET means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - a. persons who appear in a state of nudity or semi-nude; or
 - b. live performances which are distinguished or characterized by their emphasis on the exposure of "specified anatomical areas" or "specified sexual activities"; or
 - c. films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by their emphasis on "specified sexual activities" or "specified anatomical areas." This definition shall expressly exclude films, motion pictures, video cassettes, slides or other similar photographic reproductions given an "R" or "NC-17" rating by the Motion Picture Association of America.

4. ADULT MOTION PICTURE THEATER means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are distinguished or characterized by their emphasis on "specified sexual activities" or "specified anatomical areas." This definition shall expressly exclude films, motion pictures, video cassettes, slides or other similar photographic reproductions given an "R" or "NC-17" rating by the Motion Picture Association of America.

5. ADULT THEATER means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by their emphasis on the exposure of "specified anatomical areas" or "specified sexual activities."

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6. **DISTINGUISHED or CHARACTERIZED BY** means the dominant or principal theme of the object referenced. For instance, when the phrase refers to films “which are distinguished or characterized by an emphasis upon the exhibition or display of specified sexual activities or specified anatomical areas,” the films so described are those whose dominant or principal character and theme are the exhibition or display of “specified sexual activities” or “specified anatomical areas”.
7. **EMPLOYEE** means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
8. **ESCORT** means a person who, for consideration, agrees or offers to privately model lingerie or to privately perform a striptease for another person.
9. **ESCORT AGENCY** means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
10. **ESTABLISHMENT** means and includes any of the following:
 - a. the opening or commencement of any sexually oriented business as a new business;
 - b. the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - c. the additions of any sexually oriented business to any other existing sexually oriented business; or
 - d. the relocation of any sexually oriented business.
11. **NUDITY or a STATE OF NUDITY** means the showing of the human male or female genitals, pubic area, vulva, or anus, with less than a complete opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or the areola, or the showing of the covered male genitals in a discernibly turgid state.
12. **PERMITTEE** means a person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit.
13. **PERSON** means an individual, proprietorship, partnership, corporation, association, or other legal entity.

14. **REGULARLY FEATURES** or **REGULARLY SHOWS** means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as part of the ongoing business of the sexually oriented business.
15. **SEMI-NUDE** or in a **SEMI-NUDE CONDITION** means the showing of the human male or female genitals, pubic area, vulva, or anus, with not more than a complete opaque covering, or the showing of the female breast with not more than a complete opaque covering of the nipple or areola.
16. **SEXUALLY ORIENTED BUSINESS** means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, or escort agency.
17. **SPECIFIED ANATOMICAL AREAS** means:
- a. the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - b. less than completely and opaquely covered human genitals, pubic region, vulva, anus or the nipple and areola of the human female breast.
18. **SPECIFIED SEXUAL ACTIVITIES** means any of the following:
- a. the fondling or other erotic touching of another person's human genitals, pubic region, buttocks, anus, or female breasts;
 - b. sex acts, normal or perverted, including but not limited to intercourse, oral copulation, masturbation, or sodomy; or
 - c. excretory functions as part of or in connection with any of the activities set forth in (a) through (b) above.
19. **TRANSFER OF OWNERSHIP OR CONTROL** of a sexually oriented business permit means and includes any of the following:
- a. the sale, lease, or sublease of the sexually oriented business;
 - b. the transfer of securities which constitute a controlling interest in the sexually oriented business, whether by sale, exchange, or similar means; or
 - c. the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the sexually oriented business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

C. Classification

Sexually oriented businesses are classified as follows:

1. adult arcades;
2. adult bookstores, adult novelty stores, or adult video stores;

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3. adult cabarets;
4. adult motion picture theaters;
5. adult theaters;
6. escort agencies;

D. Permit Required – Sexually Oriented Business Permit Required (SOBP)

1. A permit, under this ordinance section, shall be required for the establishment of a sexually oriented business and it shall be a violation of this ordinance section for any person to operate a sexually oriented business without a valid sexually oriented business permit issued by the County under this ordinance section and each day that the operation continues is to be considered a separate and distinct violation subject to civil forfeiture.
2. a. Applicability. Any sexually oriented business as defined in section 9.55 of this ordinance lawfully operating before February 26, 2006 shall be deemed a legal pre-existing use, is not subject to the requirements of section 9.55, and may be continued although such use does not conform with the provisions of section 9.55, subject to the conditions of this subsection. Nothing in this subsection shall be construed as allowing the establishment of a new sexually oriented business on the premises or within the structure of a legal pre-existing use.
 - b. Burden of Proof. The property owner shall have the burden to prove that:
 - (1) The legal pre-existing use or structure was legally established and in existence at the time the applicable provision of this ordinance became effective.
 - (2) The use of the property prior to the effective date of the ordinance provision was so active and actual and was not merely casual and occasional, or incidental to the principal use, such that the property owner has acquired a “vested interest” in the continuance of such a use.
 - c. Legal Pre-Existing Uses and Structures. No structural alteration to, addition to, or repair of any building or structure with a legal pre-existing sexually oriented business use over the life of the building or structure, shall exceed 100 percent of its current building footprint at the time it became a legal pre-existing use unless it is permanently changed to conform to the requirements of this ordinance.
 - d. Permitting. An application with respect to the structural alteration of, addition to, or repair of a building or structure with a legal pre-existing sexually-oriented business use must be made on a form provided by the Planning and Zoning Department. Within 30 days after receipt of such a completed permit application, the Planning and Zoning Department or administrator shall approve or deny the issuance of a permit to an applicant. The county shall approve the issuance of a

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permit to an applicant unless it is determined by a preponderance of the evidence that the proposed structural alteration of, addition to, or repair of the building or structure would be non-compliant with any applicable laws and ordinances other than section 9.55 of this ordinance. If any such application is denied, the Planning and Zoning Director shall, within 5 days of the denial, issue to the applicant written notification as to why the permit was denied. Judicial review of such a denial shall be available via section 9.55(K) of this ordinance.

3. An application for a permit must be made on a form provided by the county.
4. All applicants must be qualified according to the provisions of this ordinance. The application may request and the applicant shall provide such information as to enable the county to determine whether the applicant meets the qualifications established in this ordinance.
5. A person who wishes to operate a sexually oriented business must sign the application for a permit as an applicant. If a person other than an individual wishes to operate a sexually oriented business, all persons legally responsible for the operations of the sexually oriented business or who have power to control or direct its operations must sign the application for a permit as applicant. Such persons include, but are not limited to, general partners, corporate officers, corporate directors, and controlling shareholder(s). Each application must be qualified under the following section and each applicant shall be considered a permittee if a permit is granted.
6. The completed application for a sexually oriented business permit shall contain the following information and shall be accompanied by the following documents:
 - a. If the applicant is:
 - (1) an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is 18 years of age or older;
 - (2) a corporation, the corporation shall state its complete name, the date and state of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and controlling stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.
 - (3) a partnership, joint venture, limited liability entity, or other type of business organization where two (2) or more persons have a financial interest, the entity shall state its complete name, the type of entity, and the names of persons having a financial interest in the entity.
 - b. If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; he or she must state 1) the fictitious name of the sexually oriented business and 2) submit the required registration documents.
 - c. The single classification of permit for which the applicant is filing.

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- d. The location of the proposed sexually oriented business, including a legal description of the property, street address, and telephone number(s), if any.
- e. The applicant's mailing address or registered agent's mailing address.
- f. A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
- g. A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within 500 feet of the property to be certified; the property lines of any established religious institution/synagogue or school within 500 feet of the property to be certified. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted.
- h. If an applicant wishes to operate a sexually oriented business, which shall exhibit on the premises, in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, films, video cassettes, other video reproductions, or live entertainment which are distinguished or characterized by their emphasis on the depiction of specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in section N.

E. Issuance of Permit

- 1. A permit granted pursuant to this section shall be subject to bi-annual renewal upon the written application of the applicant, using the standard adult business permit application provided by the Planning and Zoning Department and a finding by the county that the applicant has not committed any act during the existence of the previous permit, which would be grounds to deny the initial permit application as set forth in subsection (2) below. Sexually oriented business owners shall be required to seek a renewal permit every two years after the date of issuance of their sexually oriented business permit, and two years after each renewal permit is granted. A completed renewal application must be submitted to the Planning & Zoning Department no later than forty-five (45) days prior to the expiration of the permit in question. The renewal of the permit shall be subject to the payment of the fee as set forth in section F, and follow the timeline set forth in subsection (2) below.
- 2. Within 30 days after receipt of a completed sexually oriented business application or renewal application, the Planning and Zoning Department

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shall approve or deny the issuance of a permit to an applicant. The county shall approve the issuance of a permit to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

- a. An applicant is under eighteen (18) years of age.
 - b. An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form.
 - c. The premises to be used for the sexually oriented business have not been found by the health department, fire department, Planning and Zoning Department or appropriate building official as being non-compliant with applicable laws and ordinances.
 - d. The permit fee required by this ordinance has not been paid.
 - e. An applicant of the proposed establishment is otherwise in violation of, or is not in compliance with any of the provisions of this ordinance.
3. The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business and the classification for which the permit is issued pursuant to section C. All permits shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time.
 4. The health department, fire department, Planning and Zoning Department or appropriate building official shall complete their certification that the premises is in compliance or not in compliance with applicable laws and ordinances within twenty (20) days of receipt of the completed application by the county. If such certification is not completed within 20 days, the premise shall be deemed to be in compliance for the purposes of issuing the permit.
 5. A sexually oriented business permit shall issue for only one classification as found in section C.
 6. If any application is denied, the Planning and Zoning administrator shall, within 30 days of the county's receipt of the completed application, issue to the applicant written notification as to why the permit was denied.

F. Fees

1. Every application for a new sexually oriented business permit shall be accompanied by a \$250.00 non-refundable fee.
2. In addition to the application and investigation fee required above, every sexually oriented business that is granted a renewal permit shall pay to the county a bi-annual non-refundable permit renewal fee of \$75.00 within thirty (30) days of permit issuance.
3. All permit applications and fees shall be submitted to the Planning and Zoning Department of Oneida County.

G. Inspection

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1. An applicant or permittee shall permit representatives of the Police Department, Health Department, Town Fire Department, Zoning Department, or other county departments or agencies to inspect those portions of the premises of a sexually oriented business that patrons or customers are permitted to occupy for the purpose of insuring compliance with the law, at any time it is occupied or open for business.
2. A person who operates a sexually oriented business or his agent or employee commits a violation of this ordinance if he refuses to permit such lawful inspection of the premises at any time it is open for business. Each day that such violation continues will be considered a separate and distinct violation subject to civil forfeiture.

H. Expiration of Permit

1. Each permit shall expire every two years from the date of issuance and may be renewed only by making application as provided in section D. Application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit will not be affected.
2. When the county denies renewal of a permit, the applicant shall not be issued a permit for one year from the date of denial. If, subsequent to denial, the county finds that the basis for denial of the renewal permit has been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have elapsed since the date denial became final.

I. Suspension

1. The county shall suspend a permit for a period not to exceed thirty (30) days if it determines that a permittee or an employee of a permittee has:
 - a. violated or is not in compliance with any section of this ordinance; or
 - b. refused to allow an inspection of the sexually oriented business premises as authorized by this chapter.
 - c. If any permit is suspended the Planning & Zoning administrator shall within 15 days, issue to the permit holder written notification of why the permit was suspended.
2. If the Planning and Zoning Department determines that facts exist warranting the suspension of a permit under this Ordinance, the department shall notify the permittee, in writing and by personal delivery or certified mail, of the department's intent to suspend the permit, including the grounds for such a suspension. Within five (5) business days of receipt of such notice, the permittee may provide to the department, in writing, a response that shall include a statement of reasons why the permit should not be suspended.

If the permittee provides no such written response to the department

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within the time specified above, the department shall notify the permittee in writing and by personal delivery or certified mail, that the permit has been suspended and the reasons for said suspension. Such notice shall include a statement advising the permittee of the right to challenge the suspension in a court of competent jurisdiction pursuant to section K of this ordinance. If the permittee provides a timely written response, the department shall, within three (3) business days of its receipt of said response, place on the agenda for a meeting of the Planning and Zoning Committee a hearing to consider the suspension of the permit and notify the permittee in writing of the date and time of the hearing before the committee.

A hearing pursuant to that described above shall be conducted within fourteen (14) days of the department's receipt of a permittee's written response to a notice of intent to suspend. At said hearing, the department shall present such evidence and witnesses as it believes warrant a suspension of the permit. At said hearing, the permittee shall have the opportunity to be represented by counsel, to present evidence and witnesses on his or her behalf, and to cross-examine witnesses presented by the department. At said hearing, the Planning and Zoning Committee shall determine if sufficient grounds exist to warrant the suspension of the permit. If the committee determines that such grounds exist and determines to suspend the permit, the committee shall provide notice to the permittee, in writing and by personal delivery or by certified mail, of the fact of the suspension and the grounds for the suspension. Such notice shall include a statement advising the permittee of the right to challenge the suspension in a court of competent jurisdiction pursuant to section K of the ordinance.

All notifications to the permittee described herein shall be directed to the most current business address of the permittee on file with the department.

J. Revocation

1. The county shall revoke a permit if a cause of suspension in section I occurs and the permit has been suspended within the preceding twelve (12) months.
2. The county shall also revoke a permit if it determines that:
 - a. a permittee gave false or misleading information in the material submitted during the application process or omits material facts;
 - b. a permittee has knowingly allowed possession, use, or sale of controlled substances on the premises;
 - c. a permittee has knowingly allowed prostitution on the premises;
 - d. a permittee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;

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- e. a permittee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the permitted premises; or
 - f. a permittee is delinquent in payment to the town, county, or state for any fees past due required under this ordinance.
 - g. the permittee has become ineligible to obtain a permit.
3. When the county revokes a permit, the revocation shall continue for one (1) year, and the permittee shall not be issued a sexually oriented business permit for one (1) year from the date the revocation became effective. If, subsequent to revocation, the county finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit if at least ninety (90) days have elapsed since the date the revocation became effective.

If the Planning and Zoning Department determines that facts exist warranting the revocation of a permit under this ordinance, the department shall notify the permittee, in writing and by personal delivery or certified mail, of the department's intent to revoke the permit, including the grounds for such a revocation. Within five (5) business days of receipt of such notice, the permittee may provide to the department, in writing, a response that shall include a statement of reasons why the permit should not be revoked.

If the permittee provides no such written response to the department within the time specified above, the department shall notify the permittee, in writing and by personal delivery or certified mail, that the permit has been revoked and the reasons for said revocation. Such notice shall include a statement advising the permittee of the right to challenge the revocation in a court of competent jurisdiction pursuant to section K of this ordinance. If the permittee provides a timely written response, the department shall, within three (3) business days of its receipt of said response, place on the agenda for a meeting of the Planning and Zoning Committee a hearing to consider the revocation of the permit and notify the permittee in writing of the date and time of the hearing before the committee.

A hearing pursuant to that described above shall be conducted within fourteen (14) days of the department's receipt of a permittee's written response to a notice of intent to revoke. At said hearing, the department shall present such evidence and witnesses as it believes warrants a revocation of the permit. At said hearing, the permittee shall have the opportunity to be represented by counsel, to present evidence and witnesses on his or her behalf, and to cross-examine witnesses presented by the department. At said hearing, the Planning and Zoning Committee shall determine if sufficient grounds exist to warrant the revocation of the permit. If the committee determines that such grounds

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exist and determines to revoke the permit, the committee shall provide notice to the permittee, in writing and by personal delivery or by certified mail, of the fact of the revocation and the grounds for the revocation. Such notice shall include a statement advising the permittee of the right to challenge the revocation in a court of competent jurisdiction pursuant to section K of this ordinance.

All notifications to the permittee described herein shall be directed to the most current business address of the permittee on file with the department.

K. Judicial Review

After denial of an application, or denial of a renewal of an application, or suspension or revocation of any permit, the applicant or permittee may seek prompt judicial review by statutory or common law writ of certiorari of such administrative action in any court of competent jurisdiction. The Oneida County Board of Adjustment is not competent to review the denial, suspension, or revocation of sexually oriented business permits. The administrative action shall be promptly reviewed by the court.

L. Transfer of Permit

A permittee shall not transfer ownership or control of his/her permit to operate a sexually oriented business under this ordinance section to another, nor shall a permittee operate a sexually oriented business under the authority of a permit issued with this ordinance section at any place other than the address designated on the permit.

M. Location of Sexually Oriented Businesses

1. A person commits a violation of this ordinance if that person operates or causes to be operated a sexually oriented business in any zoning district other than District 10 General Use, as defined and described in the Oneida County Zoning and Shorelands Protection Ordinance. A sexually oriented business shall be considered a permitted use in District 10 – General Use Zoning District. Each day that the operation continues is considered a separate and distinct violation subject to civil forfeiture.
2. A person commits a violation of this ordinance if the person operates or causes to be operated a sexually oriented business within 500 feet of:
 - a. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
 - b. A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary

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schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

- c. A boundary of a single family residential district, multi-family residential district, rural residential district or residential retail district as defined in the Oneida County Zoning & Shoreland Protection Ordinance.

Each day that the operation continues is to be considered a separate and distinct violation subject to civil forfeiture.

- 3. A person commits a violation of this ordinance if that person causes or permits the establishment or transfer of ownership or control of a sexually oriented business within 500 feet of another sexually oriented business. Each day that the operation continues is to be considered a separate and distinct violation subject to civil forfeiture.
- 4. A person commits a violation of this ordinance if that person causes or permits the establishment of more than one sexually oriented business in the same building, structure, or portion thereof. Each day that the operation continues is to be considered a separate and distinct violation subject to civil forfeiture.
- 5. For the purpose of subsection 2 of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection 2. Presence of a county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.
- 6. For purposes of subsection 3 of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
- 7. Any sexually oriented business lawfully operating on February 26, 2006, that is in violation of subsection 1 through 6 of this section shall be deemed a legal pre-existing use. The legal pre-existing use will be permitted to continue so long as the establishment of a new sexually oriented business does not occur on the premises or within the structure as defined in section B(10) hereof and as provisions of section D(2) are satisfied.
- 8. A sexually oriented business lawfully operating with a permit issued under this ordinance section is not in violation of this ordinance by the location, subsequent to the grant or renewal of the sexually oriented business permit, of a use listed in subsection 2 and 3 of this section within 500 feet of the sexually oriented business. This provision applies only to

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the renewal of a valid permit, and does not apply when an application for a permit is submitted after a permit has expired or been revoked.

N. Regulations Pertaining to Exhibition of Sexually Explicit Films, Videos or Live Entertainment in Viewing Rooms

1. A person who operates or causes to be operated a sexually oriented business, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
 - a. Upon application for a sexually oriented permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6") inches. The county may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
 - b. The application shall be sworn to be true and correct by the applicant.
 - c. No alteration in the configuration or location of a manager's station may be made without the prior approval of the county.
 - d. It is the duty of the permittee of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
 - e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the

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manager's station.

- f. It shall be the duty of the permittee to ensure that the view area specified in subsection (5) remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (a) of this section.
 - g. No viewing room may be occupied by more than one person at any time.
 - h. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot-candles as measured at the floor level.
 - i. It shall be the duty of the permittee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
 - j. No permittee shall allow openings of any kind to exist between viewing rooms or booths.
 - k. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
 - l. The permittee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
 - m. The permittee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
 - n. The permittee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty eight (48") inches of the floor.
2. A person having a duty under subsection (a) through (n) of subsection (1) above commits a violation of this ordinance if he knowingly fails to fulfill that duty. Each day that the violation continues is to be considered a separate and distinct violation subject to civil forfeiture.

O. Additional Regulations for Escort Agencies

1. An escort agency shall not employ any person under the age of 18 years.
2. A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of 18 years.

P. Prohibition Against Children In A Sexually Oriented Business

A person commits a violation of this ordinance if the person knowingly allows a person under the age of 18 years on the premises of a sexually oriented

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business. Each admission is to be considered a separate and distinct violation subject to civil forfeiture.

Q. Hours of Operation

No sexually oriented business, may remain open at any time between the hours of two o'clock (2:00) A.M. and eight o'clock (8:00) A.M. on weekdays and Saturdays, and two o'clock (2:00) A.M. and noon (12:00) P.M. on Sundays.

R. Responsibilities of the Permittee

1. Any act or omission of an employee constituting the violation of the provisions of this Ordinance shall be deemed the act or omission of the permittee for the purposes of determining whether the permittee's license shall be revoked, suspended or renewed.

S. Exceptions

The provisions of this ordinance do not apply to the following establishments: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis; and in which the predominant business or attraction is not the offering of entertainment which is intended for sexual interests or titillation of customers; and where the establishment is not distinguished by an emphasis on or the advertising or promotion of nude or semi-nude performances. While expressive live nudity may occur within these establishments, this ordinance seeks only to minimize and prevent the secondary effects of sexually oriented businesses on the community. Negative secondary effects have not been associated with the establishments referenced in this section.

T. Injunction

A person who operates or causes to be operated a sexually oriented business without a valid permit or otherwise in violation of this ordinance is subject to a suit for injunction as well as prosecution for criminal violations. Such violations shall be punishable by a fine of \$25.00 to \$250.00 for each violation. Each day a sexually oriented business so operates is a separate offense or violation.

U. Severability

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

V. Conflicting Ordinances Repealed

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

W. Effective Date

This ordinance shall be enforced from and after February 26, 2006.

9.56 DOMESTICATED CHICKENS/DUCKS (#1-2011,5-2014)

A. Purpose and Intent

It is the purpose of this ordinance to provide standards for the keeping of domesticated chickens/ducks. It is intended to enable residents to keep a small number of chickens/ducks on a non-commercial basis.

B. Definitions

1. Chicken – The common fowl (*Gallus gallus*) especially when young; also - its flesh used as food.
2. Pen – shall mean a wire enclosure connected to a coop for the purpose of allowing chickens/ducks to leave the coop while remaining in an enclosed, predator-safe environment.
3. Duck – Any of various swimming birds (family Anatidae, the duck family) in which the neck and legs are short, the feet typically webbed, the bill often broad and flat, and the sexes usually different from each other in plumage.
4. Coop – shall mean a structure for the sheltering of chickens/ducks. An existing shed or garage can be used for this purpose if it meets the standards contained in this ordinance including the required setbacks from property lines.

C. Number and Type of Chickens/Ducks Allowed

1. The maximum number of chickens and/or ducks allowed is eight (8) per lot.
2. Only female chickens are allowed, no roosters. Male or female ducks are allowed. There is no restriction on chicken or duck species.

D. Coop and Pen Construction

The chickens/ducks shall be provided with a covered coop and attached pen. Chickens/ducks shall not be allowed out of the coop or pen.

E. Location

1. Chicken/duck coops and pens shall not be located closer than fifty (50) feet to any lot line.
2. Chicken/duck coops and pens shall not be located closer than seventy-five (75) feet from the ordinary high water mark (OHWM) of any lake, river or stream.
3. Chicken coops and pens, pursuant to this section are allowed in District #2 - Single Family Residential, District #4 – Residential and Farming, District #10 – General Use, District #14 – Residential and Retail and District #15 – Rural Residential.
4. Minimum lot size is one acre.

F. Other Provisions

Poultry are still allowed in District #4 - Residential and Farming, District #10 - General Use, District #14 - Residential and Retail, and District #15 - Rural Residential pursuant to the requirements in those sections.

9.57 MORATORIUM ON LIVESTOCK FACILITIES LICENSING (2-2020,2-2021,9-2021)
Removed from ordinance as moratorium expired March 1, 2022)

9.58 TOURIST ROOMING HOUSE (4-2019, 8-2020,7-2022)

A. Purpose

The purpose of this ordinance is to ensure the quality of tourist rooming houses operating within the county is adequate for protecting public health, safety and general welfare, including establishing minimum standards of space for human occupancy and for an adequate level of maintenance; determining the responsibilities of owners, operators, and resident agents offering these properties for tourists, for collection of taxes, to protect the character and stability of all areas within the county; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises; and provisions for the administration and enforcement thereof.

B. Exemptions

The following operations are exempt from complying with the requirements of this article:

1. A private boarding or rooming house, ordinarily conducted as such, not accommodating tourists or transients.
2. A hotel, motel, or resort license issued by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP),

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pursuant to §97.605, Wis. Stats., or a designated local health department pursuant to §97.625, Wis. Stats., directly or through its agent.

3. Bed and breakfast establishments.

C. Definitions

1. The following definitions and conditions apply unless specifically modified:
 - a. **Corporate Entity:** A corporation, partnership, limited liability company, or sole proprietorship authorized to conduct business in this state.
 - b. **Department:** Oneida County Planning and Zoning Department.
 - c. **Dwelling:** A detached structure or part thereof designed or used as a residence or sleeping place and includes a manufactured home, but does not include boarding or lodging houses, motels, hotels, tents, or tourist cabins.
 - d. **Dwelling Unit:** A room or group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use as a living quarters for one family.
 - e. **Owner:** The owner of a short-term rental.
 - f. **Permit:** Administrative Review Permit issued under Article 3, Section 9.36 - Procedure for Administrative Review Permits.
 - g. **Person:** Shall include a corporation firm, partnership, association, organization, and any other group acting as a unit as well as individuals including a personal representative appointed according to law. Whenever the word person is used in any section of this article prescribing a penalty or fine as to partnerships or associations, the word shall include the partners or members hereof, and as to corporations, shall include the officers, agents, or members thereof who are responsible for any violation of such section.
 - h. **Resident Agent:** An owner meeting the qualifications for a resident agent as set forth in section 9.58(G) or a person appointed by the owner of a tourist rooming house to act as agent on behalf of the owner.
 - i. **State:** State of Wisconsin Department of Agriculture, Trade and Consumer Protection, or its designee.
 - j. **Tourist or Transient:** A person who travels from place to place away from his or her permanent residence for vacation, pleasure, recreation, culture, business, or employment.
 - k. **Tourist Rooming House (TRH):** Any lodging, place, tourist cabin, or cottage where sleeping accommodations are offered for pay to

tourist or transients, or to persons who stay or intend to stay for thirty (30) days or less.

D. Tourist Rooming House Requirements

1. No person may operate a tourist rooming house without an Administrative Review Permit (ARP).
2. Every tourist rooming house shall be operated by a resident agent.
3. A tourist rooming house shall meet the following minimum requirements:
 - a. Tourist rooming house rentals of six (6) consecutive days or less are prohibited in the following zoning districts:
 - (1) District #1B Forestry
 - (2) District #1C Forestry
 - (3) District #02 Single Family
 - (4) District #08 Manufacturing/Industrial
 - (5) District #15 Rural Residential
 - b. Maximum occupancy for a tourist rooming house served by a Private Onsite Wastewater Treatment System (POWTS) is limited to the number of occupants for which the POWTS was designed, or the occupancy granted by the State tourist rooming house license, whichever is less.
 - c. Maximum occupancy for a tourist rooming house served by a public sewage facility is limited to the number of occupants authorized by the State tourist rooming house license issued by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection in accordance with Wisconsin Administrative Code ATCP 72.
 - d. Off-street parking of 1.1 parking space for each bedroom in compliance with Article 7, Section 9.77(E).
 - e. On-street parking is prohibited, unless allowed by the governmental entity having jurisdiction over the public road.
 - f. No recreational vehicles, campers, tents, or other temporary lodging arrangements shall be permitted onsite as a means of providing additional accommodations for paying guests or other invitees.
 - g. Compliance with all state, county, and town regulations.
 - h. Signage. Signage shall not exceed twelve square feet. No other signage is permitted on site or any adjoining lake or water body. A sign permit is required pursuant to Article 7, Section 9.78(A)(2).
 - i. Advertising the availability of the rental may take place only after all town, county, and state permits and licenses have been obtained.
 - j. Trash and garbage removal shall be provided on a weekly basis. Such service shall be evident by a contract with a licensed garbage

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hauler or, if not contracted, by name of a private party responsible for weekly trash removal.

- k. Each tourist rooming house shall comply with all other provisions of Chapter 9 of the Oneida County Zoning and Shoreland Protection Ordinance.
- l. No outdoor activity shall occur between the hours of 10:00 p.m. – 7:00 a.m.
- m. The maximum occupancy allowed on a property being rented as a tourist rooming house shall not exceed the allowed maximum occupancy of the tourist rooming house.
- n. The total combined number of vehicles and trailers allowed on site shall not exceed the allowed number of bedrooms in the tourist rooming house, plus one.

E. Tourist Rooming House Administrative Review Process

- 1. All applications for a Tourist Rooming House Administrative Review Permit and Renewal shall be filed with the zoning director on forms provided. Applications must be filed by the owner of the tourist rooming house or by the resident agent. Each applicant shall certify that the tourist rooming house that is the subject of the application can meet the requirements set forth in section 9.58(D).
- 2. An application for a Tourist Rooming House Administrative Review Permit shall include the following and shall not be considered complete until all of the following are submitted:
 - a. Floor plan and requested maximum occupancy.
 - b. Site plan including available onsite parking.
 - c. POWTS information.
 - d. Designation of the resident agent.
 - e. Certification from the owner and resident agent that the property meets the requirements of section 9.58(D).
 - f. The application fee.
- 3. Permits shall be valid for a period of one year from January 1 to December 31. If a permit is granted after November 1 of a permit year, that permit will extend to December 31 of the following year.
- 4. Renewal applications shall be filed by November 1. The purpose of annual renewal is to review compliance with the conditions of permit approval, resident agent eligibility and contact information of the owner and resident agent.

F. Application Review Procedure

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A Tourist Rooming House Administrative Review Permit shall follow the procedure for administrative review permits as specified in Article 3, Section 9.36 - Procedure for Administrative Review Permits.

G. Resident Agent

1. A resident agent and/or his/her designee is required for all tourist rooming houses.
2. Resident agent shall meet the following requirements:
 - a. Be an adult person residing in or within a twenty-five (25) mile radius of the location of the tourist rooming house or a corporate entity with offices located within a twenty-five (25) mile radius of the tourist rooming house that is the subject of the application.
 - b. Be authorized by the owner to act as the agent for the owner for: (i) the receipt of service of notice of violation of this article's provisions; (ii) service of process pursuant to this article; and (iii) to allow the county to enter the property permitted under this article for inspection and enforcement.

H. Nontransferable

Any permit issued under this article is nontransferable. The holder of any permit or license shall notify the zoning director in writing of any transfer of the legal control of any property covered by the permit.

I. Fees

The application fee, and renewal fees, as periodically designated by the county board, shall be paid when the applications are filed.

J. Enforcement and Penalties

1. Enforcement and penalties as specified by Article 8, Section 9.82 of the Oneida County Zoning and Shoreland Protection Ordinance.
2. If the Administrative Review Permit is revoked, the owner may apply for a new license after a twelve (12) month revocation period.

K. Conditions on Permit

The department shall have the authority to place reasonable conditions on a permit when necessary to meet the requirements of Section 9.58(D) with regard to the matters set forth in this article.

9.59 [Reserved for future use]

ONEIDA COUNTY ZONING AND SHORELAND PROTECTION ORDINANCE

CHAPTER 9 ARTICLE 6 - NON-METALLIC MINING AND METALLIC MINERAL EXPLORATION, BULK SAMPLING AND MINING

9.60 Non-Metallic Mining

9.61 Metallic Mineral Exploration, Bulk Sampling and Mining

9.60 NON-METALLIC MINING

Non-metallic mining of and the quarrying of sand, gravel, decomposed granite or solid rock and the processing for manufacture of materials incidental to such extraction, together with the erection of building and the installation of equipment and machinery, may be permitted if the zoning district in which the project is located allows for non-metallic mining, provided the following requirements are met:

A. Application for Conditional Use Permit

The application for the conditional use permit shall include: an adequate description of the operation; a list of equipment, machinery and structures to be used; the source, quantity disposition of water to be used; a topographic map of the site showing existing contour interval no greater than ten (10) feet, trees, propose and existing access roads, the depth of all existing and proposed excavations; and a reclamation plan.

B. Operational Plan

The operational plan shall consider developing that area of the project that is farthest away from lot lines and roads so as to provide for as much natural buffer and residential screening as possible, and the Planning and zoning Committee in any approvals shall consider this type of operation and if approved in any other manner their reasons shall be given in writing.

C. Reclamation Plan

The reclamation plan, except for solid rock quarries, shall be such that all final grades of areas no longer worked shall be no steeper than three (3) feet horizontal to one (1) foot vertical. Any part of an excavation in which water collects to a depth of two (2) feet or more for 30 or more consecutive days shall be drained or filled to prevent such collection of water unless the committee gives approval to a plan for the creation of an artificial lake. All final grades shall have adequate planting or reforestation to prevent erosion.

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D. Topsoil Storage and Reapplication

1. All topsoil shall be saved for future application unless it can be proven that it is not all needed for reclamation. As a standard, a minimum amount of topsoil must be stored and stock piled to cover the entire site operation with four (4) inches.
2. Topsoil shall be reapplied to the slopes as uniformly as possible. Sites which lack adequate topsoil shall have the topsoil applied preferentially to the sloped areas.

E. Rock Quarry

A rock quarry when it is impractical to slope the side shall be surrounded by a six foot open-type woven wire fence.

F. Setbacks

All excavations, roads, stock piles, buildings and structures, shall be at least the following minimum distances from:

1. Adjacent Property: 30 feet
2. Highway: 30 feet from right-of-way line.
3. Visual Clearance Triangle

In each quadrant of every street or highway intersection, there shall be designated a visual clearance triangle bounded by the street center lines and a line connecting them 300 feet from a Class A highway intersection, 250 feet from a Class B highway intersection, and 200 feet from a Class C highway intersection. If two (2) highways of a different class intersect, the largest distance shall apply to both center lines within this triangle, no object over 2 1/2 feet in height above the level of the streets shall be allowed if it obstructs the view across the triangle. Posts and open fences are excluded from this prohibition. Tree trunks shall be exempt from the visual clearance provisions set forth above when they are unbranched to a height of 10 feet and located a minimum of 30 feet apart.

G. Special Use Permit Application

The owners of existing non-metallic mining or quarry operations within one year after the adoption of this ordinance, shall make application for a special use permit and submit a restoration plan. The restoration plan shall not impose requirements which are economically or engineeringly unreasonable with respect to conditions resulting from operation prior to the enactment of this ordinance.

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H. Sureties

The applicant shall furnish the necessary sureties which will enable the county to perform the planned restoration of the site in the event of damage done to property, of default or damage done by the applicant. The amount of such sureties shall be based upon cost estimates reviewed by the highway commissioner, or other county employees having expertise and the form and type of such sureties shall be approved by the corporation counsel.

I. Other Considerations

The committee shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character, and land value of the locality and shall also consider the practicality of the proposed reclamation of the site.

J. Damage to County and Town Property

1. If any real or personal property of the county and town, including timber, town truck roads, county forest roads, and county truck roads, is damaged or destroyed by virtue of owners operations hereunder on or off the premises, owner shall restore, or pay for the restoration of the same to an acceptable condition and value or may, in the case of personal property, pay fair market value of the damage as compensation therefore.
2. On a town trunk road, county forest road, or county truck road where applicant's equipment and vehicles have been operating, it shall be presumed that any damage to these roads incurred after the applicant initiated its operations was caused by such applicant's operations. The applicant shall have the right to show and shall bear the burden of proof in showing that the indicated damage was not the result of their operations. The determination of responsibility for road damage shall be the responsibility of the County Board of Supervisors.

K. Activities Exempt from Section 9.60:

1. Excavations or grading by a person solely for domestic use at his or her residence.
2. Excavations or grading conducted for highway construction purposes within the highway right-of-way.
3. Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.

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4. Excavations for building construction purposes.
5. Any metallic mining operation
6. Any activities related to construction of a solid or hazardous waste disposal site except where such activities are conducted at a non-metallic mining site. Other sections of this ordinance may require permits for these activities.

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Findings. Oneida County has over 1,127 lakes within its boundaries and approximately 167,000 acres of public forest lands. Oneida County is valued for its scenic beauty and recreational resources. It also has known deposits of nonferrous metallic minerals. Development of nonferrous minerals has potential for adversely impacting groundwater quality and quantity and surface water quality. The ‘boom to bust’ economic cycle of nonferrous mining and the associated development of housing, infrastructure and commercial establishments undertaken to meet the peak demands of a nonferrous metallic mining operation and the temporary nature of the need for such development could result in adverse social consequences in the County. If not properly regulated, nonferrous metallic mineral exploration, bulk sampling, prospecting and mining could have an adverse impact on the environmental character and quality of the communities in Oneida County, as well as an adverse effect on the public health, safety, convenience, morals and general welfare.

A. Purpose and Intent. The purpose of this section is to regulate nonferrous metallic mineral exploration, bulk sampling and mining in Oneida County and to promote the public health, safety, convenience, morals and general welfare and accomplish the purposes under Wis. Stat. s. 59.69(1), including but not limited to the protection of water, groundwater, forest and other natural resources, the protection of property values and the property tax base, and to encourage uses of land and other natural resources which are in accordance with their character and adaptability. In addition, it is the purpose of this section to coordinate the requirements of this section with other applicable state and federal requirements. It is not the intent of Oneida County to duplicate or supersede the regulatory authority of the Wisconsin Department of Natural Resources (DNR) or other state and federal government agencies. Furthermore, it is the intent of Oneida County to require applicants to provide the County with copies of all information applicants submit to the DNR, other state agencies and the federal government for the purposes of permitting, with the exception of information that is determined the state to be a confidential trade secret. It is also the intent of Oneida County to require the applicant to

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pay all of the County's costs including but not limited to the review, permitting and monitoring of nonferrous metallic mining.

- B. **Authority.** This Chapter is adopted under authority of the powers set forth in Wis. Stats. ss. 59.01, 59.03, 59.04, 59.51, 59.54(6), 59.57, 59.69, 59.70, 92.07, and 293.
- C. **Interpretation/Severability.** Where provisions of this section of the Oneida County Zoning Ordinance impose requirements or procedures that differ from other provisions in this ordinance, the provisions of this section shall govern. Should any portion of this section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.
- D. **Oneida County Metallic Mining Local Impact Committee.** The Oneida County Mining Oversight/Local Impact Committee established under 2.39 (2) (b) of the General Code shall be the Local Impact Committee for Nonferrous Metallic Mining in Oneida County and its formation and actions shall be as set forth 2.39 (2) (b) of the General Code and in accordance with Wis. Stats. ss. 293.33 and 293.41.
- E. **Successor Statutes and Administrative Rules Incorporated.** This ordinance has been passed and published in response to 2017 WI ACT 134 (the "Act"), which removed barriers to the initiation of nonferrous metallic mining in Wisconsin. The provisions of the Act are effective July 1, 2018. The effect of the Act is to amend, repeal, and create certain sections of Wisconsin Statutes. It is anticipated that related statutes and administrative rules and regulations, in effect at the time of publication of this ordinance, will also undergo substantial change in response to the Act. All references and citations to state or federal statutes and/or regulations in this Ordinance shall include any and all modifications, amendments, or revisions thereto that become effective after the effective date of this ordinance. If a specified administrative code reference is determined not to exist or not to apply for any reason and has not been replaced by a different applicable administrative code, then the governance for any topic, standard or purpose served by reference to that specified administrative code shall be the statute that provided the authority under which the referenced rule was last promulgated, and as that statute may be amended.
- F. **Definitions.** The terms defined in Wis. Stat. Ch. 293 are adopted in full to apply to this Ordinance and shall have the same meaning as in that statute. In addition, the term "processing" as applied to an activity at a mining site shall mean milling, concentrating, refining, or chemically treating ore mined at the site.

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- G. Timing Milestones and Triggering Events.** The following significant regulatory milestones and events prescribed by statute, rule, regulation or ordinance, are listed below in the approximate sequence in which they are likely to occur, however any failure of events to occur in this exact sequence shall not be deemed a violation of this Ordinance:
1. Notice of Intent to perform bulk sampling and filing of bulk sampling plan
 2. Notice of Intent to collect data or apply for DNR Mining permit application (“NOI”)
 3. Activation of a Local Impact Committee in Oneida County (including for example, the Oneida County Mining Oversight and Local Impact Committee commencing its activities as a Local Impact Committee under Wis. Stats. s. 293.33)
 4. Filing of County Mining Permit Application and DNR Mining permit application (simultaneous filing of both applications is required; any subsequent filing of additional information or amendments to the DNR Mining Permit Application shall also be filed with the County).
 5. DNR Review of completeness of DNR Mining Permit application and possible request for additional information
 6. County Planning and Development Committee reviews County Mining Permit application.
 7. Environmental Impact Report (“EIR”) (optional, prepared by applicant; if prepared would be submitted to DNR and County)
 8. DNR prepares and provides to the County and affected towns the Draft Environmental Impact Statement (“DEIS”), draft approvals, draft mining permit and summaries of DNR’s analysis of the approval and proposed mining operation
 9. DNR starts the 45-day public comment period
 10. County reviews DEIS and materials released by DNR and prepares to comment
 11. County Planning and Development Committee holds public hearing on DEIS and draft DNR materials
 12. County Planning and Development Committee determination of completeness of County Mining Permit Application
 13. County Planning and Development Committee prepares and delivers written comments to County Board for consideration and submittal to DNR before close of DNR 45-day comment period
 14. Notice of DNR Public Hearing Regarding Permit Issuance
 15. Notice of County Board Public Hearing on proposed Local Agreement(s)
 16. DNR holds public hearing on mine permit application and issuance
 17. DNR reviews record of Public Hearing and responds to hearing comments
 18. Public Hearing regarding proposed Local Agreement(s)

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19. County Board decides to award or deny proposed Local Agreement(s) to which the County is a party
20. Notice of final County Board Public Hearing on Local Agreement(s) and effect on County Mine Permit
21. County Board Decision on Local Agreement(s) and certification of same to Zoning Administrator
22. Zoning Administrator issues Mining Permit if applicant has met all standards, including required Local Agreement
23. DNR Decision Document and Environmental Impact Statement (prepared by DNR)
24. Commencement of Mining Operations, beginning with mine construction
25. Reclamation Commences and is Completed
26. Closure of Mine
27. Long Term Monitoring
28. DNR Issues Partial and/or Full Certificate of Completion
29. County issues Certificate of Completion
30. Continuance and phased release of Financial Assurance(s)
31. Final Release of Financial Assurance(s)

H. Exploration.

1. Permit Required. Exploration is a permitted use subject to review by the Planning & Development Committee that may be allowed in the following zoning districts: District 1-A Forestry; District 8 Manufacturing and Industrial; and District 10 General Use. No person may engage in exploration without securing an exploration permit issued pursuant to this ordinance. A person's application for and acceptance of an exploration permit shall constitute the Exploration Permit holder's binding and irrevocable consent to allow the County to enter any of the Exploration Permit holder's exploration sites in Oneida County at any time for purposes of inspection.
2. Review and Processing of Permit Applications.
 - a. The applicant shall submit an exploration permit application meeting the requirements of this section.
 - b. The application shall be made on an application form provided by the County and shall include all indicated information.
 - c. The form shall be accompanied by a copy of the applicant's complete submittal provided to the DNR to obtain a state exploration license, along with the applicant's written certification that the materials provided are a true, complete and correct copy of the materials submitted to DNR as application for state exploration license as required by Wis. Stat. Ch. 293.

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- d. The application form shall be accompanied by payment of the required fee. The fee for an exploration permit shall be \$1,500.00 per year for the duration of exploration activities, to be paid annually on or before the anniversary date of the application.
3. Notification Requirements. The holder of any Exploration Permit issued by Oneida County shall notify the County in writing, as required in this section, at least ten days prior to commencement of the earlier of preparing any location to serve as a drilling site or commencement of drilling in Oneida County. The notification required by this section shall include the following:
 - a. Copies of any notices of intent to drill provided to DNR under Wis. Stat. Ch. 293 or any rule promulgated thereunder;
 - b. A list of all local and state permits and approvals in effect to allow the intended exploration to proceed;
 - c. An exploration plan as set forth below, provided that where the information required is duplicative of documents filed with DNR, those material may be provided by cross references:
 - (1) Identity of the owner of land on which any drilling site is located;
 - (2) Certification of legal ingress and egress to and including the lands to be explored;
 - (3) Type and distance of nearest water body, including lakes, streams, floodplains and wetlands, to drilling location;
 - (4) Type of equipment or machinery to be used;
 - (5) Time frame for exploration, drillhole abandonment and reclamation in accordance with applicable permits, approvals and applicable provisions of the Wisconsin Administrative Code.
 - d. A schedule of financial assurances and certification that all such assurances will remain in effect for the duration of exploration from commencement of drilling through completion of drill site reclamation. Applications for an exploration permit shall be accompanied by a certificate of insurance certifying that the applicant has in force a liability insurance policy issued by an insurance company authorized to do business in Wisconsin covering all exploration activities of the applicant and affording personal injury and property damage protection in a total amount deemed adequate by the Planning and Development Committee but no less than \$5,000,000.00;
 - e. A description of intended methods for proper segregation, handling, storage and disposal of all waste materials produced in the process of exploration.
4. Further Notifications. The Exploration Permit holder shall provide the County with copies of any reports and forms pertaining to

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drillhole abandonment and to drilling site reclamation that are provided to DNR under Wis. Stat. Ch. 293 or any rule promulgated thereunder, within 5 business days of providing any such information to DNR.

5. Approval Standards.
 - a. The exploration activities shall be designed, constructed and operated in accordance with all applicable standards of the DNR, including both statutory and administrative code standards.
 - b. The exploration activities as proposed, including reclamation, are not incompatible with existing land uses.
 - c. The committee shall establish notification and inspection procedures applicable to the various stages of drilling and abandonment and procedures for the proper abandonment of drill holes.
 - d. The applicant shall certify that the information contained in its application materials is true and correct.
6. Enforcement. The committee may revoke or suspend an exploration permit issued under this section utilizing the procedures set forth in this chapter for a permit revocation if it determines that:
 - a. Statutes, ordinances, or permit requirements have been violated; or
 - b. Financial assurance of types and amounts pledged have not been obtained or maintained as certified.
7. Penalties. The penalty for violation shall be levied against the permit holder, or the violator if there is no permit, and shall consist of a forfeiture equal to the County's cost of enforcement plus the cost to reclaim any exploration sites, dispose of exploration wastes, and remedy any damage caused by exploration activities, including environmental restoration and natural resource damages.

I. Bulk Sampling.

1. Permit Required. Bulk sampling shall be allowed, subject to review and approval by the Planning and Development Committee, as a permitted use in each zoning district where nonferrous metallic mining is a permitted use, provided all standards are met for both the proposed extraction and the proposed reclamation. A County bulk sampling permit and a state bulk sampling license are required to undertake bulk sampling for nonferrous metallic minerals in Oneida County. Bulk Sampling includes the removal of overburden, sand, gravel, decomposed or solid bedrock and the land disturbing activities incidental to such removal, including the construction of roads and the installation of equipment and machinery to be used in the bulk sampling operation. The County

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bulk sampling permit and reclamation permit shall be issued upon completion of the following requirements:

- a. Notice of Intent to Perform Bulk Sampling. Within two business days of providing a bulk sampling plan to the DNR a person intending to perform bulk sampling in Oneida County shall submit written notification of such intent to the County Zoning Administrator. Such notification shall be accompanied by a fee in the amount of \$5,000.00 and the applicant's certification that the information contained in its application materials is true and correct. If the fee paid is insufficient to cover the County's actual and anticipated costs to administer this section, the County shall request, and the applicant or permit holder shall promptly pay, one or more additional fees in the amounts specified by the County.
- b. Bulk Sampling Plan. The notice of intent to perform bulk sampling shall include a copy of the bulk sampling plan submitted to DNR, less any information in the plan that is entitled to protection as a trade secret, as provided in Wis. Stat. s. 134.90(1)(c), which shall be omitted or redacted from the materials before submittal to the County. Submittal of the bulk sampling plan or any other notice of intent materials to the County shall constitute the submitter's full, unconditional and irrevocable waiver and release of all claims involving trade secrets or breach of confidentiality that otherwise could be brought against the County.
- c. Supplementary Materials. If not included in the state bulk sampling plan, the following materials shall be submitted with the notification of intent:
 - (1) A map identifying all waste sites, access routes and haulage roads to be used in or constructed for the bulk sampling operation.
 - (2) A narrative and map identifying and describing the source, quantity, handling, treatment and disposition of water to be diverted, used, withdrawn, consumed or discharged as part of the bulk sampling operation.
 - (3) A narrative and map identifying and describing the location and nature of any waste storage and treatment facilities to be used in conjunction with the bulk sampling operation.
 - (4) An endangered and threatened species review and survey report and plan of the proposed bulk sampling operation site and surrounding area within 300 feet.
 - (5) A cultural and historical resources review and survey report and plan of the entire area to be disturbed and the surrounding area within 50 feet of area to be disturbed.

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- (6) The types and amounts of financial assurances proposed to be provided to the DNR.
 - (7) A schedule of calculations providing full and itemized details showing why the operation will not result in displacing more than 10,000 tons of materials per mining site.
 - (8) A schedule of calculations providing full and itemized details showing why the proposed financial assurances will be sufficient to complete all necessary reclamation activities should the operator fail to initiate or satisfactorily complete said reclamation activities.
 - (9) A reclamation plan meeting the standards and requirements set forth in Oneida County Zoning Ordinance sections 22.05 or 22.10, which shall apply to all bulk sampling proposals, operations, sites and reclamations.
2. Applicable Setbacks. Bulk sampling is prohibited in any areas where nonferrous mining is prohibited, including within any areas prohibited in Wis. Admin. Code, NR 132.18, unless an exemption is granted by DNR. The areas include both the above-ground portion and the underground portion extending vertically from the site boundaries within the specified setback areas as follows:
 - a. Any area designated as unsuitable as described in Wis. Admin Code NR 132.03(25)(a)(b);
 - b. Within 1,000 feet any navigable lake, pond, or flowage;
 - c. Within 300 feet of any navigable river or stream;
 - d. Within a floodplain;
 - e. Within 1,000 feet of the nearest edge of the right-of-way of any of the following: any state trunk highway, interstate or federal primary highway; the boundary of a state public park; the boundary of a scenic easement purchased by the DNR or the Department of Transportation; the boundary of a designated scenic or wild river; a scenic overlook designated by the department by rule; or a bike or hiking trail designated by the United States Congress or the Wisconsin Legislature; unless, regardless of season, the site is visually inconspicuous due to screening or being visually absorbed due to natural objects, compatible natural plantings, earth berm or other appropriate means, or unless, regardless of season, the site is screened so as to be aesthetically pleasing and inconspicuous as is feasible;
 - f. Within wetlands, to the extent regulated under Wis. Stat. ss. 293.13(2)(c)8 and 281.36 or any other applicable source of regulation.
3. Prohibited Areas. Bulk sampling activities are prohibited within any of the following described areas unless it is determined by the Planning and Development Committee that the activity will not have an adverse impact upon the described area. The areas include

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both the above-ground portion and the underground portion extending vertically from the bulk sampling site boundaries within the specified setback areas as follows:

- a. 800 feet of any land owned by a city, village or town, excluding road right of ways;
 - b. 800 feet of any residential structure;
 - c. 650 feet of any non-residential structures;
 - d. 1,200 feet of any water well used for potable water.
4. Buffer Zones. A 500 foot vegetated buffer zone shall be established and maintained from the boundaries of the bulk sampling site, except for identified haulage ways. The buffer zone is an area to be left in its natural state except for the planting of native trees or shrubs to provide an aesthetic visual barrier to the bulk sampling site. The buffer zone is to remain during active bulk sampling and for a period of 20 years following completion of bulk sampling reclamation unless an alternate use is approved by the County as part of the bulk sampling reclamation plan, or as provided in the mine reclamation plan if the site becomes part of a nonferrous metallic mining operation.
5. Financial Assurances.
- a. The supplemental operational plan and reclamation plan shall include financial assurances consistent with Oneida County Non-Metallic Reclamation Ordinance section 22.06 and sufficient to pay for all reclamation activities including site reclamation, damage to property, damage to natural resources or liability for environmental pollution.
 - b. The County shall be named as an additional insured on any insurance policy and as an additional beneficiary on any bond or other security applicable to the bulk sampling.
6. Penalties.
- a. Bulk Sampling Without Permit. The penalty for bulk sampling without a County bulk sampling permit shall be shut-down of the bulk sampling operation; forfeiture of any mineral, rock or other earth materials extracted without permit; a fine in the amount of the County's estimated cost to reclaim the site; a penalty of \$10,000 to \$50,000 per day, applied from commencement of the bulk sampling operation until the site reclamation is complete and; the County's costs of enforcement. These penalties shall be in addition to any fine or penalty for any other violations committed in conduct of the bulk sampling.

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- b. Bulk Sampling Not Described In Approved Plan. The penalty for performing bulk sampling other than as described in a bulk sampling plan as noticed to the County and approved by the DNR is all of the following: forfeiture of the County bulk sampling permit; forfeiture of any bond or cash deposit used to satisfy any requirement for financial assurance pertaining to bulk sampling or reclamation of a bulk sampling site; a fine equal to the amount by which the projected cost to reclaim the site exceeds the available financial assurance; and the County's costs of enforcement. These penalties shall be in addition to any fine or penalty for any other violations committed in conduct of the bulk sampling. In calculating the fine for the cost of site reclamation, the calculated cost of reclamation shall be offset by the amount of the actual proceeds of any financial assurance provided by the operator that are paid toward the reclamation.
7. Permit. Upon the County's determination that the application is complete, the applicable standards have been met, and the financial assurances are reasonable in type and amount as supported by appropriate calculations, the County will issue the bulk sampling permit. No County bulk sampling permit shall be effective or otherwise valid for use until the operator has received a state bulk sampling license for the same bulk sampling activity.

J. Notice of Intent to Collect Data or Apply for Mine Permit.

1. At the time a person provides written notice to DNR of either intent to apply for a prospecting or mining permit or intent to gather data to support an application to the DNR for prospecting or mining permit with respect to any land in Oneida County, such person shall provide written notice to the Zoning Administrator for Oneida County identifying the applicant's name and contact information, estimated time frame for completing any proposed pre-application data gathering, estimated time frame for submitting a DNR mining permit application, location and probable extent of potential mining site, statement regarding likely mining methods will include underground, open pit or other methods.
2. A notice of intent shall include all materials provided in writing to the DNR, including the initial and all supplemental submittals, except those materials the DNR is obligated to hold confidential shall not be provided to Oneida County.
3. A notice of intent shall be accompanied by payment in the form of a check or money order made payable to Oneida County, Wisconsin in the amount of \$5,000.00, which shall serve as the initial review fee. The person providing notice of intent is obligated to reimburse Oneida County upon demand for the actual and reasonable

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expenses incurred by Oneida County in administering its regulations and participating in the state regulatory process with respect to the notice of intent including, without limitation, the County's costs of participating in any local impact committees formed and public hearings held with respect to the notice of intent, and the cost of expert advice rendered to assist the County in administering its regulations with respect to the notice of intent.

4. The County shall track and account for all its expenses and costs incurred as a result of the notice of intent and shall invoice the person providing notice of intent on a periodic basis, but not less than every 30 days, and the person providing notice of intent shall pay each invoice in full within 15 days of receipt.
5. Failure to comply with the requirements of this section shall be grounds for denial of any zoning permit requested by the person providing the notice of intent, by any person affiliated with the person providing the notice of intent, or with respect to any portion of the proposed mining site identified in the notice of intent.

K. Local Agreement Required.

1. Local Agreement Required. The County Board may not approve, and the County may not issue, any County Mining Permit until, in accordance with this section, two-thirds (2/3) of the County Board has approved the County Mine Permit by a simple majority, and the County is party to a fully executed and binding local agreement with the applicant for County Mine Permit.
2. Mining Impact Committee to Serve as Local Impact Committee. As soon as notice of intent has been filed under Wis. Stat. s. 293.31 or pursuant to this Ordinance, the Mining Impact Committee shall serve as the Local Impact Committee for Oneida County for the purposes enumerated in Wis. Stat. s. 293.33 and in addition have the responsibilities as may be assigned to it by the County Board. The Mining Impact Committee shall serve as a joint committee under Wis. Stat. s. 293.33 (2), unless no other government eligible to form a local impact committee under Wis. Stat. s. 293.33 joins or cooperatively designates the County Local Impact Committee as its local impact committee, in which case the County Local Impact Committee shall be and serve as a separate committee under Wis. Stat. s. 293.33 (1). If the County Board designates the Mining Impact Committee to serve as a joint committee under Wis. Stat. s. 293.33 (2), at the discretion of the County Board, the County Board may designate another committee to serve as the separate local impact committee under Wis. Stat. s. 293.33 (1) in addition to the joint local impact committee.

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3. Negotiating Process.
 - a. All conditions established pursuant to this ordinance may be subject to one or more local agreements negotiated by the Mining Impact Committee and signed by the County pursuant to Wis. Stat. s. 293.41.
 - b. In carrying out their activities with respect to local agreements, the County Board and Mining Impact Committee shall abide by the requirements of the Wisconsin Open Meetings Law, Wis. Stat. s. 19.81 et seq.
4. Approval Process.
 - a. Governing Body. The County Board is the governing body for the purposes of approving a local agreement under Wis. Stat. s. 293.41 to which the County is a party.
 - b. Public Hearing. The County Board shall not approve a local agreement until after holding a public hearing which is duly noticed as a class 2 notice under Wis. Stat. s. 985.
 - c. Other Governments. Any local agreement to which the County is a party must also be approved by the governing body of any town, village, city or tribal government that is also a party, which approval may only be provided following public hearing duly noticed as a class 2 public notice under Wis. Stat. s. 985.
5. Timing.
 - a. No local agreement shall be approved for public hearing under Wis. Stat. s. 293.41 until the applicant has filed all applications for all necessary approvals, County Mining Permits and permits from the DNR and any other state or federal agency with jurisdiction over the prospecting or mining site or operation, and those permit applications have been deemed complete by the agency with primary responsibility for issuing the respective permits and approvals and the applicant has filed the Environmental Impact report under Wis. Stat. s. 23.11 relating to any state permit applications.

Note (1): There is no triggering event or decision rendered by the DNR which certifies that an application for a mining permit is “deemed complete.” The application is deemed complete at the time that the comment period has expired and further information has not been requested by the DNR.

Note (2): It is the intent of the County to commence communication and negotiation of local agreements with the applicant any time after the filing of the Notice of Intent to collect data or apply for a mining permit from the DNR. The County will not approve any local agreements until after the applicant has

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submitted all permit application information required by the DNR and the County.

- b. A local agreement pursuant to Wis. Stat. s. 293.41, either individual between Oneida County and the applicant or joint between Oneida County, the applicant and one or more other affected units of government, shall be complete and fully executed by all intended parties prior to the issuance of a County Mining Permit.
6. Non-Applicability Provisions.
- a. The local agreement may not declare any portions of this ordinance non-applicable to a nonferrous metallic mining operation or include variances from this ordinance except upon an affirmative vote of a majority of the members of the County Board, and upon the affirmative vote of the Town Board of each Town in which the proposed mining site is located. Any exceptions, variances, or rezoning must comply with federal and state law.
 - b. A local agreement may include the right to reopen and modify the local agreement after it has been approved under conditions specified in the local agreement. In such a case, the agreement shall be modified in accordance with the approval process set forth above except that any vote to reopen and modify must be made by a two-thirds (2/3) vote of the County Board.

L. County Mining Permit Required.

1. The requirements of Section 9.61 of Article 6 of Chapter 9 of the Oneida County General Code of Ordinances (Chapter 9.61 or “this section”) apply to any development and operation of nonferrous metallic mining sites within towns that have adopted Chapter 9.61, and the operators of any such sites, effective upon passage and publication according to law.
2. No person or business entity may commence construction or reclamation of a nonferrous metallic mine or conduct nonferrous metallic mining or processing of nonferrous metallic minerals in Oneida County unless in conformance with a valid nonferrous metallic mining permit (“County Mining Permit”) issued by the County pursuant to and in conformance with Chapter 9.61.
3. A County Mining Permit shall not be issued by Oneida County unless in accordance with this section and the General Requirements of Chapter 9.61 all listed requirements are met, including the conditions, restrictions, prohibitions and limitations on mine location, construction, operation, and reclamation and method of storage and disposal of mining wastes, financial assurance and

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any other listed requirements, all as necessary to achieve the intent of Chapter 9.61.

4. Conditions established by the County Mining Permit pursuant to Chapter 9.61 must be met at all times or the applicant may be found in violation and be subject to forfeitures, penalties, permit suspension or revocation or other enforcement provided herein.
5. A County Mining Permit issued pursuant to Chapter 9.61 shall become effective on the date the applicant is issued a nonferrous metallic mining permit by the State of Wisconsin (“State Mine Permit”) for the identical mining site.
6. Any County Mining Permit issued pursuant to Chapter 9.61 shall be in addition to any local agreement entered into by the County and the applicant. Local agreements executed by Oneida County may address or supersede conditions set forth herein.
7. Any County Mining Permit issued pursuant to Chapter 9.61 shall be in addition to any other state, federal or local permits, licenses or approvals necessary for any mine construction or any aspect of the mining operation.

M. Application Requirements for Nonferrous Metallic Mineral Mining Permit.

1. An application for a County Mining Permit shall be filed with the Zoning Administrator contemporaneously with the filing of a DNR Mining Permit application.
2. The application submitted for a County Mining Permit for a nonferrous metallic mining permit shall not be determined to be complete, unless the following is submitted:
 - a. The proper application fee, the applicant’s certified statement that the information provided in its application is true and correct and an electronic copy and one paper copy of all required application materials;
 - b. Copies of all deeds, leases and landowner agreements for proposed mine site;
 - c. Complete application for mining pursuant to Wis. Stat. s. 293.37 and Wis. Admin. Code NR 132.06;
 - d. All State and Federal documents with respect to the proposed mining permit and the following information:
 - (1) Environmental Impact Report, if prepared with respect to the proposed mining operation.
 - (2) Environmental Impact Statement pursuant to Wis. Stat. s. 293.39.
 - (3) Mining Operational Plan pursuant to Wis. Admin Code NR 132.07.

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- (4) Plan of operation for any mining waste site(s) to be operated as part of the mining operation, including the long term maintenance plan and proof of financial responsibility pursuant to Wis. Admin. Code NR 182.
- (5) Reclamation Plan pursuant to Wis. Admin Code NR 132.
- (6) Hydrologic study which identifies and characterizes groundwater resources that potentially could be impacted by the mining activity, including all accessible public and private wells subject to depletion or contamination.
- (7) A map and aerial photo identifying the proposed locations of existing and proposed permanent and temporary structures showing setback distances to property boundaries, right of ways, potable wells and private onsite wastewater treatment systems.
- (8) A description of the proposed primary travel routes to transport material to and from the mining site, type of vehicles used in transport, average loaded weight of vehicle, and the anticipated schedule of travel to be used for transporting. The description shall identify the following information:
 - (a) The anticipated need for road modifications resulting from the likely mine-related traffic impacts, including both primary and secondary impacts and shall fully describe the existing reasonably foreseeable mine-related changes to traffic patterns, traffic volume, the class of roads associated with those patterns, the existing and preferred bearing capacity of said roads and any advisable load-related or traffic volume-related needs and restrictions.
 - (b) All reasonably foreseeable road construction and maintenance needs arising in Oneida County and affected towns from operation of the proposed mine and reasonably foreseeable secondary impacts of the mining operation which may result in the demand for additional road improvements, including, but not limited to, transport of materials and equipment to and from the mining site.
- (9) A description of the proposed frequency and amount of blasting, if any, to be used in the operation.
- (10) A description of measures to be taken to control dust including during mining, stockpiling, and on haul roads (internal and external).
- (11) A description of measures to be taken on the mining site with vegetative or other screening devices to screen or buffer the operation from view from adjacent properties.

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- (12) A description of proposed lighting to be used during the mining operation; including location, type, style and intensity of lighting to be used and its power source(s).
- (13) A description of security and safety measures including any proposed fencing, gating, or signing.
- (14) A description of the anticipated hours of operation including startup, shutdown, and maintenance of all equipment.
- (15) A description of how and where the ore extracted will be processed.
- (16) If for any reason a mining permit is not required by the DNR or if the application requirements for a State of Wisconsin mining permit change substantially from those in effect on the effective date of this chapter, the applicant shall provide the County with all of the information, materials and application content that would be required to be provided to the DNR under the mine permit application process of Wis. Stat. s. 293.37.

N. General Requirements for Nonferrous Metallic Mining Operations.

- 1. All mines permitted pursuant to this section shall be located, constructed, operated and reclaimed to protect and promote the public health, safety, convenience, morals and general welfare and accomplish the purposes set forth under Wis. Stat. s. 59.69(1).
- 2. Nonferrous metallic mining may be permitted by the Oneida County Board in accordance with section 9.61 of this code as a permitted use in the following districts: District 1-A Forestry; District 8 Manufacturing and Industrial; and District 10 General Use. The powers of the County Board include, but are not limited to, establishing conditions which regulate the duration, transfer or renewal of the permit.
- 3. The applicant for a mining permit shall demonstrate that they have applied for all necessary approvals, licenses and permits for the proposed project from the DNR (including, but not limited to, those under Wis. Stat. ss. 30, 31, 107, 280 to 299), from any other agency of the State of Wisconsin, and from any federal agency with jurisdiction over the mining or mining operation.
- 4. Mining activities are prohibited within any areas prohibited in Wis. Admin. Code NR 132.18, unless an exemption is granted by DNR. The areas include both the above-ground portion and the underground portion extending vertically from the site boundaries within the specified setback areas as follows:
 - a. Any area designated as unsuitable as described in Wis. Admin. Code NR 132.03(25)(a)(b);
 - b. Within 1,000 feet any navigable lake, pond, or flowage;

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- c. Within 300 feet of any navigable river or stream;
 - d. Within a floodplain;
 - e. Within 1,000 feet of the nearest edge of the right-of-way of any of the following: any state trunk highway, interstate or federal primary highway; the boundary of a state public park; the boundary of a scenic easement purchased by the DNR or the Department of Transportation; the boundary of a designated scenic or wild river; a scenic overlook designated by the department by rule; or a bike or hiking trail designated by the United States Congress or the Wisconsin Legislature; unless, regardless of season, the site is visually inconspicuous due to screening or being visually absorbed due to natural objects, compatible natural plantings, earth berm or other appropriate means, or unless, regardless of season, the site is screened so as to be aesthetically pleasing and inconspicuous as is feasible;
 - f. Within wetlands, to the extent regulated under Wis. Stat. ss. 293.13(2)(c)8 and 281.36 or any other applicable source of regulation.
5. Mining activities are prohibited within any of the following described areas unless it is determined by the Planning and Development Committee that the activity will not have an adverse impact upon the described area. The areas include both the above-ground portion and the underground portion extending vertically from the mining site boundaries within the specified setback areas as follows:
- a. 800 feet of any land owned by a city, village or town, excluding road right of ways;
 - b. 800 feet of any residential structure;
 - c. 650 feet of any non-residential structures;
 - d. 1,200 feet of any water well used for potable water.
6. Buffer Zones. A 500 foot vegetated buffer zone shall be established and maintained from the boundaries of the mining site, except for identified haulage ways. The buffer zone is an area to be left in its natural state except for the planting of native trees or shrubs to provide an aesthetic visual barrier to the active mine site. The buffer zone is to remain during active mining and for a period of 40 years following issuance of certificate of completion by DNR of mining unless an alternate use is approved by the County as part of the reclamation plan.
7. Mine Reclamation Standards. The standards set forth in Wis. Admin. Code NR 132.07(4)(g) and NR 132.08 shall apply to nonferrous metallic mineral mining activities in Oneida County.
8. Location and Operation. A nonferrous metallic mineral mining project shall be located, designed, constructed and operated in such a manner so as to prevent any surface or subsurface

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discharge from the facility into navigable waters or groundwater that would cause a violation of any applicable water quality standard contained in or promulgated pursuant to Wis. Stat. Chs. 160, 281, 283 and 293, or constitute an unlawful discharge of any hazardous substance under Wis. Stat. Ch. 292 or any other State, Federal or local law.

9. Financial Assurance. Every County Mining Permit shall require the permit holder to maintain in constant effect the financial assurances required by this ordinance in addition to the financial assurances required for the State Mine Permit. Any lapse or shortcoming in type or amount of any financial assurance required by the County or State shall be grounds for revocation of the County Mining Permit. The required financial assurances shall survive any transfer of ownership of the County Mine Permit, until specifically released by the County. Any insurance policies used by the applicant to satisfy any financial assurance requirement shall name the County and other political subdivisions affected by the mining operation as beneficiaries or additional insureds, in kinds and amounts as set forth in section P, below. Financial assurances for County Mining Permits shall include:
 - a. General Liability Insurance.
 - b. Pollution Liability Insurance.
 - c. Other Financial Assurance(s) Required by DNR
 - d. Groundwater Trust Fund.
 - e. Property Value Compensation Fund.
 - f. Road Damage Compensation Trust Fund.
 - g. Political Subdivisions Compensation Fund
10. Control of Environmental Pollution. The Applicant shall comply with the standards of Wis. Stat. Chs. 160, 280, 281, 283, 285, 291, 292 and 293 and related Wisconsin Administrative Codes including, but not limited to, Wis. Admin Code Chs. NR 102, 103, 105, 132, 135, 140, 142, 151, 182, 200 et seq., 300 et seq., 500 et seq., 660 and 700 et seq.; and with any applicable standards of Wis. Stat. Ch. 289.
11. Groundwater Protection. The Applicant shall comply with all applicable standards for protection of groundwater quality and quantity set forth in and established pursuant to the Wis. Stat. Chs. 160, 289 and 293 and those set forth in Wis. Admin. Code, Chs. NR. 130, 131, 132, 140 and 820. Should for any reason the standards under Wis. Admin Code Ch. NR 132, not apply, the groundwater shall be protected in accordance with the standards of Wis. Admin Code Ch. NR 140.
12. Surface Water Protection. The Applicant shall comply with the requirements of:

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- a. The Non-Agricultural Performance Standards set forth in Wis. Admin. Code Ch. NR 151.
 - b. The water quality standards set forth in Wis. Admin. Code Chs. NR 102, 103, 104 and 105.
 - c. The provisions of Wis. Admin. Code Chs. NR 132, 182, 207, 216, 269, and 270.
 - d. All stormwater including stormwater runoff, snow or ice melt runoff and surface runoff and drainage from the active mine site, shall at a minimum be managed and controlled in accordance with federal and/or state regulations, including but not limited to those under Wis. Stat. Ch. 30 and Wis. Admin. Code Chs. NR 151, 216 and 132.
 - e. All activities in or near navigable waters shall be in accordance with all applicable federal or state approvals, including but not limited to those under Wis. Stat. Chs. 30 and 31, and 33 U.S.C. Section 1344 and all applicable shoreland, shoreland-wetland, and floodplain zoning ordinances.
13. Wastewater Discharges. The Applicant shall comply with the standards of all wastewater discharges to surface or ground water in accordance with all applicable federal or state approvals; including but not limited to those under Wis. Stat. Chs. 160, 281, 283, 289, 292 and 293.
14. Water Supplies. The Applicant shall comply with the standards of Wis. Stat. Chs. 160, 293.65, and 30, 31, 280, and 281. any related Wisconsin Administrative Codes and any related Federal laws.
15. Hydrologic Studies. The results of any hydrologic studies conducted in furtherance of any Environmental Impact Report or otherwise provided to the DNR shall be provided to Oneida County; applicant shall pay the cost of a licensed professional hired by the County to interpret the results.
16. Well Monitoring. The Applicant shall, prior to commencement of construction of any mine, and during the period of operation of any mine, and for forty (40) years after completion of mine reclamation, pay the cost of well monitoring. Periodic well monitoring shall occur for all private and public wells, subject to, or potentially at risk of, depletion or contamination, as identified by a hydrologic study approved by the County. The identified wells shall be monitored beginning before the onset of mine development and mining, in order to provide baseline data concerning quantity and quality of water adequate for all purposes, including, but not limited to, determining the validity of any well damage claim. The well network, individual well locations, monitoring intervals and analytical parameters shall be established before permit approval and shall be included in the permit as a condition of permit validity and any failure to monitor shall be sufficient grounds for permit

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- revocation. The well monitoring required under this chapter shall be performed by an independent licensed professional hired by the County. All monitoring data shall be a public record.
17. Air Quality Standards. The Applicant shall comply with the standards of Wis. Admin. Code ss. NR 400 et seq.
18. Hazardous Waste Standards. The Applicant shall comply with the standards of Wis. Admin Code NR 662 et seq.
19. Solid Waste Standards.
- a. The Applicant shall comply with the standards set forth in and established pursuant to Wis. Stat, Chs. 289 and 293 and the standards set forth in Wis. Admin. Code Chs. NR 182, 528, and 538.
 - b. All solid and hazardous waste which is not subject to the mine permit issued by the DNR shall be disposed of at a solid waste or hazardous waste facility.
20. Traffic Safety, Road Maintenance and Infrastructure. All studies, plans, reports and analyses regarding roads, traffic, traffic safety, drainage, utilities, and public utilities shall be in conformance with Wisconsin Department of Transportation standards.
21. Mine Safety and Security. The applicant shall comply with the requirements of Wis. Admin. Code NR 132.07(3)(i) and (j), NR 132.07(4)(m), and NR 132.17(2).
22. Prevention of Adverse Impacts.
- a. The Applicant shall comply with the standards of Wis. Admin. Code NR 132.08(2)(c).
 - b. The applicant shall not allow adverse impacts during mining operations, or 40 years following issuance by DNR of a certificate of completion of mining, including, but not limited to those situations set forth in Wis. Admin. Code NR 132.10(1)(j), as follows:
 - (1) Significant landslides or substantial deposition from the proposed operation in stream or lake beds;
 - (2) Significant surface subsidence which cannot be reclaimed;
or
 - (3) Hazards resulting in irreparable damage to any of the following, which cannot be avoided by removal from the hazard area or mitigated by purchase or by obtaining the consent of the owner;
 - (4) Dwellings;
 - (5) Public buildings and land;
 - (a) Schools;
 - (b) Churches;
 - (c) Cemeteries;
 - (d) Commercial or institutional buildings;
 - (e) Public roads; or

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- (f) Habitat required for survival of vegetation or wildlife designated as an endangered species through prior inclusion in rules adopted by the DNR if such endangered species cannot be firmly re-established elsewhere.
23. Limitations on Blasting.
- a. The applicant shall comply with the requirements of Wis. Admin. Code NR 132.07(5) and SPS Chapter 307.
 - b. Blasting hours may be regulated by the conditions placed on the County Mining Permit.
 - c. All blasting shall be done in compliance with State and Federal guidelines and requirements, including Wis. Admin. Code SPS 307.
 - d. All blasting must be done by a state licensed and certified blaster, who shall have a certificate of liability or proof of liability insurance.
 - e. Blasting logs shall be provided to the County upon written request within 72 hours, excluding weekends, and legal holidays. Blasting logs shall include but not limited to, the date, time and location of any blasting activities.
24. Public Lands.
- a. Notice and Consultation. The County shall provide notice of any application for mining permit on lands owned, in whole or part, by the state or federal governments, the County, towns or any other political subdivisions of either the state or federal governments, to the governmental body or administrator responsible for each such parcel or tract of land, and such governmental body or administration shall be consulted by the County Board before action is taken on the County Mining Permit and/or exemption.
 - b. Consistency with Public Purpose. Before a County Mining Permit is issued it shall be determined by the County Board, that such use of the land is not in violation of any laws or regulation governing the public use of said land and that such use of the land in question shall not unduly interfere with or violate the purpose or purposes for which such land is owned and maintained by the governmental body in question.
25. Local Agreement. A local agreement, pursuant to Wis. Stat. 293.41, between Oneida County and the applicant shall be in effect prior to the issuance of a County Mining Permit.
26. Effective Date of County Mining Permit. The County Mining Permit shall take effect on the same date that the State Mining Permit becomes effective.

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O. **Financial Assurance and Responsibility.** The period of the financial assurance is dictated by the period of time required to reach milestones as set forth below. The financial assurances set forth below shall survive any transfer of ownership and/or the County Mining Permit, until specifically released by the County.

1. 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 exploration, bulk sampling and mining activities of the applicant and afford personal injury and property damage protection. Insurance provisions shall remain in force throughout the mining and reclamation operations and provide coverage of operations in the United States and shall be consistent with current Oneida County insurance minimum coverages. In addition, applicant shall demonstrate pollution impairment liability coverage of not less \$10,000,000 per claim and \$10,000,000 in aggregate, provided said individual and aggregate limits and policies shall apply only to the mining operation permitted by Oneida County. Oneida County shall be named as an additional insured on all certificates used to comply with this section.

Note: Oneida County Minimum Coverages, as of April 2018, are:

- Wisconsin Statutory Workers Compensation Coverage Minimums.
- General Liability \$1,000,000 per occurrence and \$2,000,000 in aggregate for bodily injury and Property Damage.
- Professional Liability Coverage, \$1,000,000 per occurrence and \$2,000,000 in aggregate.
- Automobile Liability \$1,000,000 per occurrence and in aggregate for bodily injury and property damage.
- Excess Liability Coverage, \$1,000,000 over the General Liability and Automobile Liability Coverage.
- If aircraft are used in conjunction with this project, \$2,000,000 per occurrence and in aggregate for bodily injury and property damage.

2. Applications for a mining permit shall be accompanied by a copy of all other proof of financial assurance, as required by the DNR, pursuant to Wis. Stat. s. 293.51.

3. Groundwater Trust Fund.

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- a. The applicant shall make a deposit into an interest-bearing trust account for each well potentially impacted, as identified by the hydrologic study, in the amount of \$15,000.00. The original deposit, any additional deposits, as requested by the Local Impact Committee, pursuant to par. e, below, and other accumulated interest shall remain in the trust account for a period of 100 years after certificate of completion, issued by the DNR. If no outstanding claims are pending at the end of the 100-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 Oneida 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 Oneida County Local Impact Committee 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 Local Impact Committee 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 Local Impact Committee shall request the operator to provide additional funding within 30 days if funding is deemed inadequate.
4. Property Value Compensation Fund.

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- a. The applicant may enter into a property value compensation agreement with any political subdivision where property values are, or are likely to be, impacted by the mining operation.
 - b. The Local Impact Committee for Oneida County or their designee shall negotiate any Property Value Compensation Fund agreements to which the County would be a party, and to supervise and administer any Property Value Fund that is created in lieu of immediate cash payments from the applicant to affected landowners. Any agreements negotiated under this section may only be approved by the County Board, following hearing duly noticed.
 - c. Oneida County, at the cost of the applicant, may hire a licensed independent agent to create a distribution plan for a compensation fund which identifies property whose values have suffered or may suffer a substantial economic impact as a result of mining operations. Criteria to be used for the determination of impact shall come from the Environmental Impact Report and DEIS, 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 Local Impact Committee 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 Planning and Development Committee, at the applicant's expense.
 - c. The Oneida Local Impact Committee or their designee shall negotiate any roadway maintenance agreements to which the County would be a party and supervise and administer the fund. The Local Impact Committee shall approve the distribution of monies from said fund to claimants under this subsection. The Local Impact Committee shall be empowered to hold meetings and hire licensed professionals to assist it in the process of ascertaining the entitlement of the claimant to compensation, the amount of damages, and authorizing disbursements to the claimant. The Local Impact Committee may seek the cooperation and assistance of the County Infrastructure

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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 Local Impact Committee shall request the operator to provide additional funding within 30 days if funding is deemed inadequate.

6. Political Subdivisions Compensation Fund.
 - 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. Oneida County, at the cost of the applicant, may hire a licensed independent agent to create a distribution plan for compensation to political subdivisions that have suffered or may suffer a substantial economic impact as the result of mining operations. 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.
7. Application Fee.
 - a. The application fee for a nonferrous metallic mining County Mining Permit shall be in the amount of \$50,000. This fee will be used as an advance deposit to cover actual costs, described below. The balance of the fee together with any additional payments received from the applicant, less any costs incurred that have been billed by the County, shall be held by the County in a segregated fund until the final billing for actual costs has been paid, at which time any excess funds held in the segregated fund shall be refunded to the applicant. Not less than annually the County shall account for and make public a record summarizing all transactions involving either deposit to or withdrawal from the segregated fund.
8. Actual Costs.
 - a. The applicant for a proposed mining project shall be responsible for all costs reasonably incurred by the County as necessary to: evaluate the operator's application for a County Mining Permit; evaluate any applications for permits required from the State of Wisconsin and the Federal Government to undertake the proposed mining; and participate in any administrative or legislative meetings, public comment opportunities, public hearings and adjudicatory or contested case hearings related to

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such mining project, including the hearings required under this section.

- b. The applicant's responsibility for costs reasonably incurred by Oneida County shall include both before and after the application for the County Mining Permit is filed with the County and for monitoring any such mining project which becomes operational, continuing for the life of the operation and during the 40 years following closure.
- c. Costs under this subsection shall include staff time, travel expense, equipment and material costs, licensed professionals and legal counsel. Such costs shall not exceed those which are reasonably charged for the same or similar services by licensed professionals of the type retained. The County shall also avoid duplication of services where reasonably possible, taking into consideration the normal duties and responsibilities of the staff.
- d. The County shall use standard cost and time accounting practices to document its time and expenses in performing any work and purchasing any equipment and services that will be billed to the applicant or charged against the segregated account.
- e. Prior to processing an application for a permit under this section, if the County determines that the cost involved in permit review and approval will exceed \$50,000, the County shall supply the applicant with an estimate of the cost involved in the permit review and approval process.
- f. Costs under this section may be billed to the applicant for reimbursement to the County on a quarterly basis and shall be paid within thirty (30) days of such billing. Should the applicant fail or refuse to pay costs within thirty (30) days upon request or demand from the County, the County may stop the processing of the permit application and deny any permit that has not been issued. A County Mine Permit shall not be issued until any fees incurred prior to issuance have been paid in full.
- g. If an applicant withdraws its application at any time after its submittal, all fees and charges assessed for work to that point in time by the County shall be paid by the applicant. Any balance would be refunded to applicant.
- h. A condition of any County Mining Permit that is issued shall be the payment of all County costs of administering the permit, in annual installments, based upon estimates to be provided by the County, the first estimate to be provided with the permit and subsequent estimates to be provided on the anniversary date of the permit, each such estimate to be paid in full within 30 days of receipt.

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P. Environmental Impact Report and Statement. Oneida County will timely review and comment on any environmental impact report prepared by the applicant and any environmental analysis, draft environmental impact statement and final environmental impact statement prepared by DNR pursuant to Wis. Stat. ss.1.11, 293, and Wis. Admin. Code Ch. NR 150. The Planning and Development Committee will prepare a recommendation for the County Board and the Board will act and timely provide the County's comments to the DNR.

Q. Inspections and Reports.

1. Inspections. Upon application for a County Mining Permit, the applicant and property owner are deemed as a condition of application to have consented to allow inspections of the mining site and all mining operations by the County for the purpose of determining compliance with the provisions of this section and the terms conditions of the County Mining Permit. Inspections may occur pursuant to this section upon showing of proper identification, with or without advance notice to the applicant and/or property owner.
2. Reports. Operator shall supply copies of all mine operation reports provided to the DNR until such time that a certificate of completion is issued.

R. Effective Date of Permit and Commencement of Mining Operations. The granting of a County Mining Permit shall not be deemed effective until the operator has procured all necessary permits from the state and federal agencies to construct, operate, close, reclaim, and monitor the mining operation; process any ore from the mine in Oneida County; manage and reclaim any mining waste resulting from the mining operation; and provide all financial assurances required by those permits. Construction must be commenced within two (2) years of the effective date of the last state and federal permit issued or the County Mining Permit shall be null and void.

S. Permit Modification.

1. The County reserves the right to reopen and modify a County Mining Permit after it has been granted if it is determined, upon the basis of substantial evidence, including evidence presented at state or federal hearings, that mining activity pursuant to the permit would endanger the public health, welfare or safety.

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2. In order to reopen a permit, the County or the County Mining Permit permittee shall identify the specific terms of the permit subject to reopening and file an application for a public hearing with the Planning and Development Committee, which shall hold a public hearing on the matter before making a recommendation to the County Board. The County Board shall hold a public hearing in accordance with the procedures in Chapter 2 of the General Code, before deciding the matter. No modifications to an existing permit shall be made unless supported by the substantial evidence and approved by the County Board.
3. Successors in Interest. In the event one operator succeeds to the interest of another by sale, assignment, lease, or otherwise, the operator holding the County Mining Permit shall notify the Zoning Administrator. Such transfer of ownership shall constitute grounds for the County Board to re-open and/or modify the County Mining Permit to protect the public health, welfare or safety. Any successor acquiring rights of ownership, possession or operation of the permitted mine shall be subject to all existing conditions of the County Mining Permit and any conditions established as a result of County Board action.
 - a. No transfer of the County Mining Permit may occur until the successor has satisfied all financial assurance requirements under this code.
 - b. All forms of financial assurance must name the County as the beneficiary.
 - c. The successor shall also provide proof that it has satisfied all financial assurances required by the DNR.
 - d. The operator holding the permit shall maintain proof of financial assurance until the successor acquiring ownership, possession or operation of the mine obtains County Board approval.
4. In the event the state/federal laws and/or regulations are amended to the extent that the terms and conditions of the County Mining Permit are affected, the applicant shall apply for a modification to the permit within 6 months of the effective date of such amendments.

T. Violation/Enforcement.

1. Conducting Metallic Mining Operations without a County Mining Permit are subject to the following:
 - a. After the fact permit application fees; and
 - b. Penalties under section 9.61(V) below and allowed by Statute.
2. Such other and further relief, including but not limited to, equitable relief granted by a court of competent jurisdiction.

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PROSPECTING AND MINING

3. Permit Revocation or Suspension. The Zoning Administrator may revoke or suspend a mining permit issued under this section if it is determined that there is substantial evidence that any of the following has occurred:
 - a. Statutes, ordinances, or permit requirements have been violated;
 - b. Financial Assurance has not been provided as required or has lapsed;
 - c. Insurance coverage has lapsed or fallen below required levels;
 - d. Actual costs have not been paid timely upon request for permit processing, administration, monitoring or review;
 - e. Applicant has failed to comply with County, State and Federal Regulations;
 - f. Failure to strictly comply with County, State and Federal laws, regulations or permits;
 - g. The mine is idle for two (2) consecutive years.

U. **Penalties.** Except as otherwise specified herein, any operator violating this section shall, upon conviction, pay a forfeiture of not less than \$1,000 nor more than \$25,000, plus costs per day for each day a violation continues. Forfeitures for second or subsequent offenses shall be not less than \$5,000 nor more than \$50,000 plus costs per day for each day a violation continues.

9.62 MORATORIUM ON BULK SAMPLING. (#9-2018)

A. **Purpose and Intent.**

The purpose of this ordinance is to temporarily impose a moratorium to allow the State of Wisconsin to write administrative code to regulate bulk sampling and allow Oneida County adequate time to study, review, and consider the impacts of 2017 Wisconsin Act 134 as it relates to bulk sampling and amend its ordinances to appropriately protect the public health, safety, and welfare after it learns the scope of regulation under the administrative code. Furthermore, by ensuring all bulk sampling is subject to the same regulation, this moratorium will result in uniformity of regulation of bulk sampling in the County and uniform protections to the public health, safety, and welfare, without precluding any land owner from any other lawful uses of their property.

B. **Authority.**

The Oneida County Board has the specific authority under Wisconsin Statutes including but not limited to §59.02(2) and §59.68 Wis. Stats.

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C. Adoption.

This ordinance, adopted by a majority of the Oneida County Board of Supervisors with a quorum present and proper notice having been given, provides for the imposition of a moratorium on bulk sampling, provided that the moratorium does not apply to an applicant who has acquired legally vested rights prior to the adoption of this ordinance.

D. Definitions.

1. Bulk Sampling means excavating in a potential mining site by removing less than 10,000 tons of material, including overburden and any other material removed from any portion of the excavation site, for the purpose of obtaining site-specific data to access the quality and quantity of the nonferrous metallic mineral deposits and of collecting data from and analyzing the excavated materials in order to prepare the application for a mining permit or for any other approval. Bulk sampling does not constitute prospecting within the meaning of §293.01(18) Wis. Stats.

E. Moratorium Imposed.

The Oneida County Board of Supervisors hereby imposes a moratorium on bulk sampling provided that the moratorium does not apply to an applicant who has acquired legally vested rights to the issuance of a license prior to the adoption of this ordinance.

F. Duration of the Moratorium.

This moratorium shall be in effect for eighteen months up to and including January 1, 2020, or until the Wisconsin Department of Natural Resources completes the rule making process regarding bulk sampling.

- 9.63 [Reserved for future use]
- 9.64 [Reserved for future use]
- 9.65 [Reserved for future use]
- 9.66 [Reserved for future use]
- 9.67 [Reserved for future use]
- 9.68 [Reserved for future use]
- 9.69 [Reserved for future use]

**ONEIDA COUNTY ZONING AND
SHORELAND PROTECTION ORDINANCE**

**CHAPTER 9
ARTICLE 7 - GENERAL PERFORMANCE STANDARDS /
OFF-STREET PARKING AND LOADING / SIGN REGULATIONS**

- 9.70 Highway Setbacks
 - 9.71 Side Yards and Rear Yards
 - 9.72 Building Height Restrictions
 - ~~9.73 Dwelling Overlay Districts (Eliminated from Ordinance Effective 4/22/08)~~
 - 9.74 Fences, Walls and Hedges
 - 9.75 Legal Pre-Existing Lots
 - 9.76 Waste Disposal
 - 9.77 Off-Street Parking and Loading Space
 - 9.78 Sign Regulations
-

9.70 HIGHWAY SETBACKS (#29-2001, #77-2003,2-2017)

A. Setback

On all public highways there shall be minimum setback areas as follows:

1. The setback in all areas shall be no less than (20) feet from the right-of-way provided the right-of-way is clearly identified by one of the following documents:
 - a. A certified survey map, plat, deed, or court order recorded in the Register of Deeds or Clerk of Courts.
 - b. A map of survey is filed in the County Survey Records.
 - c. A highway order, minutes of a town meeting, or similar document is on file with the town.
2. In the absence of a documented right-of-way as stated above, the setback shall be:
 - a. (80) feet from the centerline of state and federal highways.
 - b. (70) feet from the centerline of county trunk highways.
 - c. (60) feet from the centerline of all public roads and streets not otherwise classified.

Provided that in no case shall the setback be less than (20) feet from the right-of-way or lot line.
3. When the public highway is intersected by a railroad, the setback area shall be a clear vision triangle bounded by a straight line connecting points on the centerline of the highway and railroad, 330 feet from the point of intersection but in no case can the setback area be less than the distances shown in subsection 1 above.
4. Where there is an existing pattern, setback requirements shall be established jointly by the town board in which such town is located and by the committee after review of a recommendation by the zoning administrator.

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5. For lots abutting a state trunk highway or connecting highway that is subject to Wisconsin Administrative Code TRANS 233.08, the owner must provide proof of compliance from the Wisconsin Department of Transportation with respect to any proposed construction either in the right-of-way or setback from such highway. In no case shall the setback be less than (20) feet.

B. EXEMPTIONS

The following structures are exempt from the twenty (20) foot setback to the documented right-of-way of public highways, as specified in section 9.70(A)(1).

1. Public utilities.
2. Awnings at least eight (8) feet above the ground or two (2) feet back from the traveled portion of a town, county, state or federal highway shall be permitted in areas zoned Business B-1 or Business B-2 if the agency or municipality holding the highway setback and the town in which the proposed awning is to be located consent. The holder of the highway right-of-way shall be required to provide written consent to the owner of the awning. The awning shall contain no sign or advertisement or obstruct the traffic view.
3. Driveway entrance gates, columns, walls, landscaping structures/designs and retaining walls provided such structures/designs don't obstruct vision for vehicular traffic entering a public highway.
4. On-premise signs pursuant to section 9.78. Off-premise signs are required to meet the twenty (20) foot setback to the right-of-way of public highways.
5. Open fences pursuant to section 9.74(E).
6. Driveway connecting to a public highway.

9.71 SIDE YARDS AND REAR YARDS

- A. For all buildings, manufactured homes, manufactured buildings, mobile homes, house trailers, decks, there shall be two side yards and one rear yard, each of which shall be not less than ten (10) feet in width, provided further that the buildable width of a lot shall not be reduced to less than twenty-five (25) feet and the buildable depth shall not be reduced to less than fifty (50) feet except:
 1. Where a side yard or a rear yard adjoins a highway, then section 9.70 of this ordinance shall apply.
 2. For blocks within towns, used essentially for business, the side yards and rear yards may conform to existing patterns.

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3. In recreational camps, buildings shall not be less than 100 feet from adjacent property lines.
4. Livestock and poultry housing structures and yards shall be located not less than 100 feet from adjoining property lines, nor less than the minimum distance provided for in the Administrative Code of the State Board of Health from the nearest corner of an established enterprise with a similar sanitary code. Applicable water front setback provisions must be met.
5. Nonmetallic mining; the top incut for an excavation shall not be less than 30 feet from adjoining property and highway right-of-way lines.
6. In campgrounds no campsite area, building or structure shall be located within 200 feet of adjacent property lines when the adjacent property is zoned to single or multiple family residential districts. For all other use districts, the distance shall be 100 feet.
7. In mobile home parks, no mobile home or structure shall be located within 100 feet of adjacent property lines when the adjacent property is zoned to single or multiple family residential districts. For all other use districts, the distance shall be 50 feet.

- B. Accessory buildings, structures or mobile homes which are not a part of the main building or not used for dwelling purposes, may occupy the side yard, or rear yard but shall be at least five (5) feet from the lot line.

9.72 BUILDING HEIGHT RESTRICTIONS (#08-2004,03-2007,15-2017)

Height Limit Restrictions

- A. All structures located within 75 ft of the OHWM. No principal or accessory structure located within 75 ft of the OHWM of any navigable waters shall exceed 35 ft in height. See Article 10 definitions.
- B. Principal and accessory structures located greater than 75 ft from the OHWM. See Article 10 definitions.
1. Except as provided in section 9.72(B), any building or structure exceeding two (2) stories or 35 feet in height shall require a CUP.
 2. No principal building or structure shall exceed two stories or 35 feet in height and no detached accessory structure shall exceed 25 feet in height in District 2 Single Family Residential.
 3. No multiple family dwelling units shall exceed two stories or 35 feet in height when community sewer and water facilities are not provided.
 4. No detached accessory structure shall exceed 25 feet in height in District 3 Multiple Family Residential.

C. Exemptions – Structures located greater than 75 ft from the OHWM.

Buildings and structures that are exempt from height restrictions are:

1. Uninhabitable architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this ordinance.
2. Special structures, such as gas tanks, grain elevators, private radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, sub-stations and smoke stacks are exempt from the height limitations of this ordinance. A zoning permit or a conditional use permit may be required.
3. Essential services, such as utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this ordinance, but a zoning permit or a conditional use permit may be required.
4. Communication structures, such as radio and television transmission and relay towers, aerials and observation towers, emergency service communication towers, and wireless telephone service towers shall be the minimum distance from all lot lines that they are in height, except when certification is provided by a Wisconsin licensed structural engineer and/or the tower manufacturer that the tower is designed to collapse within 50-percent of the height of the tower. With such certification provided, towers shall be the minimum distance of half the height of the tower from all lot lines. A zoning permit or a conditional use permit shall be required.
5. Agricultural structures, such as barns, silos, and windmills shall be the minimum distance from all lot lines that they are in height. Section 9.71(A)(4) shall also apply.
6. Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations.

9.73 DWELLING OVERLAY DISTRICTS (#19-2001,#66-2002,#10-2004,#14-2007)
Eliminated from ordinance effective 4/22/08.

9.74 FENCES, WALLS, AND HEDGES (#6-2022)

Fences, walls and hedges erected, placed or maintained on a lot line or adjacent thereto shall be regulated by the following:

- A. No fence, wall or hedge shall be constructed that would constitute a nuisance, pursuant to s. 844.10, Wis. Stats.

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- B. No fence, wall or hedge shall exceed a height of six (6) feet, except as provided in the following circumstances.
 - 1. There shall be no height limitation for fences that protect playgrounds, baseball backstops, tennis courts and similar activities.
 - 2. There shall be an eight (8) foot height limit to act as a screen between residential districts and any land use that would require a conditional use permit.
- C. Fences erected may be decorative fences of either wood, wire, plastic, composite, or similar materials, shall have a smooth surface on the side facing the adjacent property, and shall be kept neat and in good repair, except as provided in Section 9.74(F). Barbed wire fences are forbidden, except as provided in section 9.74(E).
- D. No fence shall be erected in the waterfront setback that would parallel the waterfront, except as provided in section 9.74(E) or 9.74(H).
- E. No barbed wire fence shall be used except to fence livestock, protect crops, industrial junk yards, utility or municipal property. Open fences that do not obstruct vision and are used to fence livestock, protect crops, industrial, utility or municipal property may be in both the highway and waterfront setback areas and may exceed the height restrictions.
- F. Wood, plastic, or similar material snow fencing may be erected and maintained only on a temporary basis during the months of October, November, December, January, February and March and must be removed within three (3) weeks after road limits have been lifted for a town.
 - 1. Snow fence of any type is not allowed within 200 feet of the ordinary high water mark, except as provided in Section 9.74(H).
 - 2. Snow fence is also permitted on a temporary basis in the months referenced above, for designated snowmobile trails.
- G. Anyone erecting a fence or wall must have a zoning permit, pursuant to Article 3.
- H. Fences near Public Highways (s. 59.692(1n)(d)7, Wis. Stats.)
 - 1. Fences that border highways are permitted, that meet all of the following criteria:
 - a. No taller than 15 feet;
 - b. Located no less than two (2) feet landward of the ordinary high water mark;
 - c. Located entirely outside of a highway right-of-way, no less than ten (10) feet from the edge of a roadway, and no more than 40

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feet from the edge of a roadway or highway right-of-way, whichever is greater;

- d. Generally perpendicular to the shoreline;
- e. Can be “open” or “privacy” type fencing.

Note: “Roadway” means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term “roadway” refers to each roadway separately, but not to all such roadways collectively. (s. 340.01(54), Wis. Stats.)

9.75 LEGAL PRE-EXISTING LOTS (#29-2001 & #91-2003 Part A)

- A. A lawfully existing parcel, lot or tract of land of smaller dimensions and/or area than the minimum required by Appendix “A” or “B” of this ordinance may be used as a building site for a single family dwelling. The existing parcel/use must meet the conditions of 9.75 (C) & (D).
- B. A lawfully existing parcel, lot or tract of land of smaller dimensions and/or area than the minimum required in Appendix “A” for zoning districts (6) & (7) Business B1 & B2, and (10) General Use, may be used for any allowed use in those districts with the issuance of a conditional use permit (CUP). The existing parcel/use must meet the conditions of 9.75 (C) & (D).
- C. The existing parcel, lot or tract of land must meet one of the following conditions:
 - 1. Recorded or filed with the register of deeds prior to enactment of this ordinance.
 - 2. Created and a map of survey exists which was signed and dated by a surveyor prior to the Oneida County Zoning & Shoreland Protection Ordinance or the Oneida County Subdivision Ordinance.
 - 3. Created and exempt under the Oneida County Zoning & Shoreland Protection Ordinance or the Oneida County Subdivision Ordinance.
- D. Where the lot, tract or parcel of land is not served by Community sewer and water, the minimum lot size shall be 5,000 square feet and shall meet the requirements of Wisconsin Administrative Code Com 83 & Chapter 13 of the Oneida POWTS Ordinance.

9.76 WASTE DISPOSAL

- A. No person shall discharge or permit the discharge of any solid waste into any surface waters which would constitute a nuisance or be in violation of the Wisconsin Statutes.
- B. It shall be unlawful to discard, throw or discharge any can, bottle or rubbish into any navigable water.
- C. Solid waste disposal sites are prohibited unless authorized under this ordinance and a permit is obtained for the site from the DNR.

9.77 OFF-STREET PARKING AND LOADING SPACE (amended #91-2003 Part B & 28-2005, 14-2008, 2-2022)

Off-street parking and loading space shall be provided with convenient access to, but not including any public thoroughfare or right-of-way. All parking areas shall provide suitable maneuvering room so that all vehicles may enter an abutting street in a forward direction. The director may approve exceptions for single-family dwellings.

A. Required Parking Space and Setbacks

Required parking space, under this ordinance, may not be used for any other purpose, and the following setbacks shall be met:

1. Roadway Setbacks

No parking lot shall be constructed within five (5) feet of any federal, state, county, or town roadway. Appropriate access driveways to the public roadways shall be allowed within this setback area. A buffer strip of a minimum width of five (5) feet shall be required between the parking lot and any federal, state, county, and/or town roadway. Said buffer strip shall be planted to provide an appropriate separation between the roadway and parking lot. However, no parking space shall be located so that a vehicle will maneuver within 20 feet of a vehicular entrance to or from a public roadway (See Diagram 1 of Appendix Y).

2. Side and Rear Yard Setback

- a. No parking lot shall be constructed within five (5) feet of lot line that is zoned District 2 Single Family. A buffer strip of a minimum width of five (5) feet shall be required between the parking lot and lot line that is zoned District 2 Single Family. Said buffer strip

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shall be planted and landscaped in accordance with town and/or county recommendations to provide an appropriate separation between the lot line and parking lot.

- b. No parking lot shall be constructed within five (5) feet of a lot line for properties zoned District 6 Business B-1. Said buffer strip shall be planted and landscaped in accordance with town and/or county recommendations to provide an appropriate separation between the lot line and parking lot.

3. Waterfront Setback

Parking lots shall conform to the waterfront setback in section 9.94 of this ordinance.

B. Business and Industrial Establishments

All business and industrial establishments must have adequate off-street loading and unloading facilities.

C. Retail Business and Service Establishments

All retail business and service establishments shall provide parking area for both employees and patrons as herein provided.

D. Dimensions of Single Parking Space

Each parking space shall be no less than 10 feet in width and not less than 220 square feet in area. A single parking space in a garage, multiple stall garage, or subterranean garage may replace a single required parking space. However, no additional parking spaces may be located directly in front of the entrance of a covered/enclosed parking space (See Diagram 2 of Appendix Y).

E. Off-Street Parking

Off street parking requirements must include minimum space required for each use of the property as identified below. The cumulative parking space requirements must be satisfied.

1. Residence/Multiple family dwellings, two (2) parking spaces per each dwelling unit plus one additional undesignated space for common use per unit.
2. Retail or local business places and personal service shall provide parking space at least equal to the floor space.

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3. Restaurants, taverns, nightclubs and similar enterprises shall provide one parking space for each four (4) seats.
 4. Business and industrial establishments shall provide 1.1 parking spaces for each employee per shift.
 5. Hotels, motels, bed and breakfast, tourist rooming houses, and resorts shall provide 1.1 parking spaces for each room or dwelling unit.
 6. Bowling alleys shall provide four (4) parking spaces for each alley.
 7. Roadside stands and establishments offering curb service, such as vegetable stands or drive-up coffee shops must have sufficient parking space to accommodate all the vehicles to be serviced off the right-of-way of the highway but in no case less than six (6) parking spaces.
 8. Theaters, churches, auditoriums, lodges or fraternity halls or similar places of public assembly shall provide one parking area for each six (6) seats, except as noted below.
 9. If boat launching facilities are available to the public, parking spaces for towing vehicles and trailers shall be provided at the rate of 4 parking spaces per launching lane at a boat ramp. Each parking space shall be at least 10 feet wide by 40 feet long. Such parking shall be in addition to other required parking. Off street parking to meet all minimum setbacks is required elsewhere in this ordinance.
 10. Marina - requires 220 sq. ft. of parking space per boat berth.
 11. Furniture and home appliance retail stores shall provide one parking space for every 600 sq. ft. of retail floor space.
 12. Schools shall provide two parking spaces per classroom for an elementary or middle school, four parking spaces per classroom for a high school, plus one parking space per four seats in an auditorium or gymnasium and ten spaces per classroom for an adult educational or training facility.
 13. Day care facilities shall provide one parking space for every six children.
 14. Nursing home, independent living center, convalescent home or similar institution shall provide one parking space for every 5 beds.
- F. Exemptions or Potential Increases/Reductions for required parking space.
1. In those areas of a town that were developed into business district prior to zoning and the buildings are built more or less up to the lot lines with no parking provided on the lots and no parking could be provided under section 9.77(E), without relocating or tearing down of buildings, parking will be determined after conferring with and receiving recommendations from the town board.

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2. Preexisting state and municipally owned boat landings are not subject to this section.
3. Potential reductions/increases in required spaces. The Planning and Zoning Committee may increase or decrease the required number of off street parking space requirements based on one or more of the following criteria:
 - a. Technical documentation supplied by the applicant indicates, to the satisfaction of the Planning and Zoning Committee that actual parking demand for that particular development is more or less than the standard would suggest.
 - b. Alternative routes and methods of transportation to the development will occur and non-traditional parking facilities will also be provided, located convenient to the proposed route.
 - c. Shared parking for more than one use will be implemented, provided that the applicants demonstrate that the same spaces may adequately serve two or more uses by reasons of the hours of operation of such uses. The continued availability of such shared areas shall be ensured by a signed agreement among all involved property owners describing the rights and limitations of all property owners and businesses and providing that if any of the uses sharing the parking area changes, the agreement shall be null and void. Such agreement shall bind all heirs, successors and assigns of each owner and shall be approved by the Planning and Zoning Committee before being recorded with the Register of Deeds.
 - d. Reserve area. In the event the number of required spaces is reduced, as allowed in this section, the Planning and Zoning Committee may also require that sufficient area be held in reserve for potential future development of parking area to meet the requirements of section 9.77(E). If required, such reserve area shall be shown and noted on the development plan, maintained in open space use and developed with parking spaces when the Planning and Zoning Committee determines that such development is necessary due to parking demand which exceeds original expectations, the loss of alternative methods or routes of transportation or the dissolution of the shared parking agreement.

G. Uses Not Listed

In case of structure or use not mentioned, the provision for a use which is similar shall apply.

H. Control of Surface Water Runoff

Parking lots shall be constructed and maintained to control surface water runoff.

9.78 SIGN REGULATIONS (#01-2000, #08-2000, #26-2004, #10-2005, #21-2006, #19-2007, #20-2008, #1-2012, #3-2012)

A. Purpose

1. Oneida County recognizes that it is abundant with much natural beauty. Many recreational and tourist activities are enhanced by this natural beauty. As a consequence, greater emphasis must be placed on preserving our northwoods aesthetics. At the same time, Oneida County wishes to permit the careful planning, future growth and efficient maintenance of our public roadways, while protecting the natural beauty and amenities of our landscape by regulating the placement of signs throughout the county. It is the intent of this ordinance to promote the safety, convenience and enjoyment of public travel, to accentuate the natural beauty of Oneida County, to protect the public investment in roadways, to regulate the erection and maintenance of advertising signs, displays and devices adjacent to public roadways and waterfront property, and to aid in the free flow of commerce. Therefore, it is hereby deemed necessary in the public interest to regulate the erection, and maintenance of billboards and other advertising devices adjacent to public roadways and waterfront properties.
2. No signs shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without an approved county sign permit unless specifically exempted by this ordinance. It may be necessary to also obtain local, state or federal permits.

B. On-Premise Signs

1. a. A business shall be permitted one freestanding sign exposure visible and designed to be read from each direction of travel.
 1. An on-premise free standing sign shall be no greater than 64 square feet per face if the setback is 0 feet or greater from right-of-way.
 2. An on-premise free standing sign shall be no greater than 250 square feet per face if the setback is greater than 100' from right-of-way.
- b. A multi-tenant business shall be allowed one free standing sign visible and designed to be read from each direction of travel.

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1. An on-premise free standing sign shall be no greater than 128 square feet if the setback is 0 feet or greater from right-of-way.
2. An on-premise free standing sign shall be no greater than 250 square feet per face if the setback is greater than 100 feet from right-of-way.
3. No single tenant can utilize greater than 50% of the allowable area of the sign.
- c. A home occupation as allowed by section 9.43 of this ordinance shall be permitted one free standing sign no greater than 12 square feet per face.
- d. No part of an on-premise free standing sign shall exceed 35' in height from existing grade including support.
- e. Freestanding signs must comply with the requirements of sections 9.70, 9.94 and 9.97, highway and waterfront setbacks. Freestanding signs at all intersections shall meet the highway setback requirements.
- f. Freestanding signs must comply with the requirements of section 9.71, side and rear lot line setbacks.
2. In addition:
 - a. Every business shall be permitted attached building signs as follows:
 - (1) Two "flat" signs a maximum of 32 square feet mounted flat against the building or on the roof for a building with a face of 1250 square feet in area or less OR a maximum of 64 square foot sign mounted flat against the building or on the roof for a building with a face of greater than 1250 square foot area. No part of this sign including supports shall be more than 30 feet from ground level. Only one flat sign per building face.
 - (2) One projecting sign as follows:
 - a. The total area of the projected sign may not exceed 16 square feet.
 - b. The projecting sign cannot extend more than five feet from the wall which it is attached.
 - c. The bottom of such sign shall be at least eight feet above the grade directly below the sign and the top of such sign shall not extend above the building's roof.
 - d. Projecting signs must comply with the requirements of sections 9.70, 9.71 and 9.94, highway, side yard and waterfront setbacks.
 - (3) If a town allows a setback closer than 20' to the road right-of-way, pursuant to section 9.70(4), one projecting sign is allowed as follows:
 - a. The total area of the projecting sign may not exceed six square feet.

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- b. The projecting sign cannot extend more than five feet from the wall on which it is attached.
 - c. The bottom of the projecting sign shall be at least eight feet above grade directly below the sign and the top of the sign shall not extend above the building's roof.
 - d. To place a projecting sign on state, county or town property, permission must be granted by the governmental unit that owns the property.
- (4) A home occupation as allowed by section 9.43 of this ordinance shall be allowed one sign mounted flat against the building no greater than 12 square feet.
- b. Electronic message signs to display commercial messages that pertain to products or services of a business located and/or used on the same premises. Electronic message signs shall comply with all of the following:
 - (1) Be a maximum size of 32 square feet.
 - (2) Each change of message shall:
 - a. be accomplished in one second or less;
 - b. remain in a fixed position for at least six (6) seconds;
 - c. the use of traveling or segmented messages is prohibited.

Electronic message signs shall be allowed as part of the total signage on the premises allowed under section 9.78(B) of this ordinance. The electronic message board shall be incorporated into any existing sign.

- 3. In addition to any sign permitted under paragraphs 1 and 2, an activity may be permitted any number of signs not designed to be read from the roadways whose sole purpose is to direct or control traffic which has already entered the property on which the advertised activity is conducted.
- 4. Entrance signs, not to exceed two, may be located at the entrance to a recorded residential subdivision, development or industrial park and shall be limited to one face each no greater than 32 square feet per face. Such entrance signs shall be used to identify the name of the residential subdivision, development, or industrial park, and may identify the contents of the residential subdivision, development or industrial park without specifically identifying the name of any owners or businesses contained in said residential subdivision, development or industrial park. Each sign shall be erected or placed on a permanent structure, will not obstruct the vision of traffic, or create a safety hazard. The overall height of said structure and sign shall not exceed 10 feet.

C. Off-Premise Signs

1. Size. No off-premise sign shall exceed 128 square feet per face.
2. Spacing. The minimum distance between off -premise signs shall be 1,320 feet measured along the road right-of-way line between points at right angles from the closest part of the sign structures intersecting with the road right of way along each side of the highway and shall apply only to structures located on the same side of the highway. Off-premise sign locations must be located a minimum 300' from an intersection located on either side of the highway and 300' from dwelling units.
3. When an off-premise sign is proposed to be located adjacent to a federal, state, county or town road the parcel of land must be zoned "Business" or "Manufacturing / Industrial" to allow placement.
4. Freestanding signs must comply with the requirements of sections 9.71, 9.94 and 9.97, highway and waterfront setbacks. Freestanding signs at all intersections shall meet the highway setback regulations.
5. Freestanding signs must comply with the requirements of section 9.70, side and rear lot line setbacks.
6. All off-premise signs shall identify the owner of the land on which the sign is placed and the sign owner in letters at least two inches tall but not greater than four inches tall and include the sign owner's telephone number.
7. No part of an off-premise free-standing sign shall exceed 35' in height from existing grade including support.

D. Prohibited Signs

Any signs placed in violation of this provision may be removed immediately by authorized town or county personnel and held for a period of thirty (30) days after which any remaining unclaimed signs may be destroyed

1. No sign shall be erected, placed or maintained on any traffic median or on a public sidewalk or bicycle path.
2. Signs shall not be erected, placed or maintained which imitate or resemble any official traffic sign, signal or device or bear the words "Stop", "Slow", "Caution", "Danger", or similar commands.
3. Signs shall not be erected, placed or maintained upon trees, or painted or drawn upon rocks or other natural features.
4. Signs shall not be erected, placed or maintained which are structurally unsafe or in substantial disrepair.
5. Illuminated signs which have flashing, intermittent, or moving lights are prohibited except those giving public service information such as time, date, temperature, etc, except electronic messages signs permitted by section 9.78(B)(2)(c).

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6. No sign shall be so illuminated in excess of 500 watts of illumination that it interferes with the effectiveness of, or obscures an official traffic sign, signal or device. No illuminated sign shall be erected unless all manufactured and field assembled electrical components carry a nationally recognized testing laboratory label. No illuminated signs shall be erected without displaying a nationally recognized testing laboratory label on the outside of the sign in a visible location.
7. Illuminated signs which are not shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of public roadways and which are of such intensity or brilliance as to cause glare or to impair the vision of the operator of any vehicle, or which otherwise interferes with any operator's operation of a vehicle are prohibited.
8. No sign may be erected, placed or maintained that is illegible or has an objectionable appearance due to vandalism, fading, deterioration, or other causes.
9. Off-premise signs, which also come under the jurisdiction of the Wisconsin Department of Transportation, must be located in a "Business" or "Manufacturing / Industrial" zoning district.
10. No freestanding off-premise sign shall be situated on the same lot as a freestanding on-premise sign.
11. Off-premise signs shall not be placed less than 1,320 feet apart which are situated on the same side of the roadway.
12. "On-premise" or "off-premise" signs placed in zoning districts that do not allow placement are prohibited.
13. No business sign may be erected or maintained for any business that fails to conform with all applicable laws concerning the provision of public accommodations without regard to race, religion, color, sex, sexual orientation or national origin.
14. Signs made obsolete or abandoned by either the closing of a business or changing of business or landowner are prohibited.
15. Signs advertising a business or event which has become inactive, closed or terminated, excluding seasonal closure, shall be removed or covered within 30 days following the event or business being inactive, closed or terminated.
16. Signs mounted, placed in, attached or painted on trailers, boats, motorized vehicles or ice shanties when used as additional advertising signs on- or off-premise. Automobiles, semi-trailers and trucks used in the ordinary course of business are exempt from this provision.
17. No inflatable devices shall be permitted to display advertising or attract attention to an event or business.
18. No sign, which by reason of location, size, color, or designs, shall interfere with public traffic or be confused with any official traffic

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signal of traffic making or obstruct the view or effectiveness of any official traffic signal or traffic marking.

19. No sign except attached on-premise signs shall be permitted in a vision triangle.

E. Signs Specifically Exempted from This Ordinance

1. Official governmental signs and notices.
2. Temporary promotional signs such as banners or electronic message signs displayed for no more than 10 days for specific events sponsored by local governments or not-for-profit entities such as churches, chambers of commerce or service organizations provided written permission is issued in advance by the local town board and which addresses prompt removal following the event. When the nature of the event occurs in an unforeseen or unanticipated manner, which precludes a municipal entity from approving the message display, the Oneida County Zoning Director shall be notified.
3. Public utility signs.
4. Political and holiday signs provided that:
 - a. The sign does not exceed 32 square feet in surface area.
 - b. The sign is erected entirely on private property with the property owner's consent.
 - c. The sign contains no commercial content.
 - d. Time Limit
 - (1) Political signs may be erected during the election campaign period as defined within Wisconsin Statute Chapter 12.
 - (2) Holiday signs may be erected no more than 45 days before the holiday for which it is intended and removed within 10 days after the holiday for which it is intended.
 - e. The sign does not contain flashing lights or moving parts.
 - f. The sign is not erected in a location where it constitutes a traffic or pedestrian hazard.
 - g. Provided that it complies with the other requirements of this ordinance.
5. Real estate "For Sale" signs provided that:
 - a. The sign does not exceed 12 square feet in surface area.
 - b. There is no more than one real estate sign on the property facing each direction of travel for each controlled highway from which a sign on the property is visible.
 - c. The sign does not contain flashing lights or moving parts.
 - d. The sign is not erected in a location where it constitutes a traffic hazard.

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- e. The sign is not erected until the property is actually offered for sale or lease, and is removed within seven days after the property has been sold or leased.
- f. Provided, further, that all applicable setbacks are met. Signs eight square feet or less may be placed within the waterfront setback area provided they are placed above the ordinary high water mark of the lake and conform to all other aspects of the ordinance.
6. Service clubs and religious signs relating to meetings of non-profit service clubs or charitable associations or religious services which do not exceed 8 square feet.
7. Temporary construction signs at sites under construction provided that:
 - a. Sign does not exceed 12 square feet.
 - b. Only one such sign shall be permitted on each parcel of land and it shall be removed within seven days after completion of the project.
 - c. Provided, further, that all applicable setbacks are met.
8. Name, no trespassing, no fishing, occupation and warning signs not to exceed one square foot in area.
9. A sign on personal property with no business or commercial content less than 12 square feet.
10. Directional arrow signs that are either 40" long or 72" long and 7-1/2" wide that are painted with a white background and black trim and block lettering that are erected at the correct intersection where the traveling public must turn to arrive at the noticed place. At those intersections where it is necessary for more than one directional arrow, a common posting standard shall be constructed. Only one directional arrow per address or location shall be permitted.
11. Memorial signs, tablets, names of buildings and dates of erection when cut into the masonry surface or when constructed of metal and affixed flat against structure.
12. On-premise signs placed on the interior surface of windows of buildings.
13. Traffic control signs and informational signs erected and maintained by the appropriate federal, state, county or local government.
14. Traffic control signs and informational signs less than 70 square feet per face erected and maintained by a licensed hospital per HFS 124 of the Wisconsin Administrative Code, and medical clinics offering urgent/emergency care services.
15. Flags. A piece of cloth, plastic film or similar material used as the symbol of a nation, state or local governmental entity. A flag containing a logo for a commercial entity shall not be exempt from the regulation of this ordinance.

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16. Promotional banners for a commercial or business establishment for business specific events such as grand openings, going out of business, closings, special sales events or general promotion.
 - a. The banner or banners shall not exceed a combined square footage of 32 square feet.
 - b. Banners may be affixed to the structures in which the business is located.
 - c. Banners cannot be erected for more than 30 consecutive days, up to three times a year.
17. A sign announcing that a business is open.
 - a. The sign must be removed daily.
18. Sandwich board signs less than ten square feet per face:
 - a. Maximum height four feet.
 - b. Maximum width 2.5 feet.
 - c. To place a sandwich board on town property, permission must be granted by the local municipality.
 - d. The sign must be removed daily.
19. Directional, safety and informational signs for county sponsored state funded trails or club trails, informational signs, in order to be exempt, must meet Oneida County Forestry Department guidelines.

F. Lapse of Sign Permit

A sign permit shall have lapsed and be void unless the permitted sign is erected within one year from the date of its issuance.

G. Legal Pre-Existing Off-Premise Signs

1. Off-premise signs lawfully existing before the effective date of this ordinance may be continued until October 1, 2010, although the use, size or location does not conform to the provision of this ordinance. However, those off-premise signs that do not conform shall be deemed legal pre-existing structures and must be brought into compliance by October 1, 2010. If two or more off-premise signs are legal pre-existing because they are not separated by the minimum distance required in section 9.78(C)(2), the first of these signs brought into compliance with all other aspects of the ordinance shall be allowed to remain.
2. If a legal pre-existing off-premise sign is damaged by fire, wind or other catastrophic cause to the extent of 50 percent or more of its assessed value exceeding 50 percent of the reproduction value (fair market value of construction materials and labor), it shall not be restored except in conformity with the current regulations of this ordinance.

3. No repair made to any off-premise legal pre-existing sign shall exceed 50 percent of its assessed value or its true market value over the life of the sign exceeding 50 percent of the reproduction value (fair market value of construction materials and labor).
4. If a legal pre-existing off-premise sign is removed, it shall not be replaced with another legal pre-existing sign.
5. All legal pre-existing off-premise signs shall be properly maintained. If a legal pre-existing off-premise sign is not properly maintained the owner will be given sixty (60) days to complete and file an application. If after 60 days there is no response, the sign will be assumed to be abandoned. The department shall notify the committee who shall then order removal of the off-premise sign. Any cost of removal incurred by the county or appropriate town board shall be assessed to the owner of the property on which such sign is located or may be paid by the county treasurer who shall enter the amount chargeable to the property in the next tax roll as a special tax on the lands upon which the off-premise sign was located, which tax shall be collected, as are other taxes as provided by the state statutes.
6. Effective January 1 1999, whenever a business or real property is sold which contains a legal pre-existing off-premise sign, the new business or property owner shall remove or bring said off-premise sign into conformity with current ordinance requirements within 90 days of change of ownership of said real property or business.

H. Legal Pre-Existing On-Premise Signs

On-premise signs lawfully existing before the effective date of this ordinance may be continued, although the use, size or location does not conform to the provision of this ordinance. However, those on-premise signs that do not conform shall be deemed legal pre-existing structures. If a legal pre-existing on-premise sign is damaged by fire, wind or other catastrophic cause to the extent of 50 percent or more of its assessed value, it shall not be restored except in conformity with the regulations of this ordinance. No repair made to any legal pre-existing on-premise sign shall exceed 50 percent of its assessed value or its true market value over the life of the on-premise sign. If a legal pre-existing on-premise sign is removed, it shall not be replaced with another legal pre-existing on-premise sign. All legal pre-existing on-premise signs shall be properly maintained. If a legal pre-existing on-premise sign is not properly maintained the owner will be given sixty (60) days to complete and file an application. If after 60 days there is no response, the on-premise sign will be assumed to be abandoned. The department shall notify the county or appropriate town board, who shall then remove the on premise sign. Any cost of removal incurred by the county or

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appropriate town board shall be assessed to the owner of the property on which such sign is located or may be paid by the county treasurer who shall enter the amount chargeable to the property in the next tax roll as a special tax on the lands upon which the on-premise sign was located, which tax shall be collected, as are other taxes.

9.79 [Reserved for future use]

**ONEIDA COUNTY ZONING AND
SHORELAND PROTECTION ORDINANCE**

**CHAPTER 9
ARTICLE 8 - ADMINISTRATION / ENFORCEMENT / VARIANCES
AND APPEALS / AMENDMENTS**

- 9.80 Zoning Administration - Generally
 - 9.81 Financial Matters
 - 9.82 Enforcement and Penalties
 - 9.83 Composition of Board of Adjustment / Jurisdiction
 - 9.84 Variances
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-

9.80 ZONING ADMINISTRATION – GENERALLY (#11-2022)

A. Oneida County Board of Supervisors

The Oneida County Board of Supervisors is responsible for enactment, amendment and repeal of the Oneida County Zoning and Shoreland Protection Ordinance.

B. Oneida County Planning and Zoning Committee

The Committee is a committee created pursuant to sec. 59.69(2), Wis. Stats., and the Oneida County Code of Ordinances and is responsible for overseeing the office of the Zoning Administrator and for such other functions assigned to it by this ordinance or by state law.

C. Zoning Administrator

1. The Oneida County Board shall employ a qualified person to act as Zoning Administrator. All applicants for said position shall be first reviewed by the Committee, who shall then make their recommendation to the Oneida County Board. The Zoning Administrator's duty is to interpret, administer and enforce the provisions of this ordinance, including the issuance and revocation of permits and to oversee operation of the zoning office. For the purpose of this ordinance, the Zoning Administrator shall have the power to enforce the ordinance as provided in Ch. 59, Wis. Stats.
2. The Committee shall employ qualified staff, as authorized by the Oneida County Board, to assist the Zoning Administrator. For the purpose of this ordinance, the authorized qualified staff shall have the power to enforce the ordinance as provided in Ch. 59, Wis. Stats.

D. Annual Report

The Zoning Administrator shall make an annual report to the County Board. Meetings of the Committee may be called by the Chairman of the Committee or at the request of the Zoning Administrator.

E. Duties and Powers

The Zoning Administrator has the following duties and powers:

1. Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications.
2. Make determinations and issue permits in accordance with this ordinance.
3. Inspect properties for compliance with this ordinance, regardless of whether a permit has been applied for or issued under this ordinance. Prior to entering a property, the Zoning Administrator or designee shall attempt to contact the owner or occupant of a property. If the property owner or occupant does not respond to attempts to contact, or prior to contact is counterproductive, the Zoning Administrator or designee may proceed to the nearest entryway to a structure to attempt to contact the occupant/owner. The Zoning Administrator or designee may consider any violations in plain view on the route to the entryway, but shall not otherwise conduct an inspection of the property. Nothing in this chapter shall preclude Zoning Administrator or designee from proceeding as provided in Wis. Stat. §66.0119 (§66.0119 is a special inspection warrant).
4. Keep records of all permits issued, inspections made, work approved and other official actions or activities pursuant to this ordinance.
5. Issue demands for compliance when, upon inspection or investigation, becoming aware of a condition which is or is likely to become unlawful.
6. Report violations of this ordinance and other applicable regulations to the Committee and corporation counsel.
7. Issue citations for violations of this ordinance.
8. Such other duties and powers as provided in this ordinance and/or state law.

9.81 FINANCIAL MATTERS

- A. All fees collected by the Department pursuant to this ordinance shall be deposited with the County treasurer.
- B. Annually, the County Board shall appropriate money to the Committee for the purpose of operating the Department and administering this ordinance.

- C. A complete set of financial records for the Department shall be kept by the Zoning Administrator.

9.82 ENFORCEMENT AND PENALTIES (#22-2006)

The provisions of this ordinance shall be administered, and enforced by and under the direction of the County Board of Supervisors.

A. Investigation and Compliance; Notice of Violation

1. The Department is responsible for conducting the necessary inspection and investigation to insure compliance with this ordinance and, through field notes, photographs and other means, documenting the presence of violations.
2. If, upon investigation, the Department becomes aware of a violation of this ordinance, it shall immediately notify responsible parties and those potentially liable. Such notice shall include a demand that the condition that is alleged to constitute a violation be halted or remedied, and a statement that a complaint about the condition will be transmitted to the County corporation counsel for prosecution if remedial action has not occurred within 10 days. Responsible parties and those potentially liable shall include but not be limited to the landowner, tenants, and contractors.
3. If the same or similar violation recurs within a two-year period, whether or not it involves the same property or the same or similar conduct by the owner, agent or contractor, notification of violation may be waived by the Department or corporation counsel and immediate legal action can be commenced to prosecute the violation.
4. The Department may issue a citation for any violation within the ten-day notification period.

B. Prosecution, Injunctions, Fines and Forfeitures, Imprisonment

1. It shall be the duty of the corporation counsel to expeditiously review all violations of this ordinance reported by the Department or Committee and take action as appropriate.
2. A forfeiture of not less than \$25, nor more than \$250, plus costs, shall be imposed for each violation of this ordinance.
3. Upon failure to pay a forfeiture, the violator may be confined in the County jail until such forfeiture is paid, for a period not exceeding six months.
4. Each day a violation exists or continues shall be considered a separate and distinct offense.

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5. As a substitute for or in addition to forfeiture actions, the corporation counsel may, on behalf of the County, seek enforcement of any and all parts of this ordinance by court actions seeking injunctive orders or restraining orders and/or by pursuing nuisance actions against the violator.
6. Compliance with this ordinance may be enforced pursuant to sec. 59.69(11), Wis. Stats.

C. Violations of Permits Issued Under This Ordinance

Violation of a permit issued under this ordinance shall be deemed a violation of this ordinance and shall constitute grounds for revocation of the permit, as well as fines and forfeitures and any other available remedies. Any person who has applied for and received a permit and begins work on the project authorized by the permit acknowledges that they have read, understand, and agree to follow all conditions and requirements of the permit.

D. Revocation of Permits

The Committee shall retain continuing jurisdiction over all activities authorized by the permit for the purpose of assuring compliance with this ordinance and other ordinances and the terms of the permit. Such authority shall be in addition to the enforcement authority of the Zoning Administrator. Upon notice to the Committee of an alleged violation of any permit, in its sole discretion, the Committee may hold a public hearing to consider amending, suspending or revoking the permit. Notice of the hearing and alleged violation shall be served upon the property owner and permit holder either in person or via certified mail to the address provided on the permit application form or otherwise provided to the Department a minimum of 72 hours prior to conducting the public hearing. The notice shall contain the date, time and place of the hearing, a description of the property, a description of the activity authorized by the permit, and a statement of the alleged violation(s). Notice shall also be published as a class 2 notice. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Committee at its sole discretion may hold additional public hearings. If the Committee finds after the hearing that the permit holder is not in compliance with the terms of the permit, it may amend, suspend or revoke the permit. The decision of the Committee shall be furnished to the permit holder in writing, stating the reasons therefore.

E. Permit Issued in Violation of This Ordinance

A permit issued in violation of this ordinance, the Wisconsin Administrative Code or the Wisconsin Statutes, gives the permit holder no vested right to continue the activity authorized by the permit, and the permit is considered voidable.

F. In the event the circuit court determines that a permit or mitigation plan has been violated and orders compliance within a time certain, an abridged judgment or order to that effect shall be recorded by the Department with the register of deeds if the property owner does not

comply. Upon compliance, the Department shall file an affidavit to that effect. (#30-2001)

9.83 COMPOSITION OF BOARD OF ADJUSTMENT / JURISDICTION (Amended 09-2006)

A. Pursuant to sec. 59.694(2)(a), Wis. Stats., the Board of Adjustment shall have five regular and two alternate members, none of whom shall be a member of the Oneida County Board of Supervisors. Appointment and voting by members shall be prescribed in Chapter 17, Oneida County Code.

B. The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by any administrative official in the enforcement or administration of this ordinance.
2. To authorize upon appeal in specific cases, special exceptions to and variances from the terms of the ordinance as will not be contrary to the public interest, when owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and which shall be in harmony with the spirit and general purposes of the ordinance and will result in substantial justice being done.
3. To hear and decide appeals of CUPs and any other permit decisions made by the Committee pursuant to this ordinance.
4. To exercise all of the powers and perform all of the duties conferred on such boards by sec. 59.694, Wis. Stats.

9.84 VARIANCES

No variance from the terms of this ordinance shall be granted which is contrary to the public interest. A variance may be granted where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship. The granting of a variance shall not have the effect of granting or increasing any use of property which is prohibited in that zoning district by this ordinance. When considering a variance request, the Board of Adjustment shall consider the following:

- A. The particular physical surroundings, shape or topographic conditions of the specific property involved could result in a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out.
- B. The conditions upon which the application for a variance is based would not be applicable generally to other property within the same zoning classification.
- C. The purpose of the variance is not based exclusively on a desire for economic or material gain by the applicant or owner.
- D. The alleged difficulty or hardship is caused by this ordinance and has not been created by a person who had or has an interest in the property.
- E. The granting of a variance will not be detrimental to the welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- F. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets increase the danger of fire or otherwise endanger the public health, safety and welfare of substantially diminish or impair property value in the neighborhood.
- G. The Board of Adjustment may impose such conditions and restrictions upon the premises benefited by the variance as may be necessary to comply with the above standards and to better carry out the general intent of this ordinance.

9.85 APPEALS TO THE BOARD OF ADJUSTMENT

A. Appeals

Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department or board of the local government affected by a decision of the Zoning Administrator or his agent, or other administrative officer. Such appeal shall be taken within thirty (30) days after the date of receipt or written notification, of the decision or order of the administrative officer by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from who the appeal is taken shall promptly transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

B. Fee

Each appeal must be accompanied by a fee in an amount as periodically determined by the County Board.

C. Board Procedure

In conducting its proceedings and making its determinations, the Board of Adjustment shall follow its duly adopted rules as contained in Chapter 17 of the Oneida County Code of Ordinances.

D. Hearing

The Board of Adjustment shall hold hearings in accordance with sec. 59.694(6), Wis. Stats., and in accordance with rules of procedure adopted by the Board of Adjustment and/or Oneida County Board contained in Chapter 17 of the Oneida County Code of Ordinances, as applicable. A copy of the current rules is available from the Department.

E. Stays

A timely appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Adjustment that a stay would cause imminent peril of life or property. In such cases, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record.

9.86 CHANGES AND AMENDMENTS

A. Authority

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In order to meet the public necessity, convenience, general welfare and promote good zoning practice, the Oneida County board may from time to time amend, supplement, or change by ordinance the boundaries of districts or regulations herein established, including the repeal of this zoning ordinance.

B. Effectiveness

Any and all ordinances which may amend or change this ordinance shall become effective in accordance with provisions of sec. 59.69, Wis. Stats.

C. Initiation

Petitions for amendment may be initiated by the owner of property that would be affected by the change or amendment, by the County Board, by the Committee, or by any member of the County Board, town board, the owner's agent, or the Zoning Administrator.

D. Petitions

Petitions for amendments shall be made on forms approved by the Committee and made available from the Department.

E. Procedure

The procedures of sec. 59.69(5), Wis. Stats., shall apply to any amendment.

F. General Standards

When reviewing a petition, the Committee and County Board shall consider the following:

1. Whether the change is in accord with the purpose of this ordinance.
2. Whether the change is consistent with land use plans of the County, the affected town, and towns adjacent to the affected town.
3. Whether conditions have changed in the area generally that justify the change proposed in the petition.
4. Whether the change would be in the public interest.
5. Whether the character of the area or neighborhood would be adversely affected by the change.
6. Whether the uses permitted by the change would be appropriate in the area.
7. Whether the town board of the town in which the change would occur approves of the change.
8. The size of the property that is the subject of the proposed change.

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9. Whether the area to be rezoned is defined by recognizable or clearly definable boundaries such as those found in U.S.G.S. Land Office Survey maps or recorded plats, or those created by highways, railroad rights-of-way, meandering streams or lakes.
10. Position of affected landowners.

G. Floodplain Petitions

Petitions concerning floodplains shall also be referred to the DNR for comment.

- 9.87 [Reserved for future use]
- 9.88 [Reserved for future use]
- 9.89 [Reserved for future use]

ONEIDA COUNTY ZONING AND SHORELAND PROTECTION ORDINANCE

CHAPTER 9

ARTICLE 9 - SHORELAND PROTECTION PROVISION (OA #15-2017)

- 9.90 Shoreland Protection
 - 9.91 Shoreland-Wetland Zoning
 - 9.92 Shoreland-Wetland Restrictions
 - 9.93 Land Division Review, Sanitary Regulations, Planned Unit Development and Minimum Lot Size
 - 9.94 Shoreland Setbacks, Exempt Structures, Reduced Principal Structure Setbacks, Floodplain Structures, Impervious Surfaces and Height
 - 9.95 Vegetation
 - 9.96 Shoreland Mitigation Plan
 - 9.97 Shoreyard Alteration Permits and Filling, Grading, Lagooning, Dredging, Ditching and Excavating
 - 9.98 [Reserved for Future Use]
 - 9.99 Nonconforming Uses and Structures
-

9.90 SHORELAND PROTECTION (#3-2019)

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 Oneida 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 Oneida County, Wisconsin. Changes made in 2017 to comply with NR115, Act 55, Act 167 and Act 391.

C. Purpose and Intent (NR 115.01)

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 onsite wastewater treatment systems (POWTS).
- 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. Shoreland Jurisdiction

The shoreland protection provisions of this ordinance are adopted pursuant to s. 59.692, Wis. Stats., and shall apply to all lands (referred to herein as "shorelands") in the unincorporated areas of Oneida County, which are:

1. Within one thousand (1,000) feet of the ordinary high water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in Oneida County shall be presumed to be navigable if they are listed in the DNR publication "Surface Water Resources of Oneida County" or shown on the 7.5 minute series United States Geological Survey quadrangle maps.
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. Rivers and streams in Oneida County shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps. Flood Insurance Rate Maps, which have been adopted by Oneida County, shall be used to determine the extent of the floodplain of navigable rivers or streams in Oneida County. Floodplain areas are subject to the Oneida County Zoning and Shoreland Protection Ordinance.
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), Wis. 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), Wis. Stats.,

- applies. (NR 115.02) Shoreland zoning requirements in annexed or incorporated areas are provided in s. 61.353 and s. 62.233, Wis. Stats.
4. Determinations of navigability and ordinary high water mark shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the Northern Region Service Center of the DNR for a final determination of a navigability or ordinary high water mark. The county may work with surveyors with regard to s. 59.692(1h), Wis. Stats.
 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
 - (1) Such lands are not adjacent to a natural navigable stream or river;
 - (2) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - b. Lands adjacent to artificially constructed drainage ditches, ponds or storm water retention basins that are not hydrologically connected to a natural navigable water body.
 6. Shoreland Zoning Standards. In the past, counties were allowed to adopt shoreland zoning standards more restrictive than those contained in NR 115. Currently, requirements in 2015 Wisconsin Act 55 do not allow counties to regulate a matter in a shoreland zoning ordinance 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.
 7. Interpretation. s. (59.69)(13), Wis. Stats. 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.
 8. 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.

E. General Zoning Provisions Apply in Shoreland Jurisdiction

The general zoning provisions of this ordinance consisting of Articles 1, 2, 3, 4, 5, 6, 7, 8 and 10 are expressly incorporated by reference into the Shoreland Protection Provisions (Article 9) of this ordinance and shall apply in the shorelands through the county, in towns that have adopted Comprehensive Zoning, and areas specified in Ordinance Amendment #367 (Sugar Camp Lake), Oneida County Board Resolution #8-92, effective March 2, 1992 and Ordinance Amendment #293 (Indian Lake), Oneida County Board Resolution #100-87, effective November 11, 1987 to the extent applicable. Both in the Town of Sugar Camp. In the event of a conflict between the general zoning provisions and the Shoreland Protection Provisions, the more restrictive provisions shall apply.

F. DNR Notices and Copies of County Decisions

1. Written notice shall be given to the appropriate Service Center of the DNR at least ten (10) days prior to hearings on proposed shoreland variances, special uses (conditional uses), appeals for map or text interpretations and map or text amendments.
2. Copies of decisions on shoreland variances, special uses (special exceptions), (conditional uses), appeals for map or text interpretations, and map or text amendments shall be submitted to the appropriate Service Center of the DNR within ten (10) days after they are granted or denied.

G. 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.

H. 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.

I. 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 Oneida 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 9.90(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 regulation 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 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.

J. Administrative Provisions NR 115.04(4)

The shoreland ordinance adopted by each county shall require all of the following:

1. The appointment of an administrator and such additional staff as the workload may require.
2. The creation of a zoning agency as authorized by s. 59.69, Wis. Stats., a board of adjustment as authorized by s. 59.694, Wis. Stats., and a county planning agency as defined in s. 236.02(1), Wis. Stats., and required by s. 59.692(3), Wis. Stats.
3. 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), Wis. Stats.
4. Regular inspection of permitted work in progress to insure conformity of the finished structures with the terms of the ordinance.

5. 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.
6. A special exception (conditional use) procedure for uses presenting special problems.
7. The county shall keep a complete record of all proceedings before the board of adjustment, zoning agency and planning agency.
8. 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 9.93.
9. 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.
10. Mapped zoning districts and the recording, on an official copy of such map, of all district boundary amendments.
11. 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), Wis. Stats.
12. The prosecution of violations of the shoreland ordinance.
13. 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.

9.91 SHORELAND-WETLAND ZONING (DISTRICT 11)

A. Purpose

This district is adopted to maintain safe and healthful conditions, to prevent water pollution, to protect fish, aquatic life, fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building 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.

B. 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 maps as depicted on the Department of Natural Resources Surface Water Data Viewer <https://dnrmaps.wi.gov/H5/?viewer=SWDV> .

C. Shoreland-Wetland District Boundaries

Where an apparent discrepancy exists between the Shoreland-Wetland District boundary shown on the Wisconsin Wetland Inventory maps and actual field conditions at the time the maps were adopted, the zoning administrator shall contact the Northern Region Service Center of the DNR to determine if the Shoreland-Wetland District boundary, as mapped, is in error. If the DNR staff concur with the zoning administrator that a particular area was incorrectly mapped as a wetland or meets the wetland definition the zoning administrator shall have the authority to immediately grant or deny a permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the Wisconsin Wetland Inventory maps, the zoning administrator shall be responsible for initiating a shoreland-wetland map amendment within a reasonable period of time.

D. 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 s. 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 9.91(D)(1, 2 and 3).
 - a. Hiking, fishing, trapping, hunting, swimming, and boating;
 - b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - c. The pasturing of livestock;
 - d. The cultivation of agricultural crops;
 - e. The practice of silviculture, including the planting, thinning, and harvesting of timber; and
 - f. The construction or maintenance of duck blinds.
2. Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
 - a. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.

- b. The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the 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.
 - 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:
 - (1) The road cannot as a practical matter be located outside the wetland;
 - (2) The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in section 9.91(F)(2);
 - (3) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use; and
 - (4) Road construction activities are carried out in the immediate area of the roadbed only.
 - b. The construction or maintenance of nonresidential buildings provided that:
 - (1) 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;
 - (2) The building cannot, as a practical matter, be located outside the wetland;
 - (3) Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and
 - (4) 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:
 - (1) 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;
 - (2) 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 9.91(D)(3)(a)(1-4); and

- (3) 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:
 - (1) The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 - (2) Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in section 9.91(F)(2).

E. Prohibited Uses

Any use not listed in section 9.91(D) is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with sec. 59.69(5)(e), Wis. Stats., Wis. Admin. Code NR 115, and section 9.91(F) of this ordinance.

F. Rezoning

1. For all proposed text and map amendments to the Shoreland-Wetland District, the Northern Region Service Center of the DNR shall be provided with the following:
 - a. A copy of every petition for a text or map amendment to the Shoreland-Wetland District, within five (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 public hearing to be held on a proposed amendment, at least ten (10) days prior to such hearing.
 - c. A copy of the committee's findings and recommendations on each proposed amendment, within ten (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 ten (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:
<http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>
3. If the DNR has notified the committee that a proposed amendment to the Shoreland-Wetland District may have a significant adverse impact upon any of the criteria listed in section 9.91(F)(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 thirty (30) days have elapsed since written notice of the County Board's approval of this amendment was mailed to the DNR. 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 sec. 59.692(6), Wis. Stats. If the Department of Natural Resources does so notify the County Board, the effect of this amendment shall be stayed until sec. 59.692(6), Wis. Stats., adoption procedure is completed and otherwise terminated."

9.92 SHORELAND-WETLAND RESTRICTIONS (2-2020)

A. Purpose

Wetlands are critical natural environmental features which provide habitat for native animals and plants, help purify surface and subsurface waters, and add to, or help protect, the natural appearance of the northwoods. This section provides the minimum land use restrictions determined to be essential to protect shoreland wetlands.

B. Applicability

This section applies to all areas identified as shoreland wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer. The following restrictions do not apply to public utilities and public roads. Provisions of this section do not supersede more restrictive requirements identified in section 9.91 Shoreland-Wetland Zoning District or involving structures in a floodplain zoning district.

C. Restrictions

1. No grading or other land disturbing activities shall be permitted closer than 5 feet from the edge of a shoreland wetland. An elevated walkway may be permitted pursuant to section 9.91(D)(2)(e).
2. Grading or other land disturbing activities less than 25 feet from a shoreland wetland shall require silt fencing. Installation shall be done in accordance with the standards and specifications outlined in the Wisconsin Construction Site Best Management Practices Handbook (WDNR Pub. WR-222 1993 Revision).

9.93 LAND DIVISION REVIEW, SANITARY REGULATIONS, PLANNED UNIT DEVELOPMENT AND MINIMUM LOT SIZE

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. 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 sewage disposal 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. and minimum lot size lot size (NR 115.05(1))

C. 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 Development 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 two 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 section 9.93 (D-F) 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 9.95 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.
 - d. Back lot access (keyholing) is not permitted.
 3. Procedure for Establishing a Planned Residential Unit Development District. The procedure for establishing a planned residential unit development district shall be as follows:
 - a. Petition. A petition setting forth all of the facts required in section 9.93(C) shall be submitted to the Oneida County clerk with sufficient copies to provide for distribution by the clerk.
 - b. Review and Hearing. The petition shall be submitted to the county zoning agency established as required by s. 59.69(3)(d), Wis. Stats., which shall hold a public hearing and report to the county board as required by law. Copies of the petition and notice of the hearing shall also be sent to the appropriate office of the department as described in this ordinance. The Planning and Zoning Department's report to the Oneida County Board shall reflect the recommendations of any federal, state or local agency with which the county zoning agency consults.
 - c. Findings and Conditions of Approval. The County Board shall make written findings as to the compliance or noncompliance of the proposed overlay district with each of the applicable requirements set forth in section 9.93(C)(2). If the petition is granted in whole or in part, the county board shall attach such written conditions to the approval as are required by and consistent with section 9.93(C)(2). The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks, dimensions of vegetative buffer zone and open space requirements.
 - d. Planning Studies. A landowner or petitioner may at his own expense develop the facts required to establish compliance with the provisions of section 9.93(C)(2) or may be required to contribute funds to the county to

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

D. Minimum Lot Size (NR 115.05(1))

1. Purpose (NR115.05(1)(a)). Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water.
2. 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 and riparian frontage width shall be 65 feet.
3. 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 and riparian frontage width shall be 100 feet.
4. Substandard lots (NR 115.05(1)(a)3). A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:
 - a. The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
 - b. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
 - c. The substandard lot or parcel is developed to comply with all other ordinance requirements.
5. Other substandard lots. Except for lots which meet the requirements of section 9.93(D)(4) a building permit for the improvement of a lot having lesser dimensions than those stated in sections 9.93(D)(2) and (3) shall be issued only if a variance is granted by the board of adjustment.

E. Minimum Buildable Area Criteria

1. Each lot shall have the minimum lot area per section 9.93(D)(2) and (3).
2. Minimum lot area shall be measured from the OHWM landward.
3. Any portion of a lot having a width of less than 30' shall not be considered in determining the minimum lot area.
4. Except for utility easements, any other easement or combination of adjacent easements which are greater than 20' in width shall not be used in determining the minimum lot area unless approved by the department.
5. Except for utility easements, that portion of a lot that exceeds the minimum area requirements of minimum buildable area criteria shall not be divided by easements unless approved by the department.
6. Square footage of the minimum buildable area shall:
 - a. Not contain any shoreland-wetlands or beds of navigable waters;
 - b. Is above the elevation of the regional flood as defined in Wis. Admin. Code NR 116;
 - c. Is at least two feet above the highest known water elevation of any body of water whose regional flood is undefined; and

d. Must have dryland access to a public or private road.

F. Minimum Riparian Frontage and Average Lot Width

1. Each lot shall have the minimum riparian frontage width (RFW) and average lot width (ALW) per section 9.93(D)(2) and (3).
2. The minimum required riparian frontage width shall be measured the lesser of a straight line connecting points where the side lot lines intersect the OHWM or as the length of a chord which is perpendicular to a side lot where it intersects the OHWM and terminates at the opposite side lot line.
3. The minimum average lot width shall apply to the area covered by the minimum lot area. The width shall be calculated by averaging the measurements at the following locations:
 - a. The ordinary high water mark.
 - b. The building setback line (75 ft from the OHWM).
 - c. The rear lot line or 200 ft of the OHWM, whichever is closest.
4. Non Riparian ALW - The average horizontal straight line measurement between side lot lines of a lot from any given point within the lot area to be computed. The minimum average lot width (ALW) shall apply to the area covered by the portion of the lot containing the buildable area for the district and land use that applies. If the districts average width dimensions are maintained from the point(s) at which the lot's minimum area requirement has been satisfied; no additional area of a particular lot in question need meet the minimum average width requirement.

G. Riparian Access

Keyhole development as defined in this ordinance is prohibited.

9.94 SHORELAND SETBACKS, EXEMPT STRUCTURES, REDUCED PRINCIPAL STRUCTURE SETBACKS, FLOODPLAIN STRUCTURES, IMPERVIOUS SURFACES AND HEIGHT (3-2019, 6-2020)

Unless exempt under section 9.94(A), or reduced under section 9.94(C), 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.

- A. Exempt Structures (NR 115.05(1)(b)1m) and sec. 59.692(1k)(a)(6), Wis. Stats. All of the following structures are exempt from the shoreland setback standards in section 9.94. Any structure not specifically mentioned under section 9.94(A)(1-7) below is not permitted.
1. Boathouse. A riparian owner may construct a boathouse subject to the following restrictions:
 - a. The construction or placement of boathouses below the ordinary high water mark of any navigable waters shall be prohibited.
 - b. The construction of a boathouse is confined to the viewing area and shall be at least 10 feet from the side yard lot line. With the exception of

- 9.94(A)(1)(k) below, boathouses shall be designed and constructed solely for the storage of boats and related equipment. Patio doors, fireplaces, plumbing, living facilities and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.
- c. One boathouse is permitted on a lot as an accessory structure.
 - d. Any boathouse which may be permitted within the setback area shall be of one story only. The basement definition does not apply to a boathouse and therefore constitutes a story. The sidewalls of a boathouse shall not exceed 12 feet in height and shall not be less than 7 feet in height as measured from the top of wall to the floor.
 - e. Boathouse construction is subject to the requirements of section 9.97.
 - f. Boathouses shall be constructed in conformity with local floodplain zoning standards.
 - g. The maximum width and footprint of a new boathouse parallel to the OHWM shall not exceed the following: (overhang and eaves are not included in the maximum width or footprint and shall not exceed two feet).
 - (1) For lakes less than 500 acres, rivers and streams the maximum width of a new boathouse shall not exceed 14 feet or a maximum footprint of 336 sq. ft.
 - (2) For lakes of 500 acres or more, flowages and chains the maximum width of a new boathouse shall not exceed 24 feet or a maximum footprint of 720 square feet. (Note: Lake size based on Land Information data.)
 - h. Flat roofs that shed water away from the OHWM are permitted.
 - i. The roof of a boathouse may be used as a deck provided that:
 - (1) The boathouse has a flat roof.
 - (2) The roof has no side walls or screens.
 - (3) The roof may have a railing that meets the State of Wisconsin Uniform Dwelling Code.
 - j. Stairs placed on the exterior side of a boathouse to gain access to a flat roof are not permitted. Concrete aprons/boat launch pads placed between the boathouse and OHWM are not permitted.
 - k. Boathouse construction must comply with the provisions of section 9.97.
 - l. Onsite inspections may be required prior to excavation, during construction and upon completion for the placement all boathouses.
2. 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), Wis. Stats.
- a. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary high water mark.
 - b. The floor area of all the structures in the shoreland setback area will not exceed 200 square feet. In calculating this square footage, boathouses shall be excluded. The square footage of stairways, walkways and lifts that are determined to be necessary by the department to provide pedestrian access to a berth structure or shoreline because of steep slopes, or rocky, wet or unstable soils, are not included in calculating the total floor area.
 - c. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.

- d. The county 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.
- e. An enforceable affidavit must be filed with the register of deeds prior to construction acknowledging the limitations on vegetation.
3. 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.
4. 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.
5. Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width.
6. Devices or systems used to treat runoff from impervious surfaces.

AA. Relaxation of Standards for Persons with Disabilities

The zoning director 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.

- B. Existing Exempt Structures. (s.59.692(1k)(a)2m, Wis. 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. Oneida County may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Note: Section 59.692(1k)(a)2m, Wis. Stats, prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 9.94(B). However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even storm water erosion control.

C. **Reduced Principal Structure Setback.** (s. 59.692(1n), Wis. 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:

1. Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:
 - a. Both of the existing principal structures are located on adjacent lot to the proposed principal structure.
 - b. Both of the existing principal structures are located within 250' of the proposed principal structure and are the closest structure.
 - c. Both of the existing principal structures are located less than 75' from the ordinary high water mark.
 - d. The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.
 - e. Principal structures permitted a reduced setback are not permitted future expansion pursuant to section 9.99(C).

Note: s. 59.692(1d)(a), Wis. Stats, requires counties to adopt the standards consistent with section 9.94(C)(1) for reducing the shoreland setback.

2. 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:
 - a. The existing principal structure is located on adjacent lot to the proposed principal structure.
 - b. The existing principal structure is located within 250' of the proposed principal structure and is the closest structure.
 - c. The existing principal structure is located less than 75' from the ordinary high water mark.
 - d. The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.
 - e. Principal structures permitted a reduced setback are not permitted future expansion pursuant to section 9.99(C).

D. **Improvements**

Any of the improvements referred to in section 9.94(A), and any stairway, walkway or lift which are essential to provide riparian access to the shoreline and which are a necessary extension of a pier, shall require a shoreland alteration permit if located in, on or over steep slopes, or rocky, saturated or unstable soils. The shoreland alteration permit shall be subject to the following minimum requirements and to such other requirements as the county may determine are necessary in order to maintain or improve the natural beauty and environmental stability of the setback area and the adjacent navigable waters:

1. The cutting of trees and shrubbery shall be subject to, and in the aggregate shall not exceed, the restrictions of section 9.95 of this ordinance and Wis. Admin. Code NR 115.05(3)(c). Whenever and wherever practicable, if a viewing area has been created by the cutting of trees and shrubbery, all buildings and structures which may be permitted in the setback area, shall be located within such viewing area(s).
 2. Environmentally sensitive areas are to be avoided.
 3. Native ground cover which stabilizes slopes or screens the improvement from view shall be maintained or, where determined necessary, planted and maintained.
 4. Any filling, grading or excavation shall comply with the shoreland alteration permit requirements of this ordinance.
 5. Either one stairway or one lift, which otherwise meets the terms and conditions of this ordinance, may be allowed, but not both.
 6. Landscaped stairways at grade (not to exceed one foot below the existing grade) are permitted.
 7. Walkways and lifts shall be supported on pilings or footings.
 8. If necessary for safety purposes, landings not exceeding five feet in width, including those required for purposes of access to stairways and lifts, are permitted. Open railings on walkways, and open grill work on lifts are permitted. Benches, seats and tables on walkways are prohibited.
 9. A maximum width of five (5) feet is allowed for stairways and walkways.
 10. Unless otherwise permitted in this ordinance, canopies, roofs and side walls are prohibited.
- E. Floodplain Structures (NR115.05(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.
- F. Impervious Surface Standards (NR 115.05(1)e)
1. Purpose. Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface 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.
 2. 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 section 9.94(F)(5) 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.

Note: NR 115.05(1)(e)1m Clarifies that if an outlot lies between the OHWM and the developed lot or parcel and both are in common ownership, then the lot or parcel should be considered one property for the purposes of calculating the percentage of impervious surfaces. If there is an outlot, parcel or road that is owned by some other entity, for example a hydroelectric facility or a town or county, then the county should determine what level of control the property owner has over that portion of the lot. Can the property owner place structures, such as shoreline protection, piers, stairs, boathouses etc...on that portion of the lot or does some other entity have control over development? If a property owner has no or little say over construction on that portion of the lot then impervious surfaces on that portion of the lot should be calculated separately.

For properties subject to the condominium form of ownership, 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.

3. General Impervious Surface Standard. (NR 115.05(1)(e)2) Except as allowed in sections 9.94(F)(4, 5 and 6) 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.
4. Maximum Impervious Surface. (NR 115.05(1)(e)3) A property may exceed the impervious surface standard under section 9.94(F)(3 and 4) provided the following standards are met:
 - a. For properties where the general impervious surface standard applies under section 9.94(F)(3), 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.
 - b. For properties that exceed the standard under section 9.94(F)(3) but do not exceed the maximum standard under sections 9.94(F)(4)(a), a permit can be issued for development with a mitigation plan that meets the standards found in section 9.96.
5. Treated Impervious Surfaces (NR115.05(1)(e)3m and s. 59.692(1k)(am)1, Wis. Stats.) 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 9.94(F)(2).
 - a. The impervious surface is treated by devices such as storm water ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
 - b. 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.

Note: The provisions in section 9.94(F)(5) are an exemption from the impervious surface standards and as such should be read construed narrowly. As such, a property owner is entitled to this exemption only when the runoff from the impervious surface is being treated by a sufficient

(appropriately sized) treatment system, treatment device or internally drained. Property owners that can demonstrate that the runoff from an impervious surface is being treated consistent with section 9.94(F)(5) will be considered pervious for the purposes of implementing the impervious surface standards in this ordinance. If a property owner or subsequent property owner fails to maintain the treatment system, treatment device or internally drained area, the impervious surface is no longer exempt under section 9.94(F)(5).

- c. To qualify for the statutory exemption, property owners shall submit a complete permit application that 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. 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.
6. 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 9.94(F)(3) or the maximum impervious surface standard in section 9.94(F)(4) the property owner may do any of the following:
 - a. Maintain and repair the existing impervious surfaces;
 - b. Replace existing impervious surfaces with similar surfaces within the existing building envelope;
 - c. 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 section 9.94.

Note: The impervious surface standards in this ordinance shall not be construed to supersede other provisions in the county shoreland ordinance. All of the provisions of the county shoreland ordinance still apply to new or existing development.

- G. Height. (NR 115.05(1)(f)) To protect and preserve wildlife habitat and natural scenic beauty 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. Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersect with the ground to a line horizontal to the highest point of a structure, unless specified under other sections of this code (see appendix).

9.95 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. Filling, grading and excavating within the vegetative buffer zone is prohibited with the exception of construction of a boathouse, walkway or planting vegetation.
- B. Activities Allowed within the Vegetative Buffer Zone. (NR 15.05(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), Wis. Stats. The viewing corridor may be at least 35 feet wide for every 100 feet of shoreline frontage. The viewing corridor may run contiguously for the entire maximum width or shoreline frontage owned.
 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. Shoreline protection activities authorized by a state permit and erosion control measures approved by the county Land Conservation Department which are designed to remedy significant existing erosion problems.

9.96 SHORELAND MITIGATION PLAN

Mitigation (s. 59.692(1v), Wis. Stats, NR 115.05(1)(e)3, (g)5, (g)6) When the county issues a permit requiring mitigation under sections 9.94(A)(2), 9.94(F)(4)(b) and 9.99(C and E), the property owner must submit a complete permit application that 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. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds.
- C. Mitigation options meeting the requirements of section 9.94(A)(2) “open sided and screened structures,” shall preserve and/or establish a 37.5 feet vegetative buffer zone. A buffer zone at least 37.5 feet from and parallel to the ordinary high water mark shall be planted or restored and maintained with vegetation native to the area to the fullest practicable extent possible.
- D. Mitigation options meeting the requirements of section 9.99(C) and (E). Up to 200 sf lateral expansion or relocation of a nonconforming principal structure located 35 feet to 75 feet from the OHWM:

The property owner shall choose and implement two of the following to meet the mitigation requirements under 9.99(C) and three of the following to meet the mitigation requirements under 9.99(E):

- 1. Removal of an accessory structure located less than 75 ft from the OHWM.
- 2. Installation of a rain garden.
- 3. Installation of one of the impervious surface treatment options under 9.96(E).
- 4. Removal of an existing beach.
- 5. Increase depth of 35 ft vegetative buffer to 50 ft (active or passive restoration).
- 6. Reduce view corridor width to 25% of the shoreline frontage.
- 7. Establish a buffer zone at least ten feet (10') wide extending along each side lot line for a depth of at least seventy-five feet (75') from the ordinary high water mark. Buffers shall be planted or restored and maintained with vegetation native to the area to the fullest practicable extent possible.
- 8. POWTS. The associated private onsite wastewater treatment system must be evaluated and upgraded as appropriate in compliance with SPS 383, Wis. Admin. Code. (Note: If the system was evaluated within 3 years and maintenance is up-to-date a new evaluation will not be required.)
- 9. Establish a buffer zone at least 35 feet from, and parallel to the ordinary high water mark. The buffer shall be planted or restored and maintained with vegetation native to the area to the fullest practicable extent possible.

- E. Mitigation options for properties exceeding the impervious surface requirements of section 9.94(F)(4). Development that exceeds 15% impervious surface but not more than 30% impervious surface shall be required to utilize one of the following treatment systems in order to offset the impacts of the impervious surface being permitted.
1. Buffer strips
 2. Constructed wetlands
 3. Depressed pervious area
 4. Extended detention ponds
 5. Infiltration basins
 6. Infiltration trenches
 7. Infiltration tubes
 8. Rain gardens
 9. Rain harvesting systems
 10. Vegetated filter strips
 11. Vegetated swales/grassed channels
 12. Wet detention ponds
 13. Wet retention ponds

9.97 SHOREYARD ALTERATION PERMITS AND 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, Wis. 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. Shoreyard Alteration Permit Required

As specified in this section, a shoreyard alteration permit is required for the filling, grading, lagooning, dredging, ditching or excavation of a shoreyard except in the Shoreland-Wetland District (District 11) when done in association with the activities specified in sections 9.91(D)(2). Filling, grading and excavating within the vegetative buffer zone is prohibited with the exception of construction of a boathouse, walkway or planting vegetation. Onsite inspections may be required prior to excavation, during construction and upon completion. Shoreline protection activities authorized by a state permit and erosion control measures approved by the county Land Conservation Department which are designed to remedy significant existing erosion problems are permitted without a shoreland alteration permit.

B. Application

An application for a shoreyard alteration permit shall be filed with the department on a form approved by the committee and available from the department. Completed applications shall be accompanied by the application fee, as determined

by the County Board from time to time. Any state or federal permits required for a project shall be filed with the application. No application will be considered complete until these permits are filed.

C. Permit Review Procedure

1. Permit from Zoning Administrator

The zoning administrator has the authority to act on applications in the instances set forth below. The zoning administrator shall act on an application within 30 working days of the completed application being filed.

- a. Alterations for the placement of structures, pursuant to 9.94(A), and walkways if located in, on or over steep slopes or rocks, saturated or unstable soils.
- b. Alterations greater than 200 square feet but less than 10,000 square feet of the shoreyard that slope towards the ordinary high water mark of a navigable water body, when the slope is between 12% to 45%.
- c. Alterations of more than 10,000 square feet of the shoreyard when the slope of the shoreyard is less than 45%.
- d. Alterations of the shoreyard when the slope is greater than 45% is prohibited.

2. Engineering or Architectural Plans

In the following circumstances, when a shoreyard alteration permit is required, the applicant shall file plans created by a registered professional engineer or landscape architect describing erosion control measures to be utilized during construction excavation. The registered professional engineer or landscape architect shall certify that the erosion control measures specified in the permit and plans have been properly installed prior to the start of any construction excavation activities:

- a. Alterations less than 35 ft from the OHWM of a navigable water body when the slope is between 12% to 45%.
- b. Alterations greater than 35 ft but less than 75 ft from the OHWM that slope towards the ordinary high water mark of a navigable water body, when the slope is between 25% to 45%.
- c. Alterations of more than 10,000 square feet of the shoreyard where the project is for the construction of anything other than a single family dwelling.
- d. The zoning director upon review of a completed shoreyard alteration permit may waive the registered professional engineer or landscape architect plan requirement and, as a substitute, require special restrictions and conditions to ensure proper erosion control measures will be implemented before, during and after construction excavation.

D. Inspections

1. An inspection of the site by the department may be performed prior to the issuance of any shoreyard alteration permit.
2. A second onsite inspection may be performed by the department to ensure proper fencing and erosion control measures after the permit is issued but prior to any construction excavation.
3. An onsite inspection may be performed by department during construction and upon completion to ensure that the project complies with this ordinance.

E. Permit Conditions

In granting a shoreyard alteration permit, the committee or the zoning administrator, shall require that the applicant comply with the following conditions where appropriate:

1. The smallest amount of bare ground shall be exposed for as short a time as feasible.
2. Temporary ground cover (such as mulch) shall be used and permanent cover (such as sod) shall be planted.
3. Diversion, silting basin, terraces and other methods shall be used to trap sediment.
4. Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions.
5. Fill shall be stabilized according to accepted engineering standards.
6. Fill shall not restrict a floodway or destroy the storage capacity of a floodplain.
7. Sides of a channel or artificial watercourses shall be stabilized to prevent slumping.
8. Sides of channels or artificial watercourses shall be constructed with slopes (side) of two units horizontal distance to one unit vertical or flatter, unless bulkheads or rip-rapping are provided.
9. Any specific landscaping, construction, planting, or erosion control conditions.
10. Fill materials shall not be deposited in any floodplain, wetland, or outside the designated and fenced construction without proper written authorization.
11. Post-construction runoff shall be infiltrated or temporarily stored to prevent erosion and sediment transport.
12. Upland slopes and artificial watercourses shall be stabilized according to accepted engineering standards.
13. Any other conditions intended to protect shorelines and minimize erosion, sedimentation, and the impairment of fish and wildlife habitat.
14. Onsite inspections may be required prior to excavation, during construction and upon completion for alterations greater than 200 square feet but less than 10,000 square feet located within 75 ft of the OHWM that slope towards the ordinary high water mark of a navigable water body, when the slope is between 12% to 45%.

F. Storm Water Runoff/Soil Disturbance

The placement of structures, the development of property, filling grading, lagooning, dredging, ditching or excavation of the shoreyard cannot result in the diversion of water onto adjoining properties. All storm water must be contained within the boundaries of a lot or parcel, with the exception of runoff directed to private easement roads, public roads or highways. If storm water runoff cannot be contained on the property, it may be directed towards a town road or highway upon receipt of a written statement from the government entity that has jurisdiction over such road, stating that it has no objection. This provision applies to both on-water and off-water lots within all shoreland zoning districts.

9.98 RESERVED FOR FUTURE USE (#8-2020)

9.99 NONCONFORMING USES AND STRUCTURES (NR 115.05(1)(g)) (#3-2019)

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)2m and 4, Wis. Stats.)

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.

Note: Section 59.692(1k)(a)2m and 4, Wis. Stats., prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 9.99. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even storm water erosion control.

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 sections 9.94 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 9.96.
5. Conforming principal structures permitted a reduced setback per section 9.94 are not permitted expansion under this section.
6. All other provisions of the shoreland ordinance shall be met.

D. Expansion of a Nonconforming Principal Structure Beyond Setback
(NR115.05(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 9.94, may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per section 9.94 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 9.94(F).

E. Relocation of Nonconforming Principal Structures (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 section 9.94 may be relocated on the property provided all of the following requirements are met:

1. The use of the structure has not been discontinued for a period of 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 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 relocation that will result in compliance with the shoreland setback requirement per section 9.94.
5. The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 9.96.

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

F. Maintenance, Repair, Replacement or Vertical Expansion of Structures that were Authorized by Variance (s. 59.692(1k)(a)2 and (a)4, Wis. Stats.)

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.

MAINTENANCE, REPAIR, REPLACEMENT OF ILLEGAL STRUCTURES s. 59.692(1k)(a)2c, Wis. Stats. A structure that was illegally constructed, which is older than ten years and may not be enforced under the shoreland ordinance (s.59.692(1t), Stats) may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the structure. (No vertical or lateral expansion allowed for structures in violation.)

Note: Section 59.692(1k)(a)2, Wis. Stats., prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 12. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even storm water erosion control.

G. Structures that do not meet the Minimum Setbacks to Lot Lines (Side Yard or Rear Yard Setback) and Road Right-of-Way Lines

The following requirements do not apply to the OHWM setback.

1. Accessory structures that encroach over lot lines, road right-of-way lines, or are located within the road setback, side yard or rear yard setback are permitted ordinary maintenance and repair. Such accessory structures shall not be structurally altered, improved, replaced or expanded.
2. Dwelling units or principal buildings located in road setback, side yard setback or rear yard setback areas may be continued subject to the following:
 - a. All work must be in strict compliance with all other requirements of this ordinance. Ordinary maintenance, repairs and structural improvements shall be permitted.
 - b. A dwelling unit or principal building or portions thereof located in a road setback, side yard setback or rear yard setback areas is permitted to be expanded vertically and horizontally, which may result in total replacement, in a direction away from the adjoining lot line or road right-of-way line. Upon reaching the setback line, such expansion may also be lateral to the setback

- line.
 - c. In the event a proposed expansion is in a road setback area, the property owner shall obtain a written statement from the government entity that has jurisdiction over such road stating that it has no objection.
3. Dwelling units or principal buildings that encroach over lot lines or road right-of-way lines may be continued subject to the following:
- a. All work shall be in strict compliance with all other requirements of this ordinance.
 - b. Ordinary maintenance, repairs and non-structural improvements shall be permitted provided they do not alter the envelope of such structure, which consists of any existing exterior wall, roof or foundation.
 - c. Structural improvements. The alteration of any structural members of the existing walls, roof or interior structural members of such structure shall not be permitted.

ONEIDA COUNTY ZONING AND SHORELAND PROTECTION ORDINANCE

CHAPTER 9 ARTICLE 10 – DEFINITIONS

(# 08-2004, 14-2007,14-2008,3-2017,15-2017,5-2018,5-2020,6-2022)

The following definitions shall apply and control through this ordinance. Words or phrases not defined specifically below but used in this ordinance shall be interpreted so as to give them the same meaning as they have at common law and to give this ordinance its most reasonable application.

Access and Viewing Corridor: A strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

ALW Non-riparian Lot: The average horizontal straight line measurement between side lot lines of a lot from any given point within the lot area to be computed. The minimum average lot width (ALW) shall apply to the area covered by the portion of the lot containing the buildable area for the district and land use that applies. If the districts average width dimensions are maintained from the point(s) at which the lot's minimum area requirement has been satisfied. No additional area of a particular lot in question need meet the minimum average width requirement.

ALW Riparian Lot (Average Lot Width): The average horizontal straight line measurement between side lines of a lot. A lot shall be judged to meet the minimum average width requirement for the district in which it is located, if the district's average width dimensions are maintained from the point(s) at which the lot's riparian frontage width ("RFW" as defined in Article 10 Definitions) and/or frontage width is determined to the point(s) at which the lot's minimum area requirement has been satisfied. No additional area of a particular lot in question need meet the minimum average width requirement.

The minimum average lot width shall apply to the area covered by the minimum lot area. The width shall be calculated by averaging the measurements at the following locations: a) the ordinary high water mark; b) the building setback line (75 ft from the OHWM); c) the rear lot line or 200 ft from the OHWM, whichever is closest.

Appurtenance: Any object or thing permanently or temporarily attached to a structure.

Banner: Any sign, painted, printed or otherwise displayed on cloth, plastic film or similar material.

Basement: Any enclosed area of a building having its floor subgrade, i.e., below ground level, on at least three sides.

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Bed and Breakfast Establishment: Any place of lodging that: (a) provides 8 or fewer rooms for rent to no more than a total of 20 tourists or transients; (b) provides no meals other than breakfast and provides the breakfast only to renters of the place; (c) is the owner's personal residence; (d) is occupied by the owner at the time of rental; (e) was originally built and occupied as a single-family residence, or, prior to use as a place of lodging, was converted to use and occupied as a single-family residence; and (f) has had completed, before May 11, 1990, any structural additions to the dimensions of the original structure, including by renovation, except that a structural addition including a renovation, to the structure may, after May 11, 1990, be made within the dimensions of the original structure.

Berth: A single space at a berth structure where a boat is kept, secured, or lies at anchor in aid of navigation.

Berth Structure: Any boathouse, boat shelter, boat hoist, boat lift, boat dolly and track or similar system, pier, dock, mooring or mooring buoy on a navigable body of water or within the water line setback area from a navigable body of water where a boat is kept, secured or lies at anchor in aid of navigation.

Boarding House: A building or premises where meals or meals and lodging are offered for compensation for five (5) or more persons and not to exceed twenty (20) persons; not open to transients, in contradiction to hotels and restaurants open to transients.

Boat: Every description of watercraft used or capable of being used as a means of transportation on water, except seaplanes on the water, fishing rafts, sailboards, inner tubes or inflatable toys.

Boat Liveries: Establishments offering the rental of boats and fishing equipment.

Boat Shelter: A permanent structure in navigable waters designed and constructed to provide cover for a boat. It may include a roof and a boat hoist, but must not have walls or sides. Does not include shore stations.

Boathouse: 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 shall contain no plumbing or other living facilities.

Buffer Strips: Areas adjacent to the aquatic vegetation of streams, wetlands and lakes serving to facilitate nutrient buffering while providing additional benefits of shading to reduce water temperature, habitat, aesthetics and soil stabilization.

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Building: Any structure which is built for the support, shelter or enclosure of animals, chattels or movable property of any kind and which is permanently affixed to the land, does not include a dwelling.

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 Envelope: The three dimensional space within which a structure is built.

Building Footprint: The area enclosed by the lines formed by connecting all points where the building's walls, or the foundation supporting the walls, meet the ground. For the purpose of this definition, decks, patios or other appurtenances shall not be considered as part of the building footprint (see also definition of Footprint).

Building Height (principal and accessory structures located greater than 75 ft from the OHWM): (A) the measurement from the lowest exposed point of finished grade to eave, PLUS (B) the measurement from the lowest exposed point of finished grade to the highest roof point. $A+B=C\div 2$ will give you height of the building.

Building Height (structures located less than 75 ft from the OHWM): The measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this code.

Building, Principal: The main structure on a lot which is built for the support, shelter or enclosure of animals, chattels or movable property of any kind and which is permanently affixed to the land, intended for primary use as permitted by the regulations of the district in which it is located. A lot on which more than one principal use is located may have more than one principal structure.

Bulkhead Line: A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to sec. 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

Business, Retail: A commercial establishment that sells products in relatively small quantities, not in bulk, directly to ultimate consumers.

Business, Wholesale: A commercial establishment that sells products for further sale or processing. Wholesale businesses sell to retail businesses or jobbers, not to ultimate consumers.

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Cabin: A small dwelling used temporarily for vacation or recreational purposes.

Campground: An area of land so arranged and improved to provide the necessary facilities to accommodate overnight primitive camping for more than two (2) camping tents, recreational vehicles, camping trailers, motor homes or park models.

Camping Trailer: A vehicle with a collapsing or folding structure designed for human habitation and towed upon a highway by a motor vehicle, not to exceed 320 square feet.

CEAV: Current equalized assessed value.

Child Caring Institution: A facility operated by a child welfare agency licensed under sec. 48.60, Wis. Stats., for the care and of children residing in that facility.

Channels: A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

Committee: Oneida County Planning and Development Committee.

Communication Structure: Any structure, whether free-standing or attached to an existing building or other structure, that is primarily designed, constructed and/or intended for, or being used to, mount or support one or more radio frequency (RF) electromagnetic radiating or receiving antennas. Such structures include AM, FM and TV transmitting towers; cable TV receiving towers; microwave towers; cellular telephone towers; and towers for paging, emergency services, and other private or public radio systems. Self-supporting and guyed towers, and monopole masts, are included. RF radiating and receiving antennas, and associated components and devices attached to a communication structure shall be considered as part of that structure.

Community-Based Residential Facility: Has the meaning contained in sec. 50.01(1g), Wis. Stats.

Community Living Arrangement: Has the meaning contained in sec. 46.03(22), Wis. Stats.

Conditional Use: A use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Planning and Development Committee, or where appropriate, the Board of Adjustment, or County Board.

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Condominium: Property subject to condominium declaration including but not limited to land, buildings, or a part of the building or a group of buildings including all the land, jointly owned and operated with the law of the Wisconsin Statutes for the mutual protection and benefit of an association of all the members of ownership. The workings of this agreement are entailed in a condominium declaration.

Constructed Wetland: Shallow pools that enhance growing conditions for marsh plants to maximize pollutant removal.

Construction Trailer: A portable structure designed to be used as an office at a construction site for a building, highway, gravel or borrow pit, etc., which is usually equipped with a telephone, desk, chairs and first aid equipment. Such a structure is not designed to be used for and shall not be permitted for use as living or sleeping quarters.

Contractor: Any person who contracts to physically alter structures or land, including but not limited to engaging in building, construction, grading, excavating and erosion control activities.

Conversion Condominium: A parcel of land with existing structure or structures converted to a condominium form of ownership.

County Zoning Agency: 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.

Crawlway or Crawl Space: An enclosed area below the first usable floor of a building, generally less than five (5) feet in height used for limited access to plumbing and electrical utilities.

CUP: Conditional Use Permit.

Department: Oneida County Planning and Zoning Department.

DNR: The Wisconsin Department of Natural Resources.

Depressed Pervious Area: Commonly constructed to capture runoff from parking areas, it is lower than the surrounding surfaces, contains permeable soils and may have a built-in filtration system and/or a beehive drain.

Developed Shoreline: Those shorelines where both neighboring properties next to the riparian landowner contain a building of 500 square feet or larger, located within 250 feet of a proposed boat shelter.

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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 substantial improvements to building structures or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities.

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

Dwelling: A detached structure or part thereof designed or used as a residence or sleeping place and includes a manufactured home, recreational vehicle, camping trailer, motor home, park model trailer, park model home or tiny home, but does not include boarding or lodging houses, motels, hotels or tents.

Dwelling, Accessory: An additional dwelling unit on a parcel where a principal dwelling unit already exists.

Dwelling, Multiple Family: A dwelling containing two or more dwelling units, either attached, semi-attached or detached, including those under condominium form of ownership.

Dwelling, Principal: The main structure on a lot consisting of a room or a group of rooms, which are arranged, designed, used or intended for use as the main living quarters for one family.

Dwelling, Seasonal: A single family dwelling used on an intermittent basis for recreational purposes, such as, but not limited to, a hunting cabin. A seasonal dwelling is a dwelling which is not utilized as a principal or year-round dwelling and is not occupied more than 180 days in any 365-day period and does not require public services such as school bus transportation pursuant to Section 121.54 (2)(b) Wis. Stats. or amendments thereto, or snow plowing of roads by a governmental unit. Listing such dwelling as the occupant's legal residence for the purposes of voting, payment of income taxes or motor vehicle registration or for purposes of eligibility for a State of Wisconsin Lottery Tax Credit, or living in such dwelling for more than 180 days in any 365-day period shall be considered evidence that the dwelling is being used as a principal or year-round dwelling.

Dwelling, Single Family: A dwelling containing one dwelling unit either attached, semi-attached or detached.

Dwelling Unit: A room or a group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use as living quarters for one family.

EAV: Equalized assessed value.

Ecologically Significant Area: An area in which native aquatic plants are present in sufficient abundance and density to support significant spawning, seasonal or life stage habitat for first or other aquatic life and to protect water quality.

Encroachment: To advance beyond proper or prescribed limits.

Equal Degree of Encroachment: Is established by considering the effect of encroachments on the hydraulic efficiency of the "Floodplain" along a significant "reach of the stream". Hydraulic efficiency depends on such fact as the relative orientation of the channel with respect to the "floodway" the natural and manmade characteristics of the floodplain, of vegetation on both sides of the stream and the resistance of such vegetation to flood flow. In most cases, these factors will not result in equal distance or areas between encroachment lines on both sides of the stream.

Erect: To construct, build, fabricate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

Existing Development Pattern: That principal structure exist within 250 feet of a proposed principal structure in both directions along the shoreline.

Existing Pattern: Determined for highway setback purposes by requiring structures on property to conform generally to the setback of the structures on property immediately adjacent to it and on the same side of any street or road upon which the subject property fronts.

Extended Detention Pond: Storm water detention basins designed to temporarily hold storm water for an extended period of time, allowing the physical settling of pollutants.

Expandable Condominium: A condominium to which additional units or property or both may be added.

Expansion to Existing Mobile/Manufactured Home Park: The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be placed. This includes installation of utilities, either final site grading, pouring pads, or construction of streets.

Exploration: Has the meaning set forth in Ch. 293, Wis. Stats.

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Family: Any number of persons related by blood, adoption or marriage, not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity including community living arrangements with eight or fewer unrelated handicapped residents.

Farm: An area of land devoted to the production of field or truck crops, livestock or livestock products which constitutes the major use of such property.

Federal Emergency Management Agency (FEMA) : The federal agency that administers the National Flood Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA), or Department of Housing and Urban Development (HUD)

Fence: An independent structure forming a barrier at grade between lots, between a lot and a street or road, or between portions of a lot or lots.

Fence, Open: A fence that is constructed that at least 80% of the total vertical area of the fence permits visibility.

Fish Hatchery: An establishment for the breeding, propagation and rearing of fish fry.

Fisheries: An establishment for the production, harvesting and sale of fish produced on the premises.

Flood: A temporary rise in stream flow or stage that results in water overtopping its banks and inundating area adjacent to the channel.

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

Flood Stage: For purposes of this ordinance, the term is used to mean the height or elevation of a flood as referred to some datum. For other purposes it is commonly used to refer to the elevation at which a stream will overtop its normal stage banks.

Floodplain: 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 fringes as those terms are defined in Wis. Admin. Code NR116.

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

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Floodplain Management: The full range of public policy and action for insuring wise use of floodplains. It includes everything from the collection and dissemination of flood data to the acquisition of floodplain lands and the enactment and administration of codes, ordinances and statutes for land use in the floodplain.

Floodproofing: Using any of a variety of techniques to lessen flood effects on a structure as are permitted by Wis. Admin. Code NR 116.03 and any amendments thereto.

Floodway: The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood water or flood flows of any river or stream including but not limited to flood flows associated with the regional flood.

Forest Industries: The cutting and storing of forest products, the operation of portable sawmills and planer, the production of maple syrup and sugar.

Forest Products: Products obtained from stands of forest trees which have been either naturally or artificially established.

Foster Home: Any facility that is operated by a person required to be licensed by sec. 48.62, Wis. Stats., and that provides care and for no more than 4 children unless all of the children are siblings.

Freestanding Sign: A sign supported by posts, poles, or standards and is not attached or connected to any building.

Fur Farm: The breeding, raising and producing in captivity and marketing of fur bearing animals similar to an agricultural enterprise. Wild game trapping consistent with DNR regulations is excluded.

Garage: An accessory structure or portion of a principal structure utilized for the storage of motor vehicles. A garage may not be used as sleeping quarters.

Governmental Uses: Governmental activities or operations associated with the provision of services to the public. Governmental uses do not include correctional facilities, solid waste disposal sites or non-metallic mining.

Group Home: Any facility operated by a person required to be licensed by the department under sec. 48.625, Wis. Stats., for the care and of 5 to 8 children.

Habitable Buildings: Any building or portion thereof used or possible to be used for human habitation.

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Hearing Notice: Publication or posting meeting the requirements of Ch. 985, Wis. Stats. Class 1 notice is the minimum required for appeals: published once at least one week (7 days) before the hearing. Class 2 notice is the minimum required for all zoning ordinances and amendments including map amendments; published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

Heliport: An area of land, water or structure used or intended to be used for the landing and takeoff of helicopters, including its building and facilities.

Home Occupation: A limited owner or residential tenant occupied business in a residential district that complies with the home occupation provisions of this ordinance. A home occupation includes a professional home office.

Horticulture: The cultivation of an orchard, garden or nursery.

Hotel: A place where sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all related rooms, buildings and areas.

House Trailer: A portable structure which is on wheels, skids, rollers, blocks, jacks, posts, piers, foundations or similar supports which is used or intended to be used primarily for human habitation, whether temporary or permanent, and which falls within one of the following categories:

- a. The structure is 12 feet long or less in width and does not comply with the ANSI National Construction Code for mobile homes.
- b. The structure meets all of the requirements of a manufactured home as defined in this code except for the size.
- c. The structure meets all of the requirements of a mobile home as defined in this code except for the size.

Hunting and Fishing Cabins: Buildings used at special seasons of the year as a base for hunting, fishing and outdoor recreation.

Impervious Surfaces: 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.

Infiltration Basins: Large open depressions that store storm water runoff while percolation occurs through bottom and sides.

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Infiltration Trenches: Shallow, excavated trenches filled with a coarse aggregate material and covered with a pervious soil layer.

Infiltration Tube: A corrugated polyethylene tube with perforated dual wall covered by a filter fabric sock and buried vertically in a bed of aggregate.

Junkyard: An open area or fenced enclosure where used or second hand materials (including but not limited to scrap iron or other metal, paper rags, tires or bottles) are bought, sold, exchanged, stored, baled, packed, disassembled, processed or handled. For purposes of this ordinance, a junkyard includes auto salvage yards, but does not include uses established or maintained entirely within enclosed buildings. Two or more inoperative machines, pieces of equipment or motor vehicles shall constitute a junkyard.

Kennel: A place where 4 or more dogs over the age of 6 months are boarded, bred or offered for sale.

Keyhole Development: The creation of a lot, outlot or parcel of land, by any type of recorded instrument, that provides access to a navigable water body for one or more non-riparian lot, outlot or parcel of land and where the ownership of the riparian and non-riparian lots are not the same. Keyhole development shall also include dredging of a channel for the purpose of navigational access to a water body from one or more lots, outlots or parcels of land. Keyhole development shall not include public boat ramps or marinas permitted under this ordinance.

Land Use: Any non-structural use made of unimproved real estate. (Also see Development)

Landward Expansion: Expansion lying, facing or moving towards land or in the direction of land. Expansion which is situated or facing toward the land.

Legal Pre-existing Structure or Use: The existing lawful use of a structure or premises at the time of the enactment of this ordinance or any amendment thereto and ordinary may be performed thereon, although such use does not conform with the provisions of the ordinance for the district in which it is located, subject to conditions hereinafter stated.

Legal Pre-Existing Signs: Signs lawfully in existence on the effective date of this ordinance, but which do not conform to the requirements herein are declared legal pre-existing.

Licensed Game and Fur Farm: The propagation, production, and sale of birds and animals under a special license of the Wisconsin Conservation Department as covered in Ch. 29, Wis. Stats.

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Light Industry: Those industries that have very little or no air, water, or noise pollution, such as, assembly plants for bug zappers, assembly plants for computers, assembly plants for coin machines, machine shops and woodworking shops.

Livestock: Includes, but is not limited to horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules, llamas, bison and any other hooved animals.

Lodging House: A building other than a hotel, where lodging is provided for five (5) or more persons not members of a family and not open to transients.

Lot: A distinct portion of plot of land. A continuous parcel of land, not divided by a public right-of-way, and sufficient in size to meet the lot width and lot area provisions of this ordinance.

Lot Line: The boundary of a lot or parcel of land.

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.

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.

Lot Width: The shortest distance between lot lines from any given point.

Maintenance and Repairs: Maintenance and repairs include such activities as interior remodeling, painting, decorating, paneling, plumbing, insulation and replacement of windows, doors, wiring, siding, roof and other nonstructural components; and the repairs of cracks in foundation, sidewalks, walkways and the application of waterproof coatings to foundations.

Manufactured Building: A structure which, when erected on site, is 720 or more square feet in area and which complies with all construction safety, foundation, ventilation and access standards established under Subchapter III, Manufactured Building Code, sec. 101.70, Wis. Stats., which is used or intended to be used primarily for human habitation, whether temporary or permanently.

Manufactured Home: A structure, transportable in one or more sections, which the traveling mode is 14 body feet or more in width and 52 body feet or more in length, or when erected on site is 720 or more square feet, and which is built on a permanent chassis, and designed to be used or intended to be used primarily for human habitation whether temporary or permanent, and which is connected to required utilities and which complies with all manufactured home construction and

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safety standards established under USC 5401-5426, which became effective June 15, 1976.

Manufacturing: The production of goods from raw materials.

Marina: An area on a river or lake devoted to marine and related recreational business and service.

Master Zoning District Document: The document containing the legal description of each zoning district that is maintained and updated by the Planning and Zoning Department.

Metallic Mining: Has the meaning set forth in Ch. 293, Wis. Stats.

Mitigation: Approved, balanced measures that are designed and implemented to restore natural functions and values that are otherwise lost through development and human activities.

Mobile Home Park, Manufactured Home and House Trailer Park: Any area or premises on which is provided the required space for the accommodation of two (2) or more mobile homes, manufactured homes or house trailers, together with necessary, accessory buildings, driveways, walks or other required adjuncts.

Mobile Home: A structure manufactured or assembled before June 15, 1976, which complies with the ANSI National Construction Code for Mobile Homes, which is designed to be transported to its placement site as a single unit or in sections and equipped and used, or intended to be used, primarily for human habitation, whether temporary or permanent, with walls or rigid uncollapsible construction, which is at least 12 body feet in width and has an overall length in excess of 48 feet. "Mobile Home" includes the mobile home structure, its plumbing, heating, air conditioning, and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

Motel: A place that furnishes on-premise parking for motor vehicles of guests as part of the room charge, without extra cost, and that is identified as a "motel" rather than a "hotel" at the request of the operator.

Motor Home: A motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

Navigable Waters: Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under sec. 281.35, Wis. Stats.,

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notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under sec. 59.692, Wis. Stats., and Wis. Admin. Code NR115 do not apply to lands adjacent to:

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

Nonmetallic Mining or Nonmetallic Mining Operation: Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand and gravel, and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc, related operations or activities such as excavation, grading, or drudging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals, and related processes such as crushing, screening, scalping, dewatering and blending.

Nuisance: A nuisance shall mean any source of filth or cause of sickness, any unreasonable use of property or activity that interferes substantially with the comfortable enjoyment of life, health or safety of another or others. An offensive, annoying, unpleasant or obnoxious thing or practice which may annoy or disturb others' enjoyment of their property.

Official Signs and Notices: Include only official signs and notices, public utility signs, service club and religious notices, and public service signs. Also, signs and notices erected and maintained by public officers or public agencies within their territorial or zoning Jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or non-profit historical societies may be considered official signs.

Off-Premise Sign: A sign which advertises goods, products, facilities or services not available on the premises where the sign is located, or directs persons to a different location from where the sign is located.

OHWM: Ordinary high water mark.

On-Premise Sign: A sign advertising activities conducted on the property on which it is located. This includes a sign which consists solely of the name of an establishment and a sign which identifies the establishment's principle product or services offered on the premises.

Open Fence: A fence constructed in such a manner that it does not unreasonably obstruct vision.

Ordinary High Water Mark (OHWM): 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 and Repairs: Ordinary maintenance and repairs include, but are not limited to: replacement of existing windows, skylights, doors, and similar fixtures, when such replacement does not require the alteration of a structural element of the building such as a header, stud, joist, rafter, truss, or similar structural element; painting and staining of existing siding or replacement of deteriorated siding; replacement of damaged insulation; addition of insulation; repair or replacement of existing shutters, cabinetry, flooring, roof covering consisting of shingles, rolled, metal, fiberglass, tiles, and other similar roofing materials.

Parking Lot: A lot where automobiles are parked or stored temporarily but not including the wrecking of automobiles to other vehicles or storage for the purpose of repairing or wrecking.

Park Model Homes: Also known as recreational park trailer is built on a single chassis mounted on wheels. They are no larger than 400 square feet and are built in compliance with ANSI housing standards. Park model homes differ from “tiny homes or houses.” Tiny homes or houses follow much more lenient housing standards.

Park Model Trailer: A recreational vehicle that is transportable and primarily designed for long-term or permanent placement at a destination where an RV or mobile home is allowed. When set up, a park model is connected to utilities necessary to operate home-style fixtures and appliances.

Percent Slope (does not involve the placement of a structure): The difference in elevation from (a) the point of land disturbance closest to the OHWM and (b) the point of the land disturbance farthest from the OHWM (rise), divided by (c) the horizontal distance between the two points (run) multiplied by 100. (Rise over run x 100)

Percent Slope (for the placement of structures): The difference in elevation from highest elevation to the lowest elevation measured over the footprint of the structure. (a) the lowest part of land disturbance from that point of the structure’s footprint closest to the OHWM and (b) the highest point of the land disturbance from that point of the structure’s footprint farthest from the OHWM (rise), divided by (c) the horizontal distance between the two points (a and b) of the footprint (run) multiplied by 100. (Rise over run X 100) **Note:** For proposed walkout or partially exposed basements/foundations sloping toward the OHWM, (a) = the lowest point of land disturbance closest to the OHWM.

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Permanent Structure: A structure which is built of such material and in such a way that it would commonly be expected to last and remain useful for a substantial period of time.

Person: An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

Pier: Any structure extending into navigable waters from the shore with water on both sides, built or maintained for the purpose of providing a berth for boats or for loading or unloading cargo or passengers onto or from boats. Such a structure may include a boat shelter which is removed seasonally.

Political Sign: A sign erected for the purpose of soliciting support for or opposition to a candidate or a political party or relating to a referendum question in an election held under the laws of this state.

Porous Pavement: An alternative to conventional pavement, it diverts runoff through a porous asphalt layer into an underground reservoir constructed of crushed stone or gravel. The stored runoff gradually infiltrates into the subsoil and water table.

Poultry: Domestic fowl, such as chickens, turkey, ducks or geese raised for flesh or eggs. Exotic species may include but are not limited to ostrich, emu, etc.

Professional Office: When conducted in a residential district a professional office shall be incidental to the residential occupation and shall be conducted by a member of the resident family entirely within the residential building, and shall include the office of a doctor, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other similar recognized profession.

Prospecting: Has the meaning set forth in Ch. 293, Wis. Stats.

Private Club or Private Camp: Buildings or ground used for regular or periodic meetings or gatherings of a group of persons organized for a non-profit purpose, but not groups organized to render a service customarily carried on as a business.

Private Sewage System: A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the department including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A private sewage system

may be owned by the property owner or by the special purpose district. Unsewered lots mean those lots sewered by a private sewage system.

Public and Private Parks, Playgrounds, Campgrounds, and Golf Courses: Areas of land with or without buildings designed for recreational uses.

Public Sanitary System: All facilities of a sanitary district with taxing authority for collection, transporting, storing, pumping, treatment and final disposition of sewage. However, it does not include any private sewage systems. Sewered lots mean those lots sewered off a Public Sanitary System.

Public Utilities: Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

Public Utility Line: Underground and overhead transmission lines erected and maintained by a public utility.

Public Utility Sign: Warning signs, informational signs, notices, or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.

Public Utility Structure: A structure erected and maintained by a public utility.

Quarrying: The removal of rock, slate, gravel, sand, topsoil or other natural material from the earth by excavating, stripping, leveling or any other such process.

Rain Gardens: Areas of lower elevation adjacent to roads or parking areas, and can be incorporated into a landscaping plan in developments. Underlayment may consist of permeable materials or may resemble a mini-wetland. Hydric plants and shrubs are used to provide temporary storage of peak flows and infiltration of storm water runoff.

Rain Harvesting System: Storm sewer catch basin, varying in diameter from three to six feet, with a storage chamber below the outlet pipe that will vary from three to six feet in depth. The sump or storage chamber provides residence time for runoff, allowing the physical settling of sediments.

Reach: A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the floodplain where flood heights are primarily controlled by man-made or natural floodplain obstructions or restrictions. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most likely be a reach.

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Real Estate Sign: A sign advertising the sale or lease of land upon which it is located or of a building on that land.

Reclamation: The rehabilitation of the project site including, but not limited to establishment of vegetative cover, stabilization of soil conditions, prevention of water pollution and where practicable, restoration of fish, plants and wildlife.

Recreation Camps: Areas of land improved with buildings or tents, and sanitary facilities used for the accommodation of groups for educational or recreational purposes.

Recreational Vehicle: A mobile home when fully expanded contains 400 square feet or less of living space, and which is built on a permanent chassis and designed to be towed on a highway by a motor vehicle and equipped and used, or intended to be used, primarily for temporary human habitation or recreational living quarters, and includes the plumbing, heating, air conditioning and electrical systems contained in the recreational vehicle. A recreational vehicle includes a motor home, park model, truck camper, travel trailer and camping trailer.

Recreational Vehicle Parks: An area of land so arranged and improved to provide the necessary facilities to accommodate overnight primitive camping for more than two (2) camping tents, recreational vehicles, camping trailers, motor homes or park models.

Regional Flood: The regional flood is a flood determined by the Division of Resource Development which is representative of large floods known to have occurred generally in Wisconsin and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has an average frequency in the order of the one-hundred (100) year recurrence interval flood determined from an analysis of floods on a particular stream and other streams in the same general region.

Replacement Construction: The principal building or portion thereof is torn down and replaced by a new structure or building or portion thereof.

Resort: A facility licensed by the State of Wisconsin Division of Family and Health Services where lodging is offered for pay. A resort may include a hotel, motel or tourist rooming house and may also be under the condominium form of ownership. A resort does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments.

RFW (Riparian Frontage Width): (Re: Section 9.93 (E)(2) of the Oneida County Zoning & Shoreland Protection Ordinance) The minimum riparian frontage width shall be measured the lesser of a straight line connecting points where the side lot

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lines intersect the OHWM or as the length of chord which is perpendicular to a side lot where it intersects the OHWM and terminates at the opposite side lot line.

Riding Academy: An establishment having horses for rent or hire.

Right-of-Way: Lands dedicated for public use for road purposes.

Riparian: An owner of land adjacent to navigable waters.

Service Business: Commercial establishment devoted to the performance of work for others, not the production of a tangible commodity. Examples of service business include, but are not limited to offices for physicians, accountants or attorneys.

Service Club and Religious Notices: Signs and notices, whose erection is authorized by law, relating to meetings of non-profit service clubs or charitable associations, or religious services, which signs do not exceed 8 square feet in area.

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

Shoreland Alteration Permit: A permit issued in this ordinance generally required to fill, grade, lagoon, dredge, ditch and excavate shoreland.

Shoreland Setback: Also known as the “shoreland setback area.” An area in a shoreland that is within a certain distance of the ordinary high water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under sec. 59.692, Wis. Stats.

Shoreland-Wetland Zoning District: The zoning district, created as a part of this shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetland maps, which have been adopted and made a part of this ordinance.

Shorelands: Lands within the following distances from the ordinary high water mark of navigable waters: 1,000 feet, measured horizontally, from a lake, pond or flowage, and 300 feet, measured horizontally, from a river, or whichever distance is greater.

Shoreyard: Those lands within 200 feet of the ordinary high water mark of a navigable lake, pond, flowage or river.

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Shrub: A plant native to the area with bushy, woody growth usually branched at or near the base, less than 15 feet in height.

Sidewalk: Means that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, constructed for use of pedestrians.

Sign: Any outdoor advertising, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, structure, or other thing, which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place from the roadway. Included in this definition as signs are graphic devices such as logos, attention attracting media such as banners, pennants, flags or logo sculpture, statues, inflatable devices, and obtrusive colored fascia or architectural elements.

Silviculture: The planting, thinning and harvesting of trees.

Special Exception (conditional use): A use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Board of Adjustment or, where appropriate, the Planning and Development Committee or County Board.

Special Zoning Permission: Special zoning permission has the meaning given in sec. 59.69(15)(g), Wis. Stats. as may be amended from time to time.

Standard Project Flood: A hypothetical flood, estimated by the Corps of Engineers, representing the critical flood runoff volume and peak discharge that may be expected from the most severe combination of meteorological and hydrologic conditions that are considered reasonably characteristic of the geographical region involved, excluding extremely rare conditions.

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

Story: That part of a building between a floor and either the next floor or ceiling above. A basement shall not constitute a story.

Street: A public road or highway right-of-way usually affording primary access to abutting property.

Structural Alteration or Structural Improvement: Any modification or replacement of structural members of the existing exterior walls, roof, foundation, internal partitions or structural members such as headers, studs, joists, rafters or trusses.

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

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

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

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

Substandard Lots: A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current requirements for a new lot.

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

Tiny Home: A dwelling unit on a small scale that has a footprint of 400 square feet or less.

Tourist Rooming House: All lodging places and dwelling units for eight (8) or less persons, other than hotels and motel with four (4) or less rooms, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourist or transients, or bed and breakfast establishments.

Trapper's Cabin: A building used as a base for operating one or more trap lines.

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Tree: A plant native to the area with a woody stem, unbranched at or near the base, reaching a height of at least 15 feet or more and a diameter of over four inches at maturity.

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

Unrelated Business: A business having a separate identity as recognized in the Internal Revenue Service and which requires a separate filing of income tax papers.

Unsafe Structures: An unsafe structure is one that is found to be dangerous to the life, health, property, safety of the public, or the occupants of the structure by not providing minimum safeguards to protect occupants or because such structure contains unsafe conditions due to abandonment or lack of maintenance or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is possible.

Use, Accessory: A subordinate use which is clearly and customarily incidental to the principal use of a structure or premises and which is located on the same lot as the principal structure or use. Accessory uses include, but are not limited to, storage and gardening.

Use, Principal: A principal use is 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 ordinance when the use is the dominant activity on the premises. More than one principal use may be located on a lot.

Variance: An authorization by the board of adjustment for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the zoning ordinance.

Vegetated Filter Strips: Consist of close growing vegetation designed to receive overland sheet flow. The vegetation slows runoff and traps particulate pollutants. Effectiveness of these strips is a function of the length and slope of the filter strip, soil permeability, the size of the drainage area, and the type and density of the vegetative cover. Good performance for pollutant removal can be expected from widths of 50 to 75 feet and an additional four feet of width for every one percent of slope.

Vegetated Swales/Grassed Channels: Broad shallow channels with a dense stand of vegetation established in them that are designed to promote infiltration and trap pollutants. The combination of low velocities and vegetative cover

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provides for pollutant settling or treatment by infiltration. This practice can also provide reduced volumes of runoff and peak discharges. Low gradient swales perform better than steeper grades.

Vertical Expansion: Expansion either upward and/or downward within the existing building footprint.

Viewing Area: An area relatively free of vegetation that allows a reasonably unobstructed view of the shore from the principal structure located on the property.

Vision Triangle: The triangular area adjacent to the intersection of any public roadways or private road within which sight lines are maintained for vehicular traffic. The triangle is established by measuring a distance of 10 feet from the intersection of the extended curb or edge of the pavement of the public roadway or private road. A straight line connecting the ends of each measured distance that forms the hypotenuse shall establish the visibility triangle.

Walkway: A developed path consisting of concrete, gravel, brick, wood, paving stones or other similar materials.

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

Waterway: Any body of water declared navigable pursuant to sec. 30.10, Wis. Stats.

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

Wet Detention Pond: Consists of a single permanent pool of standing water with a depth between three and five feet. Allows pollutants to settle and usually built with a defined forebay and outlet structure.

Wet Retention Pond: A single cell permanent pool of standing water with no outlet.

Wharf: Any structure in navigable waters extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for a boat or for loading or unloading cargo or passengers onto or from a boat.

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Zoning Administrator: The Oneida County Planning and Zoning Administrator or his or her designee.

Appendix A

(Amend #30-2004, 19-2006, 14-2008, 3-2018)

Minimum lot area
and dimensional requirements
for uses
and zoning districts

Acronyms

RFW = riparian frontage width

ALW = average lot width

ft. = frontage

- All uses not list shall have a minimum lot size as determined by the Zoning Administrator

District 1-A Forestry

Use	Class 1 Waterways 50 Acres or less	Class II Waterways Greater than 50 Acres includes rivers and streams	Unsewered back lot	Sewered back lot
Hydro-electric dams and Power plants	Determined by a CUP	Determined by a CUP	Determined by a CUP	Determined by a CUP
Mines, Quarries, Gravel pits, Deer and Fur farms, Fish hatcheries and Fisheries, Sawmills	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width
Campgrounds, Golf grounds, Recreational camps, Aircraft landing fields	20 Acres 500' frt&width	20 Acres 500' frt&width	20 Acres 500' frt&width	20 Acres 500' frt&width
Seasonal dwelling or Hunting cabin, Fire detection and control structures	Area = 50,000 RFW = 200' ALW = 150'	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	10 acre minimum; Each additional unit requires 5 additional acres 300' frt. & width	10 acre minimum; Each additional unit requires 5 additional acres 300' frt. & width
Public and Private Parks, Boat liveries	Area = 50,000 RFW = 200' ALW = 150'	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	20,000 sq.ft. 100' frt. & width	10,000 sq.ft. 100' frt. & width

- Uses not specifically listed shall have a minimum lot size as determined by the Zoning Administrator

District 1-B Forestry

Use	Class 1 Waterways 50 Acres or less	Class II Waterways Greater than 50 Acres includes rivers and streams	Unsewered back lot	Sewered back lot
Hydro-electric dams and Power plants	Determined by a CUP	Determined by a CUP	Determined by a CUP	Determined by a CUP
Deer and Fur farms, Fish hatcheries and Fisheries, Sawmills, Fire detection and control structure	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width
Campgrounds, Golf grounds, Recreational camps, Aircraft landing fields	20 Acres 500' frt&width	20 Acres 500' frt&width	20 Acres 500' frt&width	20 Acres 500' frt&width
Public and Private Parks, Boat liveries	Area = 50,000 RFW = 200' ALW = 150'	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	20,000 sq.ft. 100' frt. & width	10,000 sq.ft. 100' frt. & width
Seasonal dwelling or Hunting cabin, Year-round dwellings	Area = 50,000 RFW = 200' ALW = 150'	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	10 acre minimum; Each additional unit requires 5 additional acres 300' frontage & width	10 acre minimum; Each additional unit requires 5 additional acres 300' frontage & width

- Uses not specifically listed shall have a minimum lot size as determined by the Zoning Administrator

District 1-C Forestry

Use	Class I Waterways 50 acres or less	Class II Waterways Greater than 50 acres includes rivers and streams	Unsewered back lot	Sewered back lot
Dwelling unit	Area = 80,000 RFW = 200' ALW = 150' Road frontage = 150'	Area = 80,000 RFW = 200' ALW = 150' Road frontage = 150'	17 acres 500' width Road frontage =150'	17 acres 500' width Road frontage =150'
Dwelling unit w/Additional Dwelling Unit(s)	Area = 160,000 RFW = 400' ALW = 300' Road frontage = 300'	Area = 160,000 RFW = 400' ALW = 300' Road frontage = 300'	34 acres 1,000' width Road frontage =150'	34 acres 1,000' width Road frontage =150'
Dwelling unit with Bed & Breakfast with 3 or more guest rooms	Area = 160,000 RFW = 400' ALW = 300' Road frontage = 300'	Area = 160,000 RFW = 400' ALW = 300' Road frontage = 300'	34 acres 1,000' width Road frontage =150'	34 acres 1,000' width Road frontage =150'
Professional & service office in dwelling	Area = 160,000 RFW = 400' ALW = 300' Road frontage = 300'	Area = 160,000 RFW = 400' ALW = 300' Road frontage = 300'	34 acres 1,000' width Road frontage = 150'	34 acres 1,000' width Road frontage = 150'

- Uses not specifically listed shall have a minimum lot size as determined by the Zoning Director.

District 2 Single Family

Use	Class I Waterways 50 Acres or less	Class II Waterways Greater than 50 Acres includes rivers and streams	Unsewered back lot	Sewered back lot
Single Family Dwelling Unit	Area = 50,000 RFW = 200, ALW = 150'	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	50,000 sq ft 100' width	10,000 sq ft 100' width
Single Family Dwelling Units w/Additional Dwelling Unit(s) and Community and other Living Arrangements pursuant to 59.69 w. Statues.	Area = 50,000 sq.ft. RFW = 200' ALW = 150' Each additional dwelling unit requires Area + 25,000 sq.ft. RFW + 100' ALW + 75'	Area = 20,000 sq.ft. RFW = 100' ALW = 100' Each additional dwelling unit requires Area + 15,000 sq.ft. RFW + 75' ALW + 50'	100,000 sq ft 100' width	20,000 sq ft 100' width
Existing Licensed Resorts, Hotels, Motels and Tourist Rooming Houses	Area = 50,000 sq.ft. RFW = 200' ALW = 150' Each additional dwelling unit requires Area + 25,000 sq.ft. RFW + 100' ALW + 75'	Area = 20,000 sq.ft. RFW = 100' ALW = 100' Each additional dwelling unit requires Area + 15,000 sq.ft. RFW + 75' ALW + 50'	50,000 sq. ft. + 8,000 each unit over first one	10,000 sq. ft. + 5,000 each unit over first one
Churches, Schools, Libraries, Community buildings and Museums	Area = 50,000 sq.ft. RFW = 200' ALW = 150'	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	50,000 sq ft 100' width	10,000 sq ft 100' width
Cemeteries	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' width

- Uses not specifically listed shall have a minimum lot size as determined by the Zoning Administrator

District 3 Multi-Family

Use	Class I Waterways 50 Acres or less	Class II Waterways Greater than 50 Acres includes rivers and streams	Unsewered back lot	Sewered back lot
Single Family Dwelling Unit	Area = 50,000 RFW = 200' ALW = 150'	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	50,000 sq ft 100' width	10,000 sq ft 100' width
Multi-Family Dwelling Units including Additional Dwelling Unit(s), Boarding and Lodging House(s), Hospitals, Sanitariums, Convalescent, Nursing and Community Living Arrangements	Area = 50,000 sq.ft. RFW = 200' ALW = 150' Each additional dwelling unit requires Area + 25,000 sq.ft. RFW + 100' ALW + 75'	Area = 20,000 sq.ft. RFW = 100' ALW = 100' Each additional dwelling unit requires Area + 15,000 sq.ft. RFW + 40' ALW + 40'	50,000 sq ft + 8,000 each unit Over 1st one	10,000 sq ft + 5,000 each unit Over 1 st one
Existing Licensed Resorts, Hotels, Motels and Tourist Rooming Houses	Area = 50,000 sq.ft. RFW = 200' ALW = 150' Each additional dwelling unit requires Area + 25,000 sq.ft. RFW + 100' ALW + 75'	Area = 20,000 sq.ft. RFW = 100' ALW = 100' Each additional dwelling unit requires Area + 15,000 sq.ft. RFW + 40' ALW + 40'	50,000 sq. ft. + 8,000 each unit over first one	10,000 sq. ft. + 5,000 each unit over first one
Cemeteries	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width
Clinics, Schools, Churches, Libraries, and Community Buildings, Museums	Area = 50,000 RFW = 200' ALW = 150'	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	50,000 sq ft 100' width	10,000 sq ft 100' width
Golf Grounds	20 Acres 500' frt&width	20 Acres 500' frt&width	20 acres 500' frt&width	20 Acres 500' frt&width

- Uses not specifically listed shall have a minimum lot size as determined by the Zoning Administrator

District 4 Residential and Farming

Use	Class I Waterways 50 Acres or less	Class II Waterways Greater than 50 Acres includes rivers and streams	Unsewered back lot	Sewered back lot
Single Family Dwelling Unit	Area = 50,000 RFW = 200' ALW = 150'	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	50,000 sq ft 100' width	10,000 sq ft 100' width
Multi-Family Dwelling Units including Additional Dwelling Unit(s), Boarding and Lodging House(s), Hospitals, Sanitariums, Convalescent, Nursing, and Community Living Arrangements	Area = 50,000 sq.ft. RFW = 200' ALW = 150' Each additional dwelling unit requires Area + 25,000 sq.ft. RFW + 100' ALW + 75'	Area = 20,000 sq.ft. RFW = 100' ALW = 100' Each additional dwelling unit requires Area + 15,000 sq.ft. RFW + 40' ALW + 40'	50,000 sq ft + 8,000 each unit Over 1st one	10,000 sq ft + 5,000 each unit Over 1st one
Cemeteries, Commercial riding stables, Non-metallic mining, Licensed deer and fur farms, Fish hatcheries, Fisheries, Portable and Non- portable Sawmills, Contractor storage yards	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width
Live stock and poultry housing, Dog kennels and/or cat boarding facilities or animal shelters, Wildlife rehabilitation centers pursuant to Wis. Administrative Code NR 19 or facilities subject to a federal permit.	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width
Veterinary Clinics or animal hospitals	Area = 50,000 RFW = 200' ALW = 150'	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	50,000 sq.ft. 100' width	10,000 sq.ft. 100' width
Wholesale businesses	Area = 50,000 RFW = 200' ALW = 150'	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	20,000 sq.ft. 100' width	10,000 sq.ft. 100' width
Clinics, Schools, Churches, Libraries, and Community Buildings, Museums	Area = 50,000 RFW = 200' ALW = 150'	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	50,000 sq ft 100' width	10,000 sq ft 100' width
Golf Grounds, Airport landing fields, Recreational parks, Manufactured, Mobile home and house trailer parks, Campgrounds, Shooting and Archery ranges	20 Acres 500' frt&width	20 Acres 500' frt&width	20 acres 500' width	20 Acres 500' width

- Uses not specifically listed shall have a minimum lot size as determined by the Zoning Administrator

District 5 Recreational

Use	Class 1 Waterways 50 Acres or less	Class II Waterways Greater than 50 Acres includes rivers and streams	Unsewered back lot	Sewered back lot
Single Family Dwelling Unit	Area = 50,000 RFW = 200' ALW = 150'	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	50,000 sq ft 100' width	10,000 sq ft 100' width
Multi-Family Dwelling Units including Additional Dwelling Unit(s), Boarding and Lodging House(s), Hospitals, Sanitariums, Convalescent, Nursing, and Community Living Arrangements, Hotels/Motels, Marine, Snowmobile and recreational vehicle service	Area = 50,000 sq.ft. RFW = 200' ALW = 150' Each additional dwelling unit requires Area + 25,000 sq.ft. RFW + 100' ALW + 75'	Area = 20,000 sq.ft. RFW = 100' ALW = 100' Each additional dwelling unit requires Area + 15,000 sq.ft. RFW + 40' ALW + 40'	50,000 sq ft + 8,000 each unit Over 1st one	10,000 sq ft + 5,000 each unit Over 1st one
Private clubs, boat liveryes, storage and landings, bait sales, restaurants, taverns, and dinner clubs	Area = 50,000 RFW = 200' ALW = 150'	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	50,000 sq ft 100' ft & width	10,000 sq ft 100' ft & width
Cemeteries, Personal stables, Drive-in Theaters, Commercial Riding Academies	5 Acres 300' ft&width	5 Acres 300' ft&width	5 Acres 300' ft&width	5 Acres 300' ft&width
Livestock and poultry housing, Dog kennels and/or cat boarding facilities or animal shelters, Wildlife rehabilitation centers pursuant to Wis. Administrative Code NR 19 or facilities subject to a federal permit.	5 Acres 300' ft. & width	5 Acres 300' ft. & width	5 Acres 300' ft. & width	5 Acres 300' ft. & width
Veterinary Clinics or animal hospitals	Area = 50,000 RFW = 200' ALW = 150'	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	50,000 sq.ft. 100' width	10,000 sq.ft. 100' width
Clinics, Schools, Churches, Libraries, and Community Buildings, Museums	Area = 50,000 RFW = 200' ALW = 150'	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	50,000 sq ft 100' width	10,000 sq ft 100' width
Golf Grounds, Recreational parks, Manufactured, Mobile home and house trailer parks, Campgrounds, Amusements Parks	20 Acres 500' ft&width	20 Acres 500' ft&width	20 acres 500' width	20 Acres 500' width

- Uses not specifically listed shall have a minimum lot size as determined by the Zoning Administrator

District 6 Business

Use	Class I Waterways Unsewered 50 Acres or less	Sewered water lot	Class II Waterways Unsewered Greater than 50 Acres Includes rivers and streams	Unsewered back lot	Sewered back lot
Single Family Dwelling Unit	Area = 50,000 RFW = 200, ALW = 150'	10,000 sq. ft. 65' ft. & width	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	20,000 sq ft 100' width	10,000 sq ft 65' width
Multi-Family Dwelling Units, Single Family w/Additional Dwelling Unit(s) or business, Boarding and Lodging House(s), Hospitals, Sanitariums, Convalescent, Nursing, and Community Living Arrangements	Area = 50,000 sq.ft. RFW = 200' ALW = 150' Each additional dwelling unit requires Area + 25,000 sq.ft. RFW + 100' ALW + 75'	10,000 sq.ft. 65' ft. & width	Area = 20,000 sq.ft. RFW = 100' ALW = 100' Each additional dwelling unit requires Area + 15,000 sq.ft. RFW + 40' ALW + 40'	20,000 sq ft 100' width	10,000 sq ft 65' width
Retail business, Professional service offices, Accessory warehouses, Bowling alleys, Theaters, Amusement Parlors	Area = 50,000 sq.ft. RFW = 200' ALW = 150' Each additional dwelling unit requires Area + 25,000 sq.ft. RFW + 100' ALW + 75'	10,000 sq.ft. 100' ft. & width	Area = 20,000 sq.ft. RFW = 100' ALW = 100' Each additional dwelling unit requires Area + 15,000 sq.ft. RFW + 40' ALW + 40'	20,000 sq ft 100' width	10,000 sq ft 65' width
Cemeteries, Wildlife rehabilitation centers pursuant to Wis. Administrative Code NR 19 or facilities subject to a federal permit.	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width
Dog kennels and/or cat boarding facilities, animal daycare centers or animal shelters	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width	1 Acre 200' frt&width
Veterinary Clinics or animal hospitals	Area = 50,000 RFW = 200' ALW = 150'	15,000 sq.ft. 100' ft. & width	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	50,000 sq.ft. 100' width	10,000 sq.ft. 100' width
Clinics, Schools, Churches, Libraries, and Community Buildings, Museums	Area = 50,000 RFW = 200' ALW = 150'	15,000 sq. ft. 100 ft. & width	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	50,000 sq ft 100' width	10,000 sq ft 100' width

- Uses not specifically listed shall have a minimum lot size as determined by the Zoning Administrator

District 7 Business

Use	Class I Waterways Unsewered 50 Acres or less	Sewered water lot	Class II Waterways Unsewered Greater than 50 Acres includes rivers and streams	Unsewered back lot	Sewered Back Lot
Single Family Dwelling Unit	Area = 50,000 RFW = 200' ALW = 150'	10,000 sq. ft. 65' ft. & width	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	20,000 sq ft 100' width	10,000 sq ft 65' width
Multi-Family Dwelling Units, Single Family w/Additional Dwelling Unit(s) or business, Boarding and Lodging House(s), Hospitals, Sanitariums, Convalescent, Nursing, and Community Living Arrangements, Hotels, Motels, Resorts	Area = 50,000 sq.ft. RFW = 200' ALW = 150' Each additional dwelling unit requires Area + 25,000 sq.ft. RFW + 100' ALW + 75'	10,000 sq.ft. 65' ft. & width	Area = 20,000 sq.ft. RFW = 100' ALW = 100' Each additional dwelling unit requires Area + 15,000 sq.ft. RFW + 40' ALW + 40'	20,000 sq ft 100' width	10,000 sq ft 65' width
Retail business, Professional service offices, Accessory warehouses, Bowling alleys, Theaters, Amusement Parlors, Light Industry, Malls and Multi-Tenant business	Area = 50,000 sq.ft. RFW = 200' ALW = 150' Each additional dwelling unit requires Area + 25,000 sq.ft. RFW + 100' ALW + 75'	10,000 sq.ft. 100' ft. & width	Area = 20,000 sq.ft. RFW = 100' ALW = 100' Each additional dwelling unit requires Area + 15,000 sq.ft. RFW + 40' ALW + 40'	20,000 sq ft 100' width	10,000 sq ft 65' width
Cemeteries, Wildlife rehabilitation centers pursuant to Wis. Administrative Code NR 19 or facilities subject to a federal permit.	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width
Dog kennels and/or cat boarding facilities, animal daycare centers or animal shelters	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width	1 Acre 200' frt&width
Veterinary Clinics or animal hospitals	Area = 50,000 RFW = 200' ALW = 150'	15,000 sq.ft. 100' ft. & width	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	50,000 sq.ft. 100' width	10,000 sq.ft. 100' width
Clinics, Schools, Churches, Libraries, and Community Buildings, Museums	Area = 50,000 RFW = 200' ALW = 150'	15,000 sq. ft. 100 ft. & width	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	50,000 sq ft 100' width	10,000 sq ft 100' width
Mobile home parks	20 Acres 500' frt&width	20 Acres 500' frt&width	20 Acres 500' frt&width	20 acres 500' frt&width	20 Acres 500' frt&width

- Uses not specifically listed shall have a minimum lot size as determined by the Zoning Administrator

District 8 Manufacturing and Industry

Use	Class 1 Waterways 50 Acres or less	Class II Waterways Greater than 50 Acres includes rivers and streams	Unsewered back lot	Sewered back lot
Hydro-electric dams and Power plants	Determined by a CUP	Determined by a CUP	Determined by a CUP	Determined by a CUP
Metallic mineral mining and prospecting	Determined by a Special CUP	Determined by a Special CUP	Determined by a Special CUP	Determined by a Special CUP
Non-metallic mining, Licensed deer and fur farms, Fish hatcheries and Fisheries, Portable and Non-portable Sawmills, Contractor storage yards,	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width
Livestock and Poultry housing	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width	5 Acres 300' frt&width
Campgrounds, Golf grounds, Recreational Camps, Airport landing fields, Shooting and Archery ranges	20 Acres 500' frt&width	20 Acres 500' frt&width	20 Acres 500' frt&width	20 Acres 500' frt&width
Trade or Industry, Wholesale business, Cold Storage Warehouses	Area = 50,000 RFW = 200' ALW = 150'	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	20,000 sq.ft. 100' frt. & width	10,000 sq. ft. 65' frt. & width
Fire detection and control towers	Area = 50,000 RFW = 200' ALW = 150'	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	50,000 sq.ft. + 8,000 sq.ft. for each unit over first 100' frt. & width	10,000 sq.ft. + 5,000 sq.ft. for each unit over first 100' frt. & width
Public and Private Parks, Boat liveries and the sale of bait	Area = 50,000 RFW = 200' ALW = 150'	Area = 20,000 sq.ft. RFW = 100' ALW = 100'	20,000 sq.ft. 100' frt. & width	10,000 sq.ft. 100' frt. & width

- Uses not specifically listed shall have a minimum lot size as determined by the Zoning Administrator

District 10 General Use

Reference the following Districts:

- a. Residential & Farming District 4A & 4B
- b. Recreational District 5
- c. Manufacturing and Industry District 8
- d. Business District 7

District 14 Residential and Retail

Reference the following Districts:

- a. Forestry District 1
- b. Single Family District 2
- c. Multi-Family District 3

District 15 Rural Residential

Minimum lot size within the entire district:

5 Acres / 300' Frontage and Width (off water lots)

20,000 sq.ft. and 100' frt. & wdth. Each dwelling unit (existing water lots only)

New created water lots must reference Appendix B

- Uses not specifically listed shall have a minimum lot size as determined by the Zoning Administrator

APPENDIX B

TABLE A

Applies to all waterways except those listed in Table B, C & D.
(Area in square feet, RFW = riparian frontage width, ALW = average lot width.)

DWELLING	CLASS I WATERWAYS	CLASS II WATERWAYS
Single Family	Area 50,000 sq ft RFW 200' ALW 150'	Area 20,000 sq ft RFW 100' ALW 100'
Multiple Family	Area 50,000 sq ft RFW 200' ALW 150' Plus 25,000 sq ft, 100' RFW & 75' ALW for each additional dwelling unit.	Area 20,000 sq ft RFW 100' ALW 100' Plus 15,000 sq ft, 40' RFW & 40' ALW for each additional dwelling unit.

Table B
Lake Katherine, Township of Hazelhurst, and all Lakes in the Township of Stella

USE	Sewered Water Lot	Unsewered Water Lot	Comply With COMM 85	Add'l Area Meeting COMM 85
Dwelling Unit	40,000 sq ft 200' frt & width	40,000 sq ft 200' frt & width	All unsewered lots	NONE
Dwelling Unit w/Additional Dwelling Unit(s)	80,000 sq ft 400' frt & width	80,000 sq ft 400' frt & width	All unsewered lots	4,000 sq ft
Dwelling Unit w/Customary Home Occupation	40,000 sq ft 200' frt & width	40,000 sq ft 200' frt & width	All unsewered lots	NONE

Table C
Blue Lake, Bobcat Lake, and Unnamed Lake (29-6), Township of Minocqua

USE	Sewered Water Lot	Unsewered Water Lot	Comply with COMM 85	Add'l Area Meeting COMM 85	Sewered or Unsewered Back Lot
Dwelling Unit	40,000 sq ft 200' frt & width	40,000 sq ft 200' frt & width	All unsewered lots	NONE	100,000 sq ft 200' width
Dwelling Unit w/Additional Dwelling Unit(s)	80,000 sq ft 400' frt & width	80,000 sq ft 400' frt & width	All unsewered lots	4,000 sq ft	200,000 sq ft 200' width
Dwelling Unit w/Customary Home Occupation	40,000 sq ft 200' frt & width	40,000 sq ft 200' frt & width	All unsewered lots	NONE	100,000 sq ft 200' width

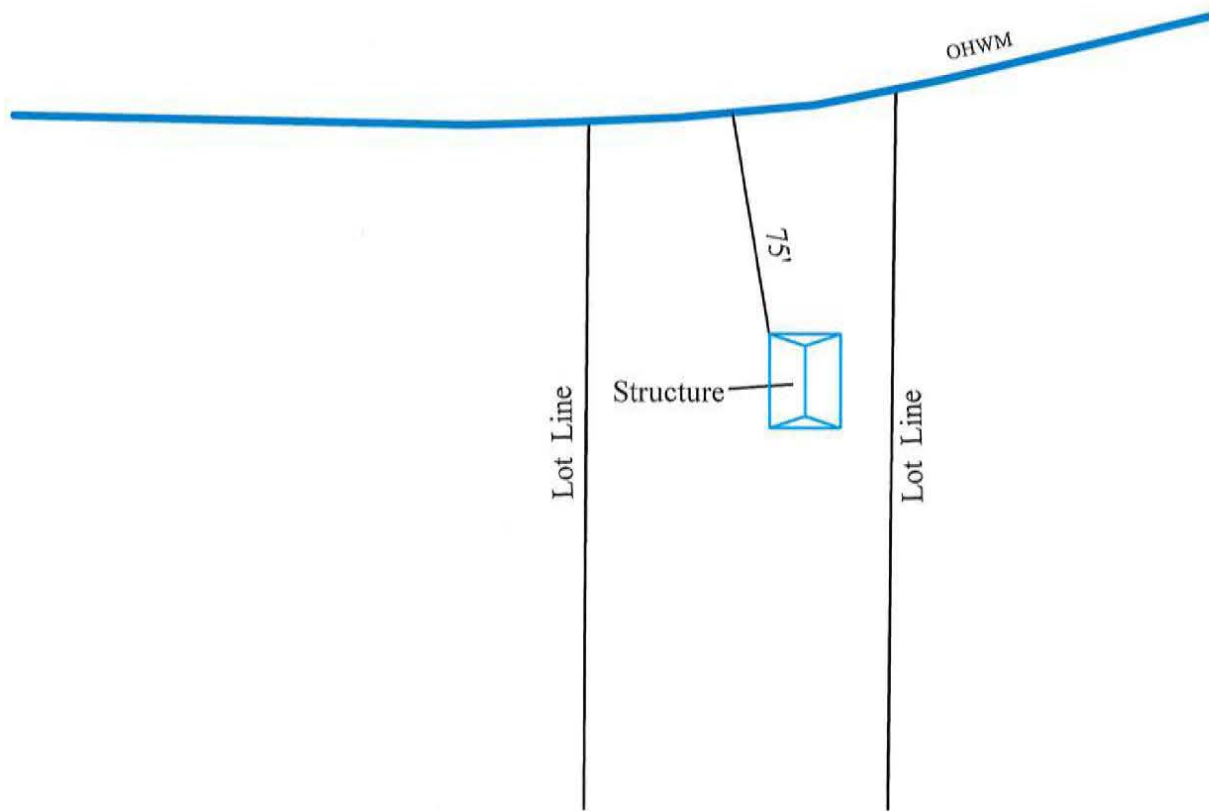
Table D
Two Sisters Lake, Town of Newbold

USE	Sewered Water Lot	Unsewered Water Lot	Comply with COMM 85	Add'l Area Meeting COMM 85
Dwelling Unit	30,000 sq ft 150' frt & width	30,000 sq ft 150' frt & width	All unsewered lots	None
Dwelling Unit w/Additional Dwelling Unit(s)	60,000 sq ft 300' frt & width	60,000 sq ft 300' frt & width	All unsewered lots	4,000 sq ft
Dwelling Unit with Customary Home Occupation	30,000 sq ft 150' frt & width	30,000 sq ft 150' frt & width	All unsewered lots	None

Appendix C1

Section 9.94(A) Setback from Ordinary High Water Mark

Unless exempt under § 9.94(A), or reduced under § 9.94(C), 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.



Appendix C2 – Boathouse

Section 9.94(A)1 Exempt Structures

A riparian owner may construct a boathouse subject to the following restrictions:

- a. The construction or placement of boathouses below the ordinary high water mark of any navigable waters shall be prohibited.
- b. The construction of a boathouse is confined to the viewing area and shall be at least 10 feet from the side yard lot line. With the exception of 9.94(A)(1)(k) below, boathouses shall be designed and constructed solely for the storage of boats and related equipment. Patio doors, fireplaces, plumbing, living facilities and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.
- c. One boathouse is permitted on a lot as an accessory structure.
- d. Any boathouse which may be permitted within the setback area shall be of one story only. The basement definition does not apply to a boathouse and therefore constitutes a story. The sidewalls of a boathouse shall not exceed 12 feet in height and shall not be less than seven feet in height as measured from the top of wall to the floor.
- e. Boathouse construction is subject to the requirements of § 9.97.
- f. Boathouses shall be constructed in conformity with local floodplain zoning standards.
- g. The maximum width and footprint of a new boathouse parallel to the OHWM shall not exceed the following: (overhang and eaves are not included in the maximum width or footprint and shall not exceed two feet).
 - (1) For lakes less than 500 acres, rivers and streams the maximum width of a new boathouse shall not exceed 14 feet or a maximum footprint of 336 square feet.
 - (2) For lakes of 500 acres or more, flowages and chains the maximum width of a new boathouse shall not exceed 24 feet or a maximum footprint of 720 square feet. (Note: Lake size based on Land Information data.)
- h. Flat roofs that shed water away from the OHWM are permitted.
- i. The roof of a boathouse may be used as a deck provided that:
 - (1) The boathouse has a flat roof.
 - (2) The roof has no side walls or screens.
 - (3) The roof may have a railing that meets the State of Wisconsin Uniform Dwelling Code.
- j. The number of berths within a boathouse shall be subject to the provisions of § 9.98(D).
- k. The placement of decking on top of a flat roof boathouse is not permitted.
- l. Stairs placed on the exterior side of a boathouse to gain access to a flat roof are not permitted.
Concrete aprons/boat launch pads placed between the boathouse and OHWM are not permitted.
- m. Boathouse construction must comply with the provisions of § 9.97.
- n. Onsite inspections may be required prior to excavation, during construction and upon completion for the placement all boathouses.

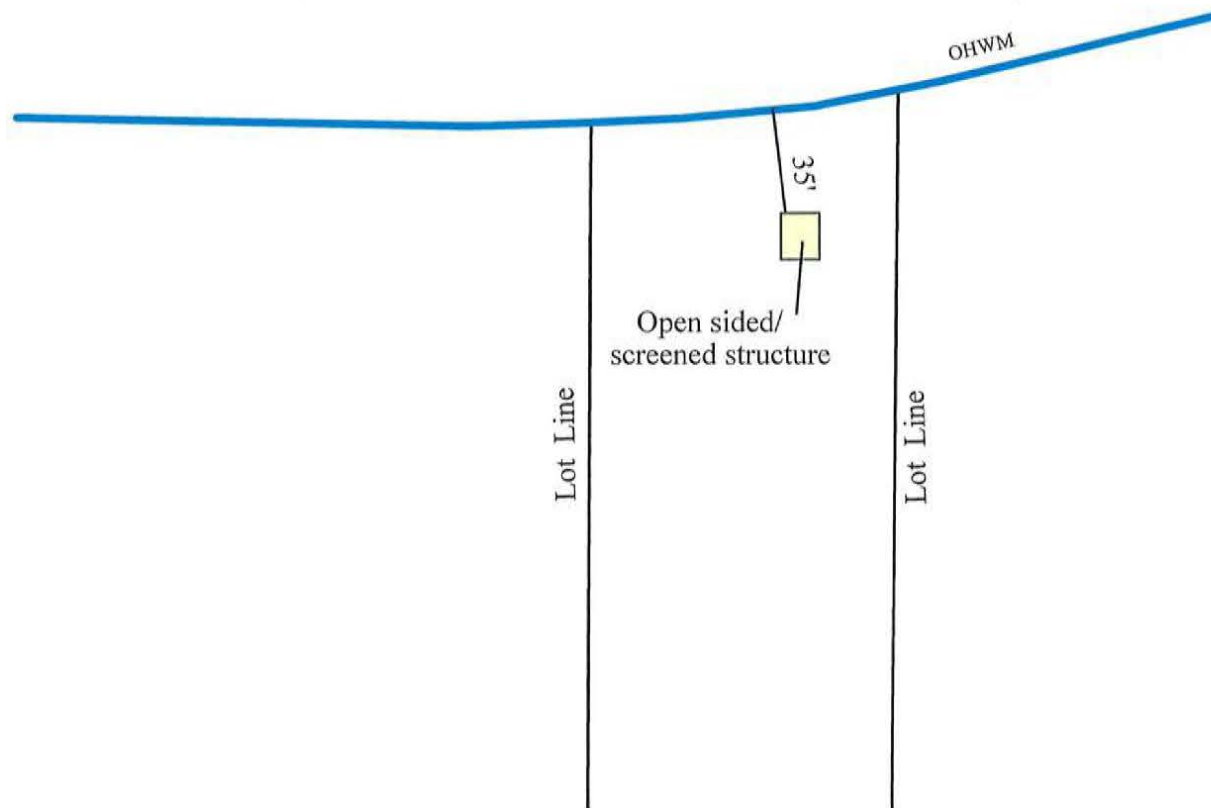


Appendix C3 – Open Sided and Screened Structures

Section 9.94(A)2 Exempt Structures

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

- a. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary high water mark.
- b. The floor area of all the structures in the shoreland setback area will not exceed 200 square feet. In calculating this square footage, boathouses shall be excluded. The square footage of stairways, walkways and lifts that are determined to be necessary by the department to provide pedestrian access to a berth structure or shoreline because of steep slopes, or rocky, wet or unstable soils, are not included in calculating the total floor area.
- c. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
- d. The county 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.
- e. An enforceable affidavit must be filed with the register of deeds prior to construction acknowledging the limitations on vegetation.



Appendix C4 – Walkways, Stairways or Rail Systems

Section 9.94(A)5 Exempt Structures

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



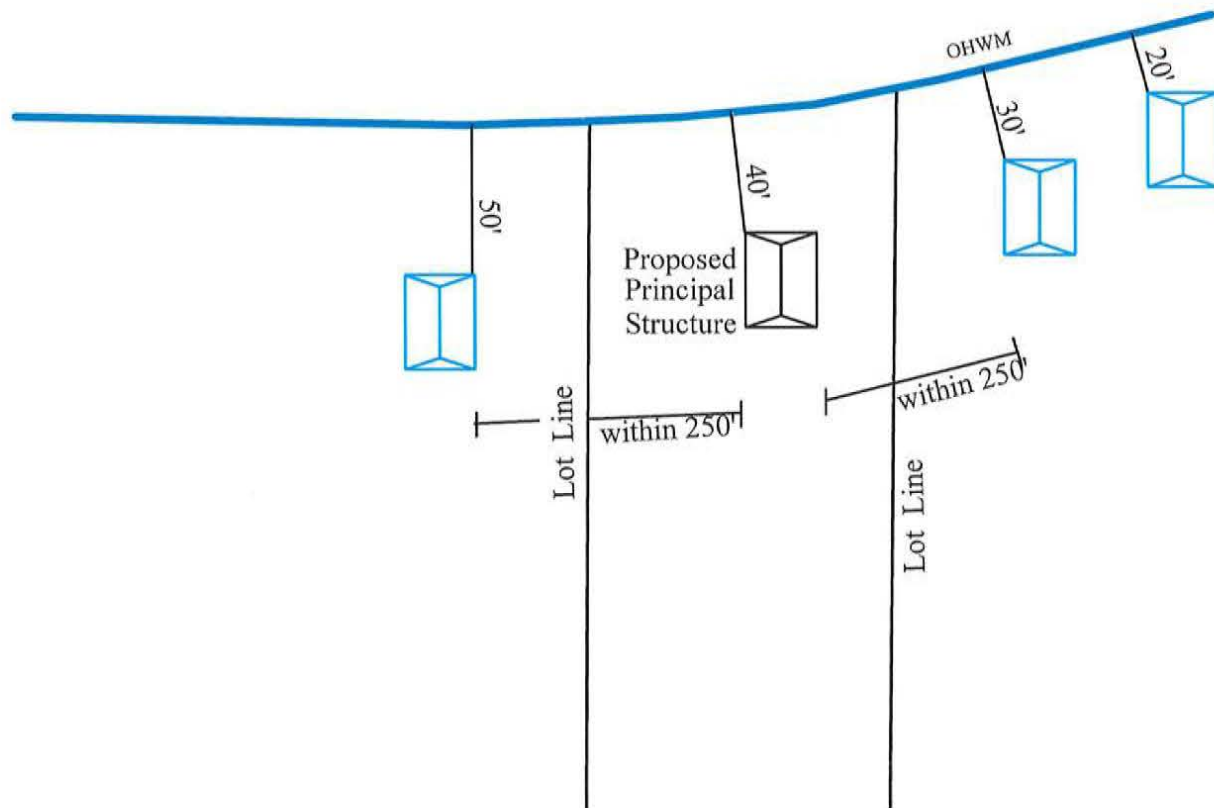
Appendix D

Section 9.94(C)(1) Reduced Principal Structure Setback

Reduced Principal Structure Setback. (§ 59.692(1n), Wis. Stats.) A setback less than the 75 foot required setback from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows:

1. Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:
 - a. Both of the existing principal structures are located on adjacent lot to the proposed principal structure.
 - b. Both of the existing principal structures are located within 250 feet of the proposed principal structure and are the closest structure.
 - c. Both of the existing principal structures are located less than 75 feet from the ordinary high water mark.
 - d. The average setback shall not be reduced to less than 35 feet from the ordinary high water mark of any navigable water.
 - e. Principal structures permitted a reduced setback are not permitted future expansion pursuant to § 9.99(C).

Note: § 59.692(1d)(a), Wis. Stats., requires counties to adopt the standards consistent with § 9.94(C)(1) for reducing the shoreland setback.

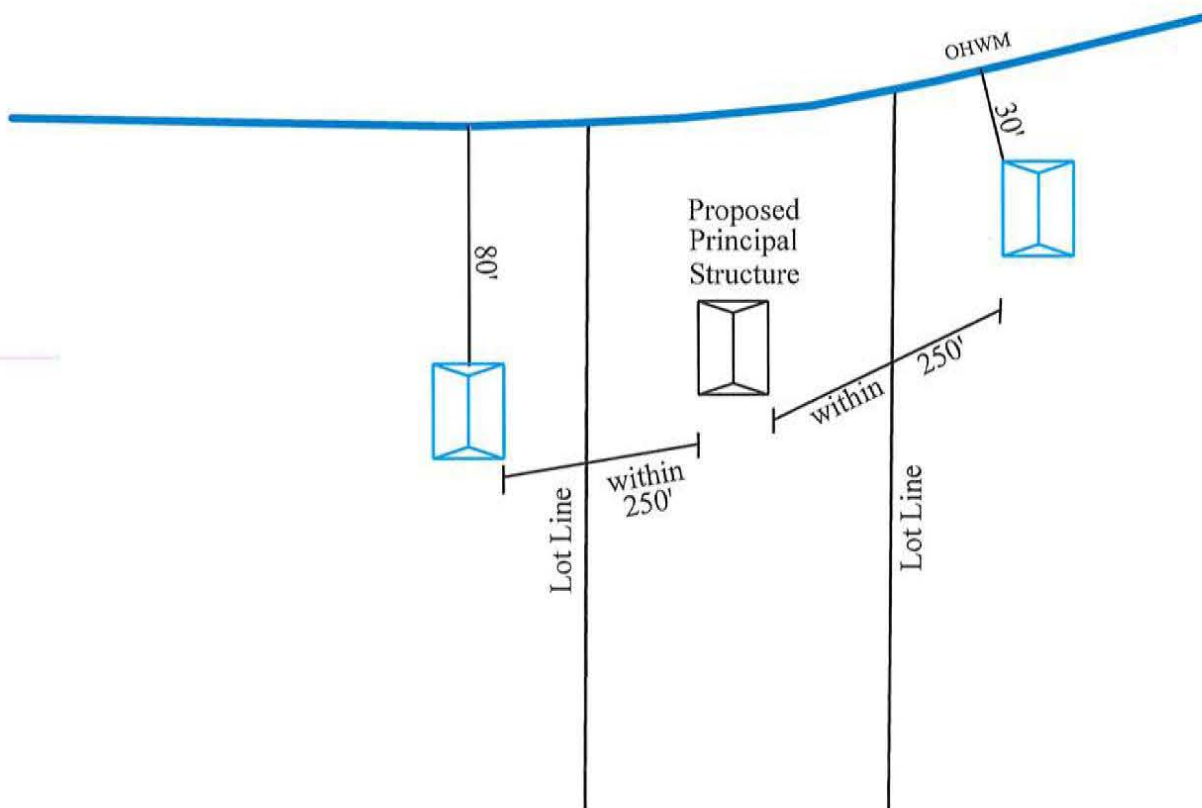


Reduced Setback = 40'
Averaging with closest
principal structure
Example: $30' + 50' / 2 = 40'$

Appendix E

Section 9.94(C)(2) Reduced Principal Structure Setback

2. 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 feet from the ordinary high water mark provided all of the following are met:
- The existing principal structure is located on adjacent lot to the proposed principal structure.
 - The existing principal structure is located within 250 feet of the proposed principal structure and is the closest structure.
 - The existing principal structure is located less than 75 feet from the ordinary high water mark.
 - The average setback shall not be reduced to less than 35 feet from the ordinary high water mark of any navigable water.
 - Principal structures permitted a reduced setback are not permitted future expansion pursuant to § 9.99(C).



Principal structure on adjacent lots > 75', a reduced setback is not allowed.

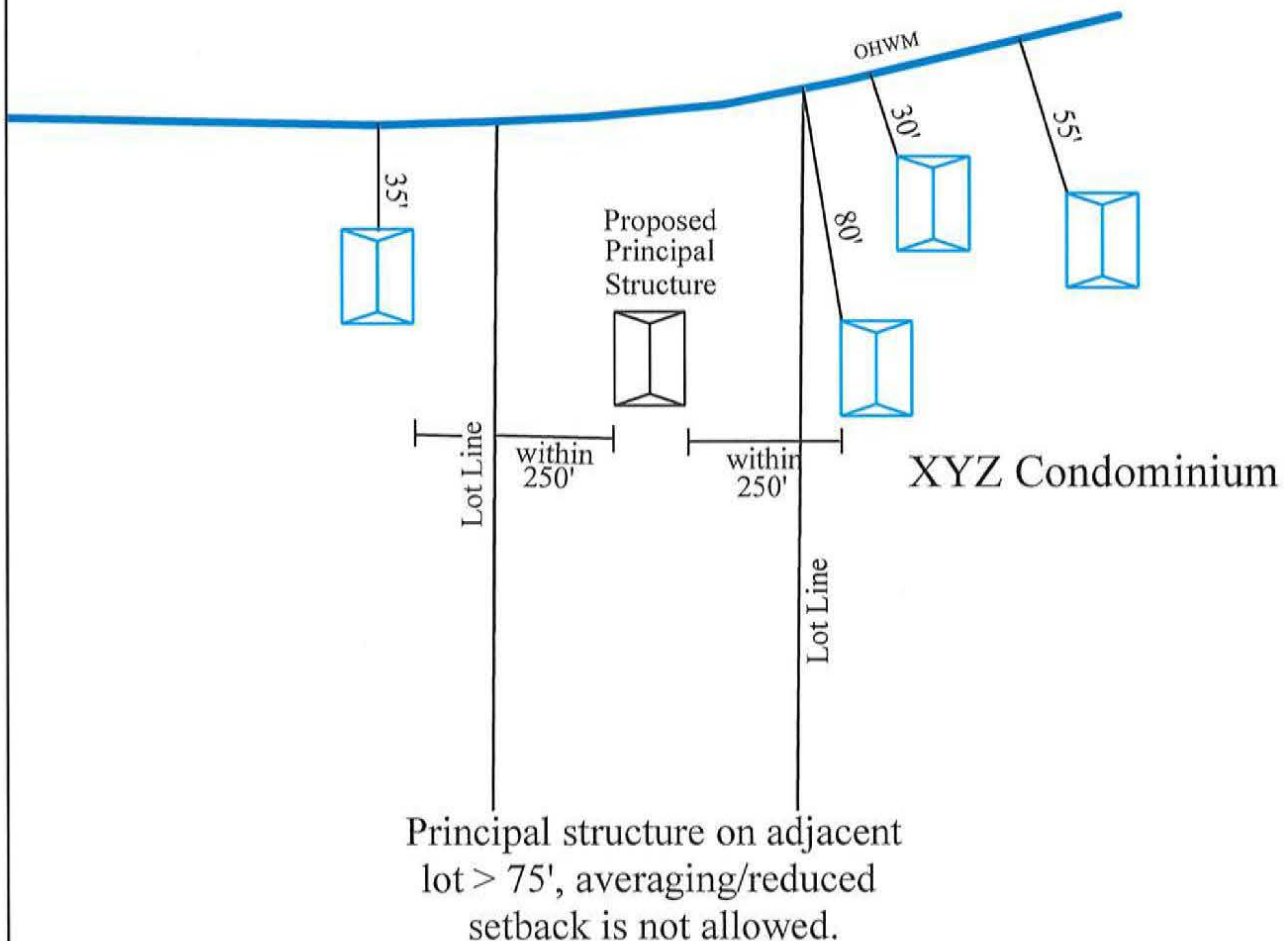
Appendix F

Section 9.94(C)(1) Reduced Principal Structure Setback

Reduced Principal Structure Setback. (§ 59.692(1n), Wis. Stats.) A setback less than the 75 foot required setback from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows:

1. Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:
 - a. Both of the existing principal structures are located on adjacent lot to the proposed principal structure.
 - b. Both of the existing principal structures are located within 250 feet of the proposed principal structure and are the closest structure.
 - c. Both of the existing principal structures are located less than 75 feet from the ordinary high water mark.
 - d. The average setback shall not be reduced to less than 35 feet from the ordinary high water mark of any navigable water.
 - e. Principal structures permitted a reduced setback are not permitted future expansion pursuant to §9.99(C).

Note: § 59.692(1d)(a), Wis. Stats., requires counties to adopt the standards consistent with § 9.94(C)(1) for reducing the shoreland setback.



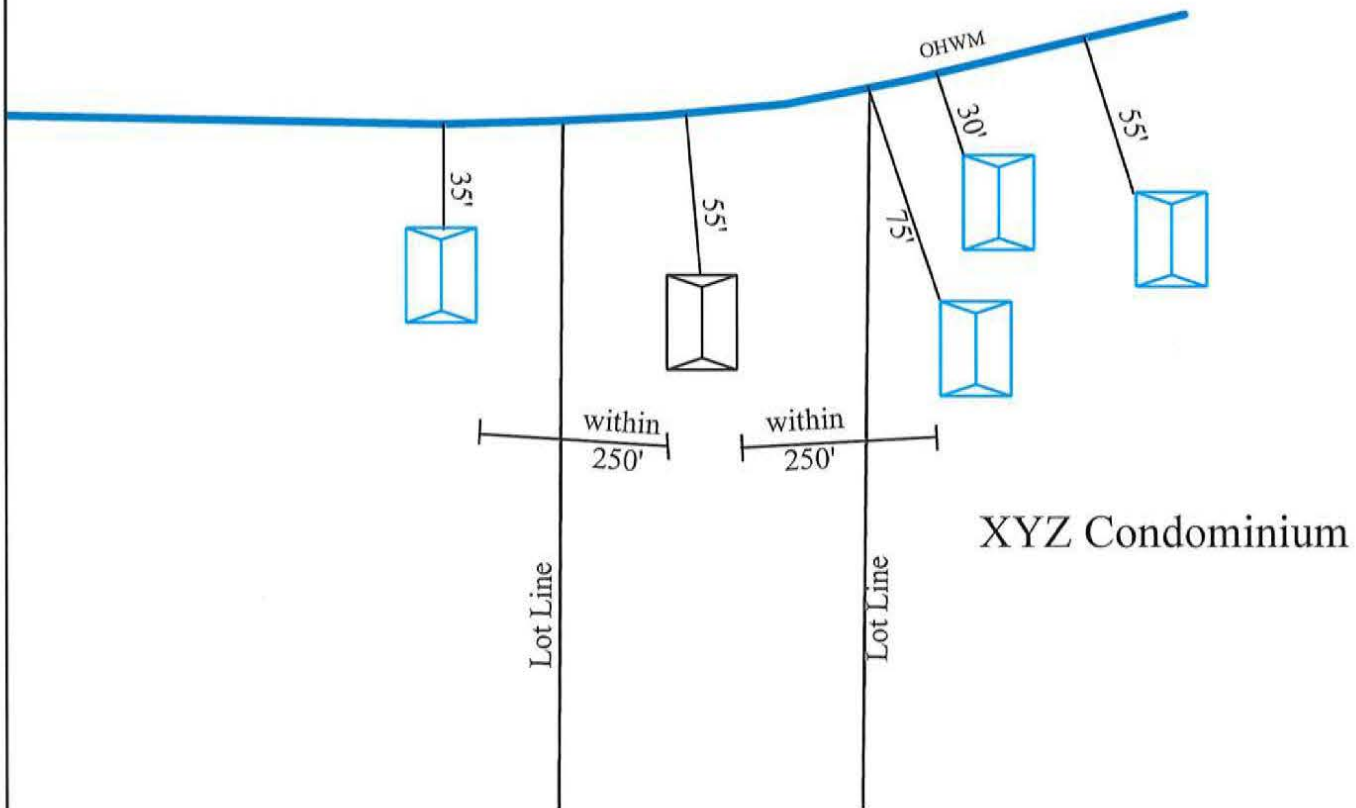
Appendix G

Section 9.94(C)(1) Reduced Principal Structure Setback

Reduced Principal Structure Setback. (§ 59.692(1n), Wis. Stats.) A setback less than the 75 foot required setback from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows:

1. Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:
 - a. Both of the existing principal structures are located on adjacent lot to the proposed principal structure.
 - b. Both of the existing principal structures are located within 250 feet of the proposed principal structure and are the closest structure.
 - c. Both of the existing principal structures are located less than 75 feet from the ordinary high water mark.
 - d. The average setback shall not be reduced to less than 35 feet from the ordinary high water mark of any navigable water.
 - e. Principal structures permitted a reduced setback are not permitted future expansion pursuant to § 9.99(C).

Note: § 59.692(1d)(a), Wis. Stats., requires counties to adopt the standards consistent with § 9.94(C)(1) for reducing the shoreland setback.



Reduced Setback = 55'
Averaging with closest
principal structure.
Example: $35' \times 75' / 2 = 55'$

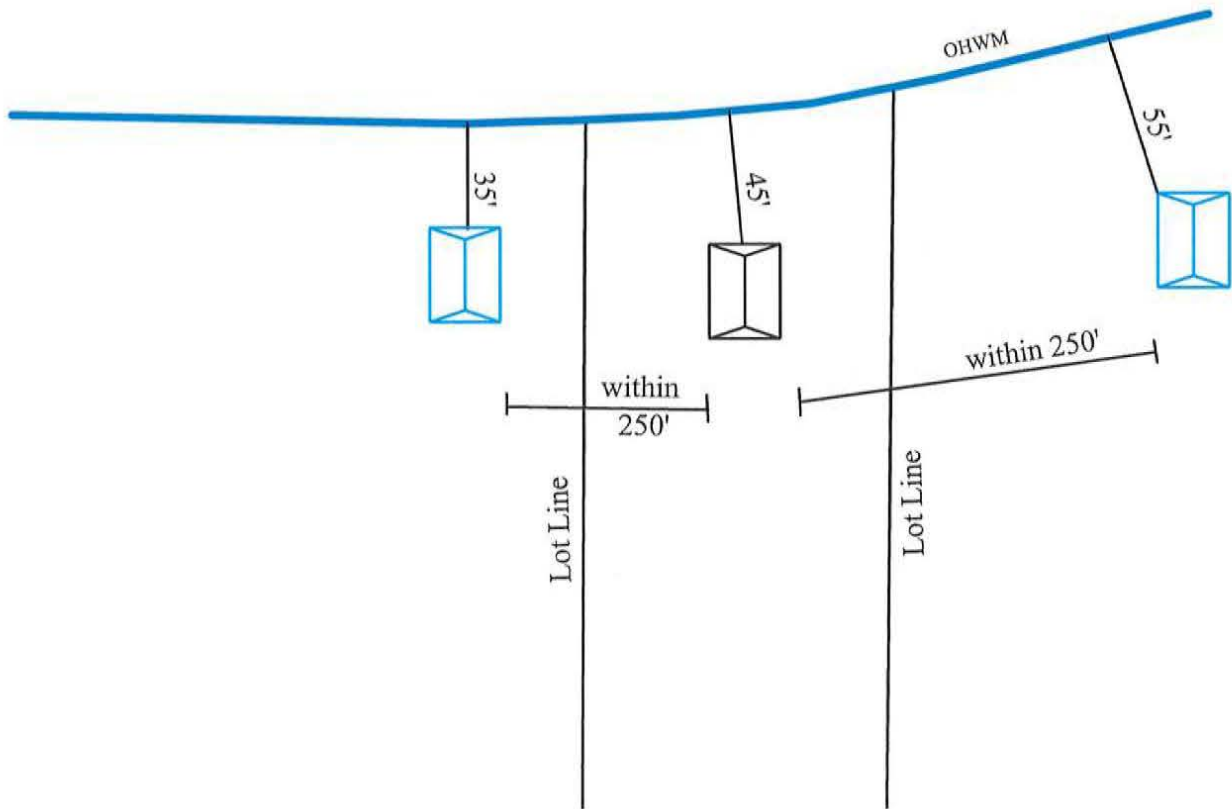
Appendix H

Section 9.94(C)(1) Reduced Principal Structure Setback

Reduced Principal Structure Setback. (§ 59.692(1n), Wis. Stats.) A setback less than the 75 foot required setback from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows:

1. Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:
 - a. Both of the existing principal structures are located on adjacent lot to the proposed principal structure.
 - b. Both of the existing principal structures are located within 250 feet of the proposed principal structure and are the closest structure.
 - c. Both of the existing principal structures are located less than 75 feet from the ordinary high water mark.
 - d. The average setback shall not be reduced to less than 35 feet from the ordinary high water mark of any navigable water.
 - e. Principal structures permitted a reduced setback are not permitted future expansion pursuant to § 9.99(C).

Note: § 59.692(1d)(a), Wis. Stats., requires counties to adopt the standards consistent with § 9.94(C)(1) for reducing the shoreland setback.

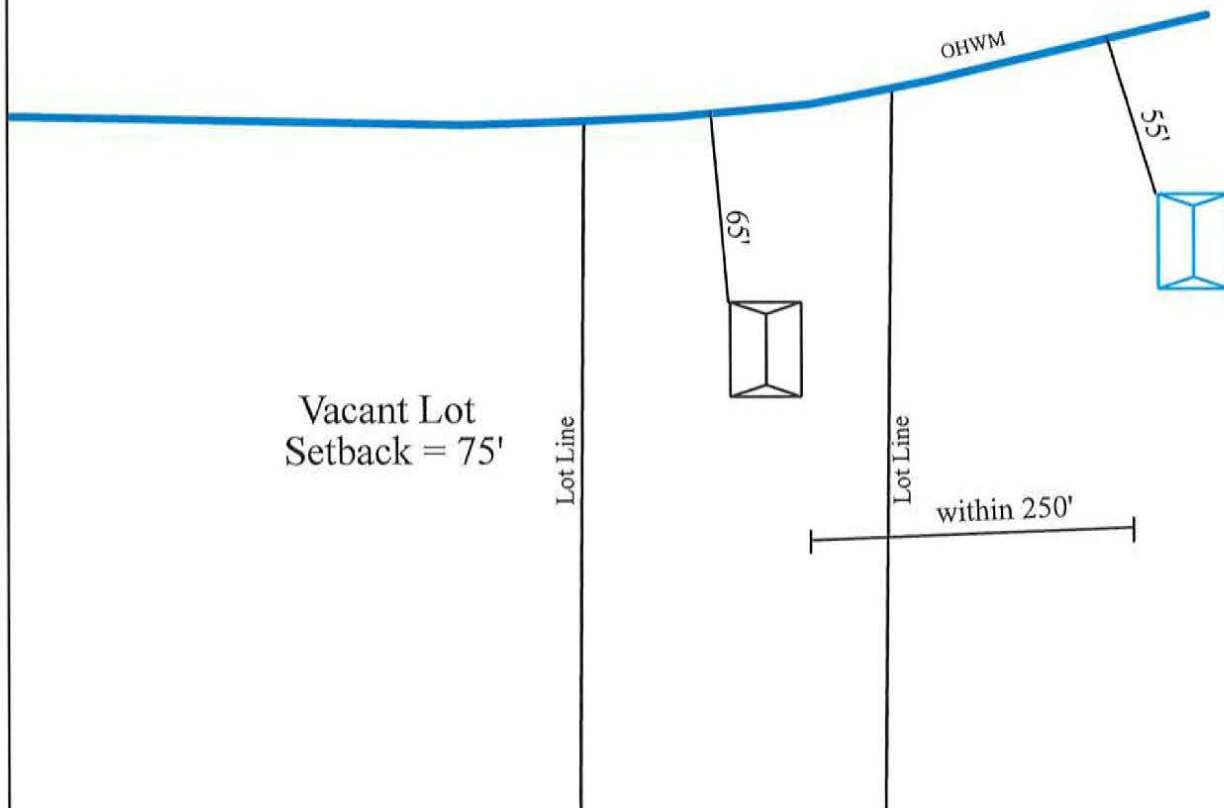


Reduced Setback = 45'
Averaging with principal
structure on adjacent lots.
Example: $35' + 55'/2 = 45'$

Appendix I

Section 9.94(C)(2) Reduced Principal Structure Setback

2. 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 feet from the ordinary high water mark provided all of the following are met:
- The existing principal structure is located on adjacent lot to the proposed principal structure.
 - The existing principal structure is located within 250 feet of the proposed principal structure and is the closest structure.
 - The existing principal structure is located less than 75 feet from the ordinary high water mark.
 - The average setback shall not be reduced to less than 35 feet from the ordinary high water mark of any navigable water.
 - Principal structures permitted a reduced setback are not permitted future expansion pursuant to § 9.99(C).

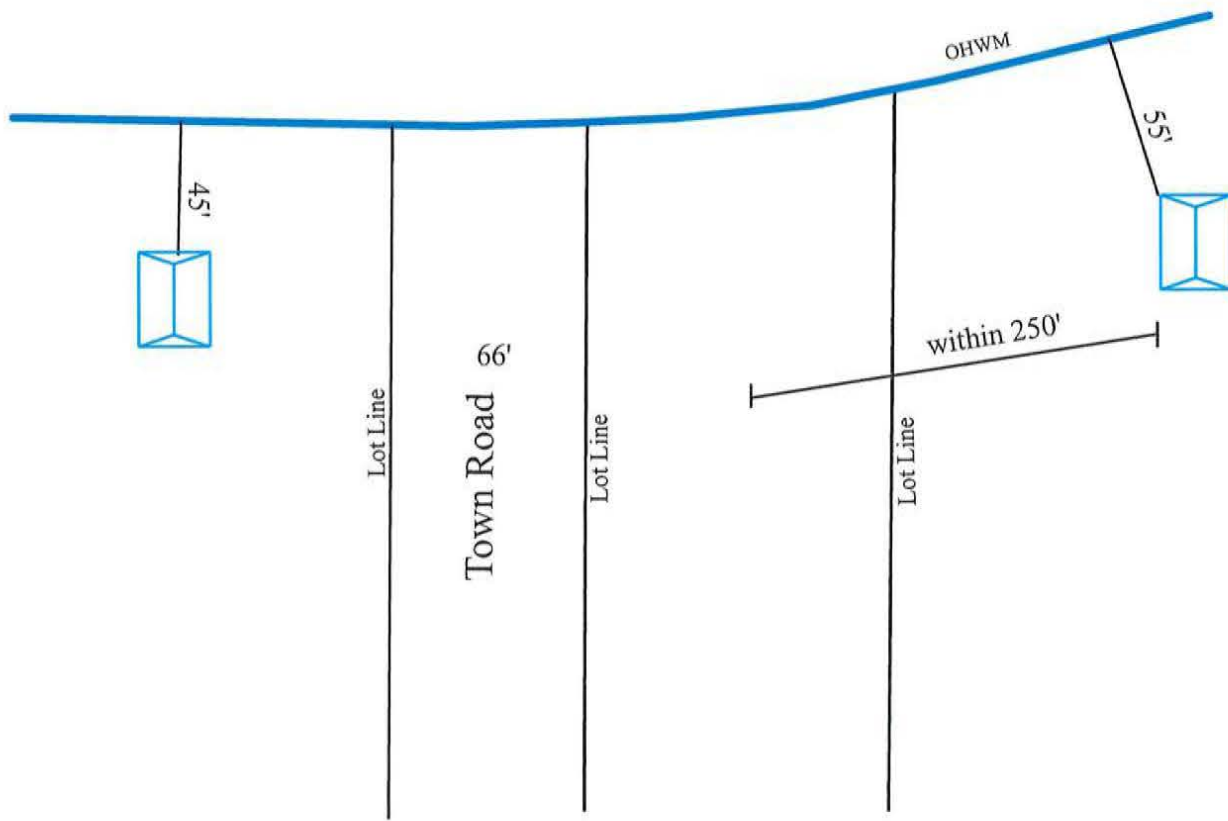


Reduced Setback = 65'
Example: $75' + 55'/2 = 65'$

Appendix J

Section 9.94(C)(2) Reduced Principal Structure Setback

2. 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 feet from the ordinary high water mark provided all of the following are met:
- The existing principal structure is located on adjacent lot to the proposed principal structure.
 - The existing principal structure is located within 250 feet of the proposed principal structure and is the closest structure.
 - The existing principal structure is located less than 75 feet from the ordinary high water mark.
 - The average setback shall not be reduced to less than 35 feet from the ordinary high water mark of any navigable water.
 - Principal structures permitted a reduced setback are not permitted future expansion pursuant to § 9.99(C).



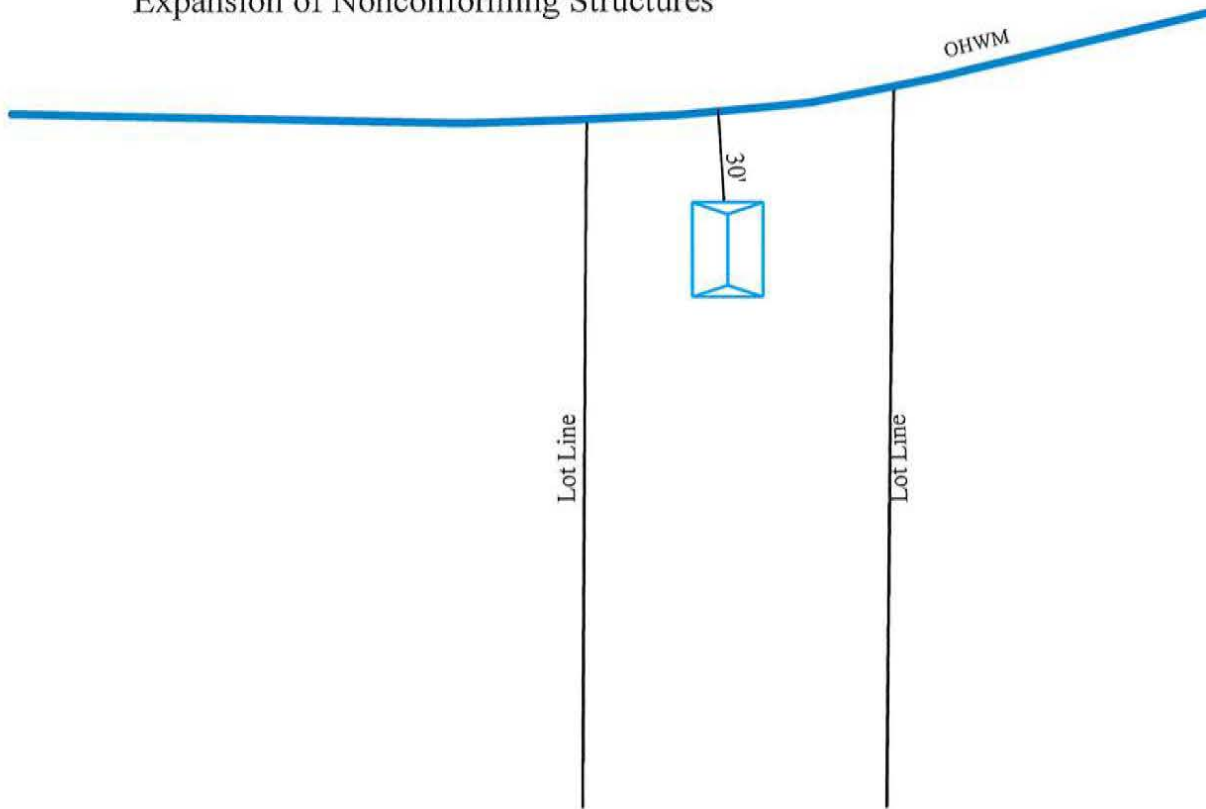
Reduced setback is not allowed

Adjoins a town road, not a vacant lot

Appendix K

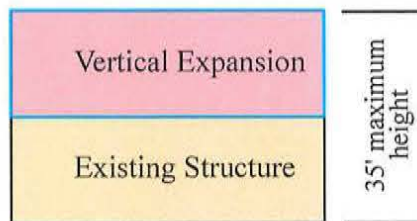
Section 9.99(B) Nonconforming Structures (Principal & Accessory)

Section 9.99(B) Maintenance, Repair, Replacement or Vertical Expansion of Nonconforming Structures



Permitted repair, replacement or vertical expansion
No mitigation required.

Side view of vertical expansion within existing footprint, not to exceed 35' in height.



Appendix L

Section 9.99(C) Nonconforming Structures (Principal)

Section 9.99(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 § 9.94 may be expanded laterally, provided that all of the following requirements are met:

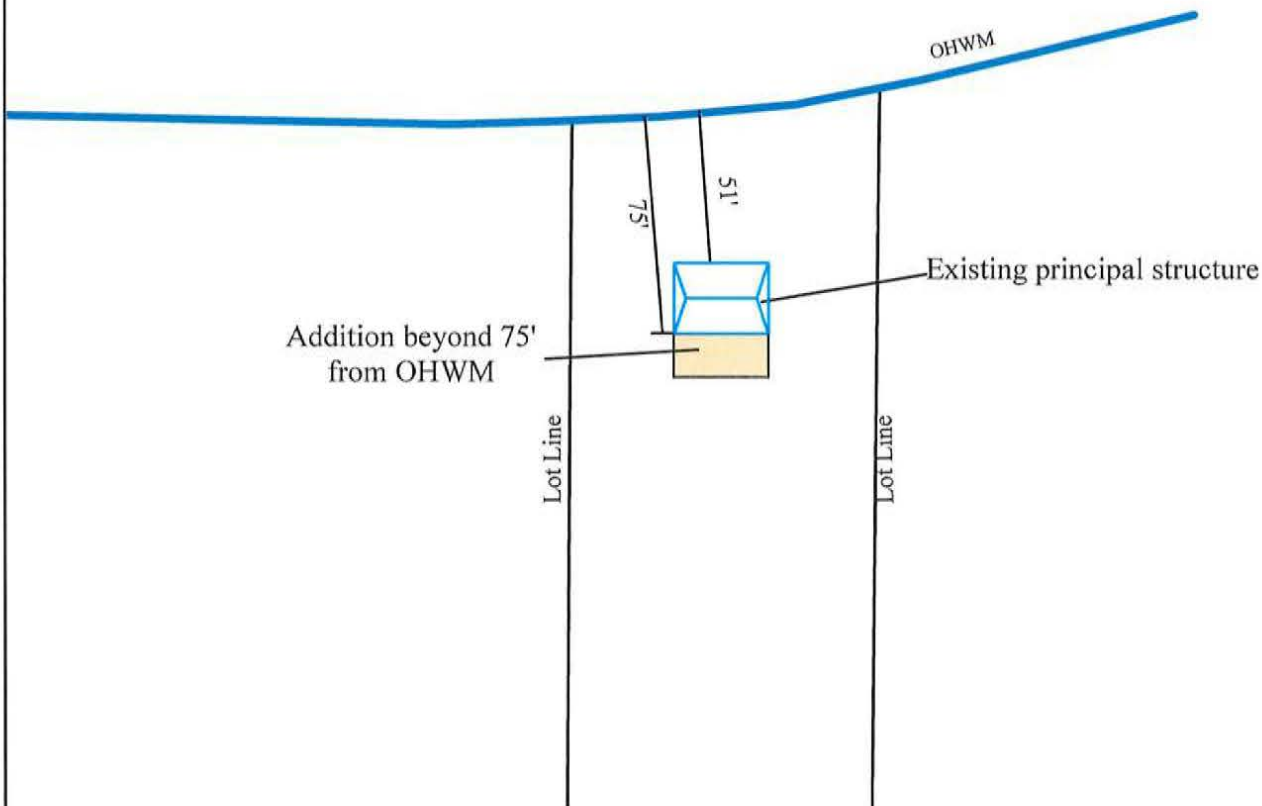
1. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
2. The existing principal structure is at least 35 feet from the ordinary high water mark.
3. Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. 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 § 9.96.
5. Conforming principal structures permitted a reduced setback per § 9.94 are not permitted expansion under this section.
6. All other provisions of the shoreland ordinance shall be met.



Appendix M

Section 9.99(D) Nonconforming Structures (Principal)

9.99(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 § 9.94, may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per § 9.94 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 § 9.94(F).



No mitigation required, vertical expansion permitted within building footprint, not to exceed 35' in height.

Appendix N

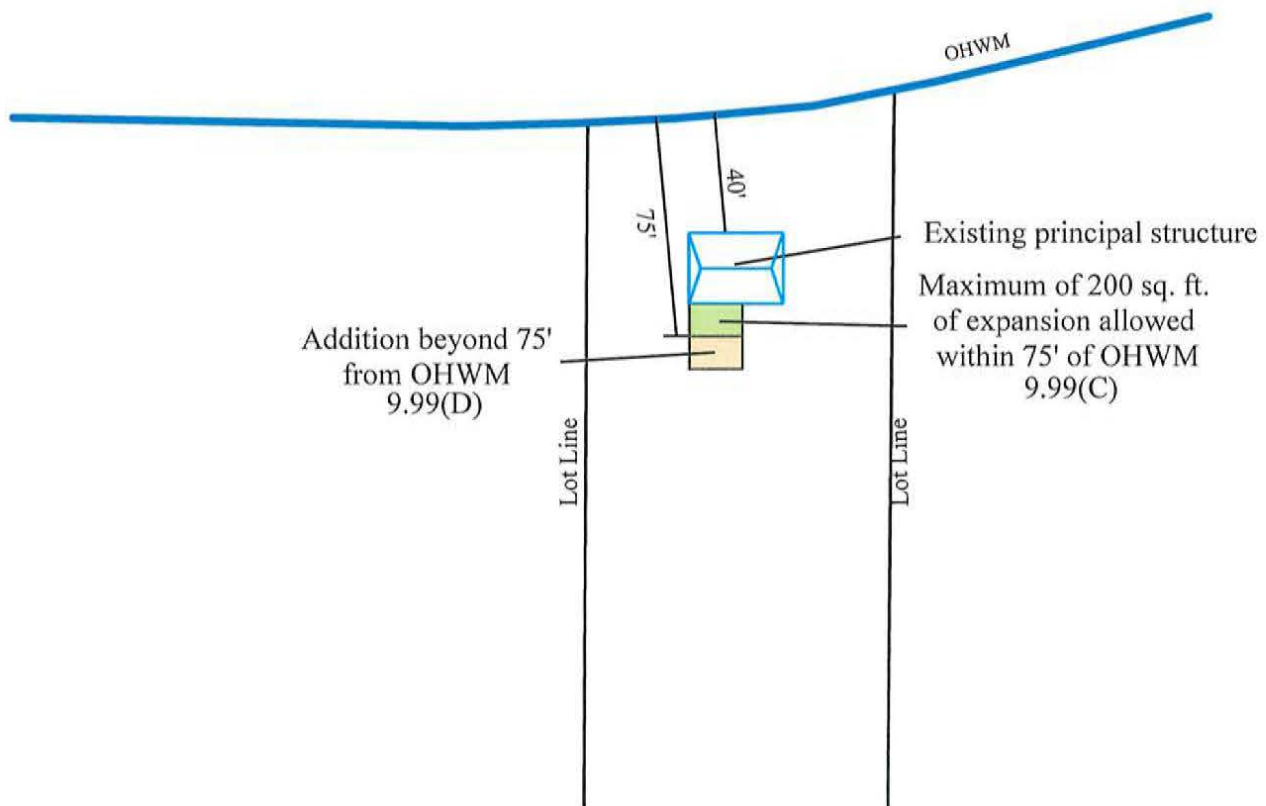
Section 9.99 (C & D), Nonconforming Structures (Principal)

9.99(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 § 9.94 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 § 9.96.
5. Conforming principal structures permitted a reduced setback per § 9.94 are not permitted expansion under this section.
6. 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 § 9.94, may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per § 9.94 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 § 9.94(F).



Appendix O

Section 9.99(G) Nonconforming Structures (Principal)

Section 9.99(G)(2) Principal structures that do not meet setbacks to the lot line or right-of-way line.

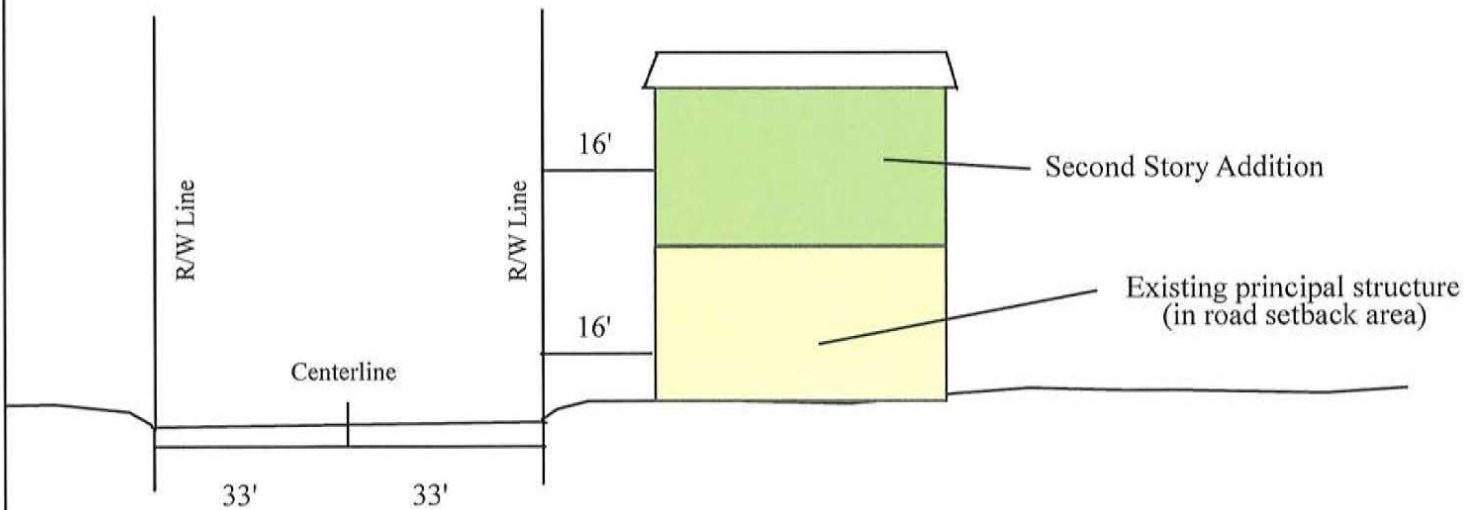


Appendix P

Section 9.99 (G) Nonconforming Structures (Principal)

Section 9.99(G)(2) Principal structures that do not meet setbacks to the lot line or right-of-way line.

Sideview



Appendix Q

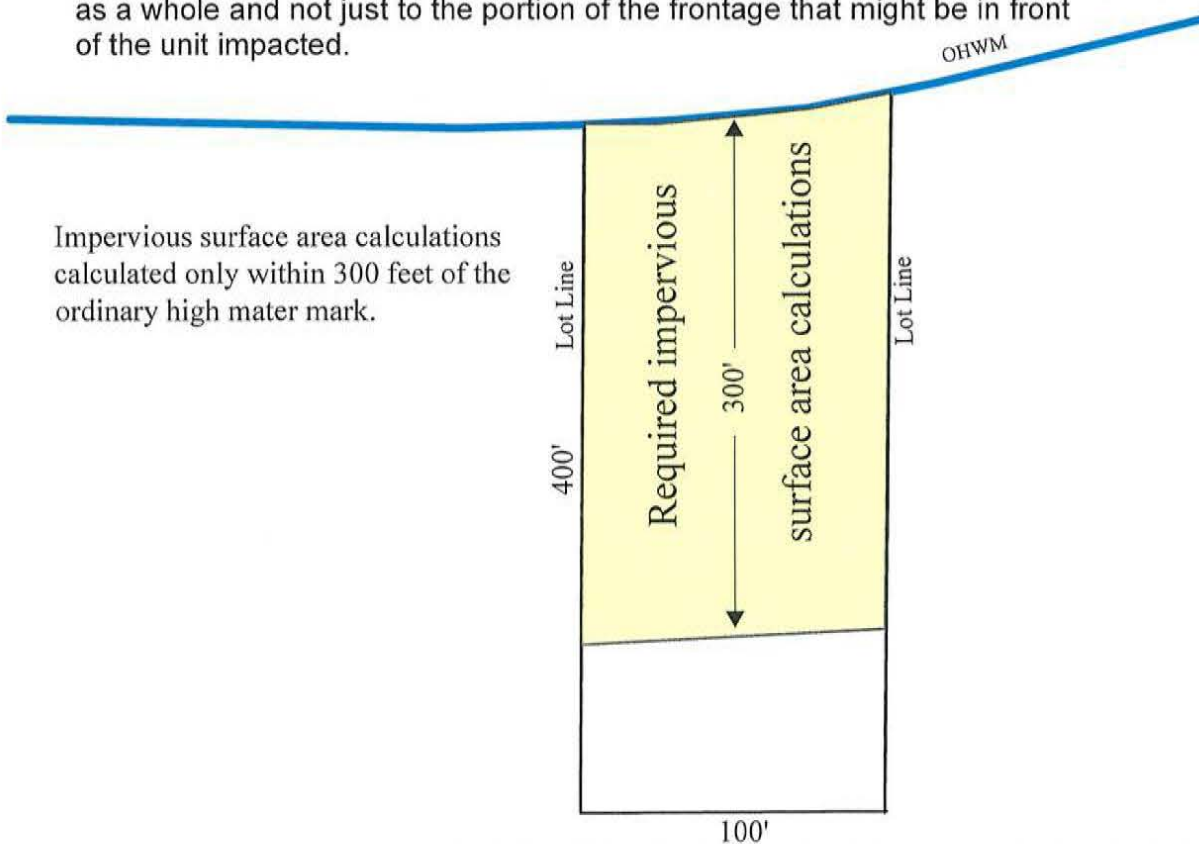
Section 9.94(F)(2) Impervious Surface Standards

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 § 9.94(F)(5) 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.

Note: NR 115.05(1)(e)1m Clarifies that if an outlot lies between the OHWM and the developed lot or parcel and both are in common ownership, then the lot or parcel should be considered one property for the purposes of calculating the percentage of impervious surfaces. If there is an outlot, parcel or road that is owned by some other entity, for example a hydroelectric facility or a town or county, then the county should determine what level of control the property owner has over that portion of the lot. Can the property owner place structures, such as shoreline protection, piers, stairs, boathouses etc. . . on that portion of the lot or does some other entity have control over development? If a property owner has no or little say over construction on that portion of the lot then impervious surfaces on that portion of the lot should be calculated separately.

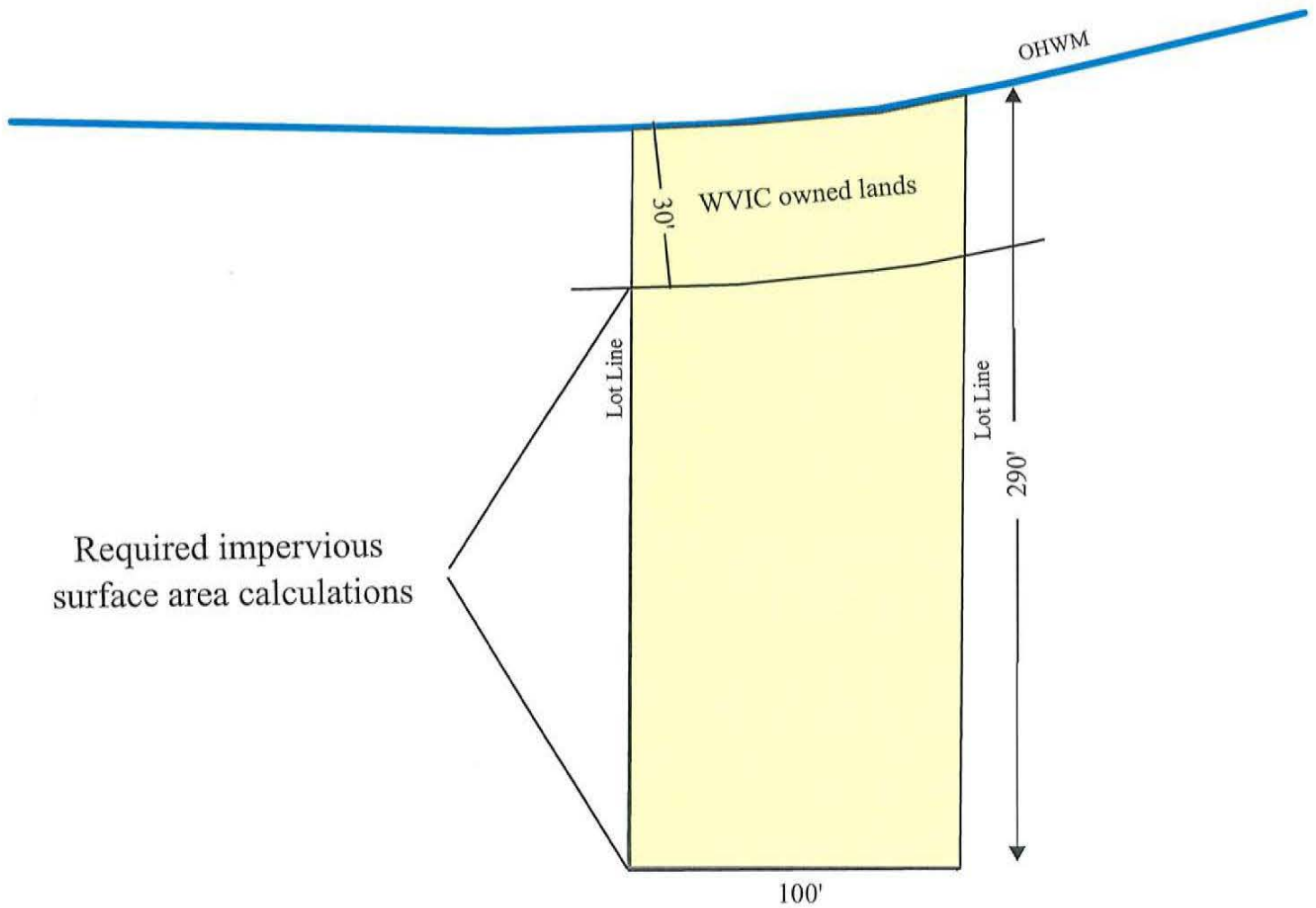
For properties subject to the condominium form of ownership, the impervious surface calculations apply to the entire property. The property is still under one legal description and the proposed expansion to a unit is not the only impervious surface calculated since the regulation states lot or parcel 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.



Appendix R

Impervious surface measurements WVIC owned lands or lands owned by others.

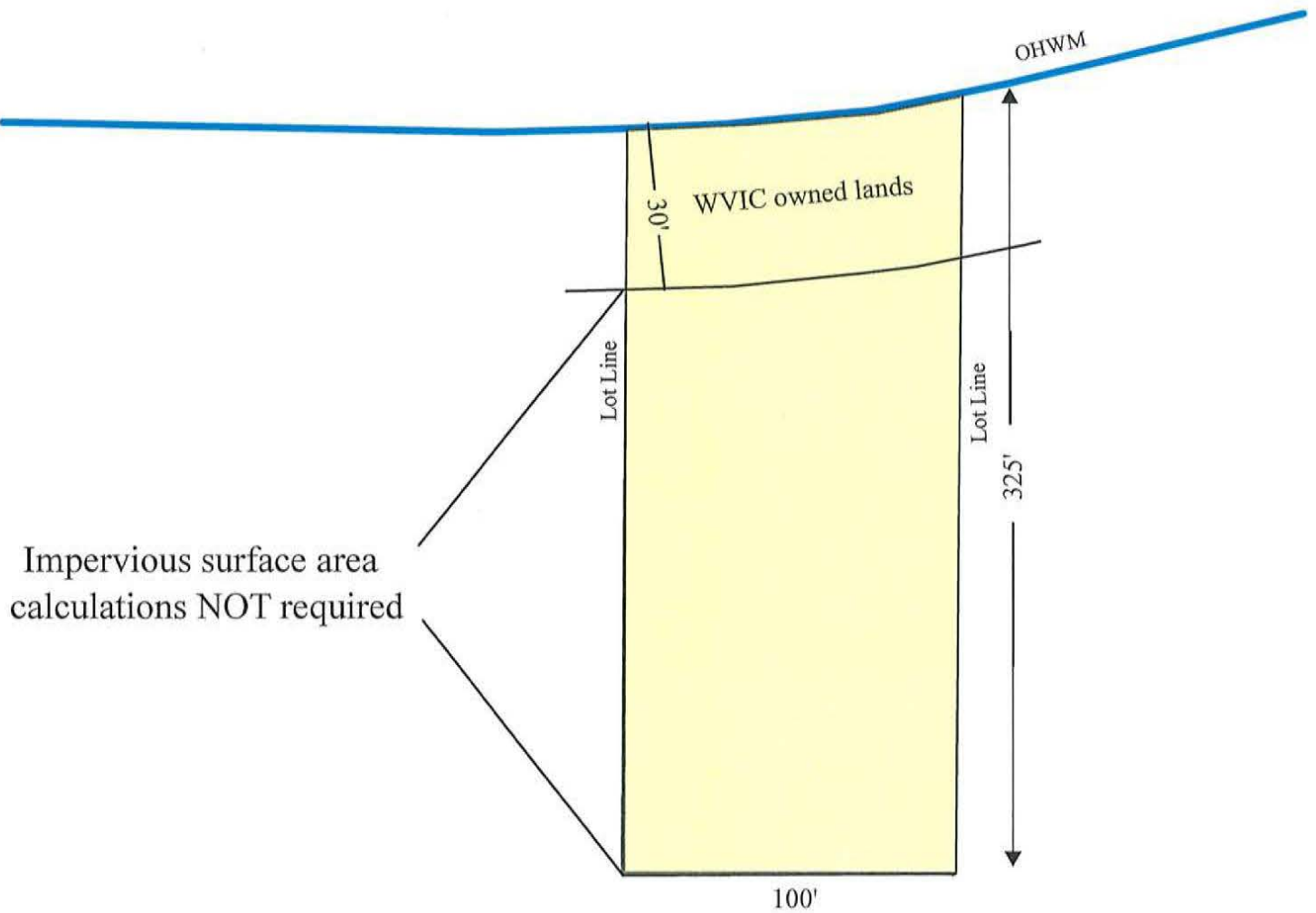
Non-riparian parcel located entirely within 300 feet of the ordinary high water mark.



Appendix S

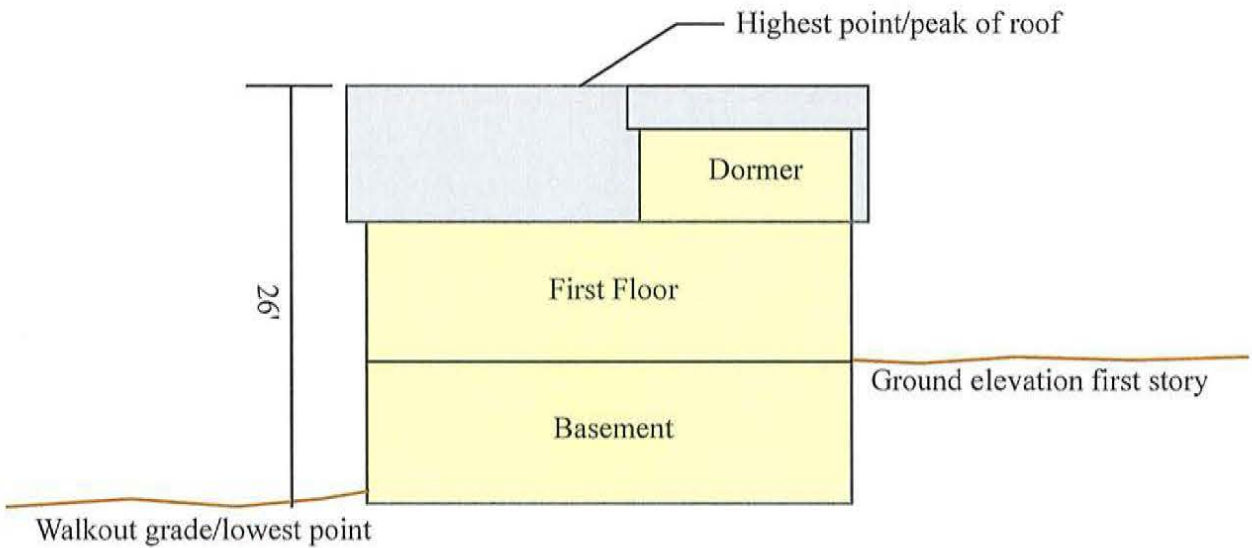
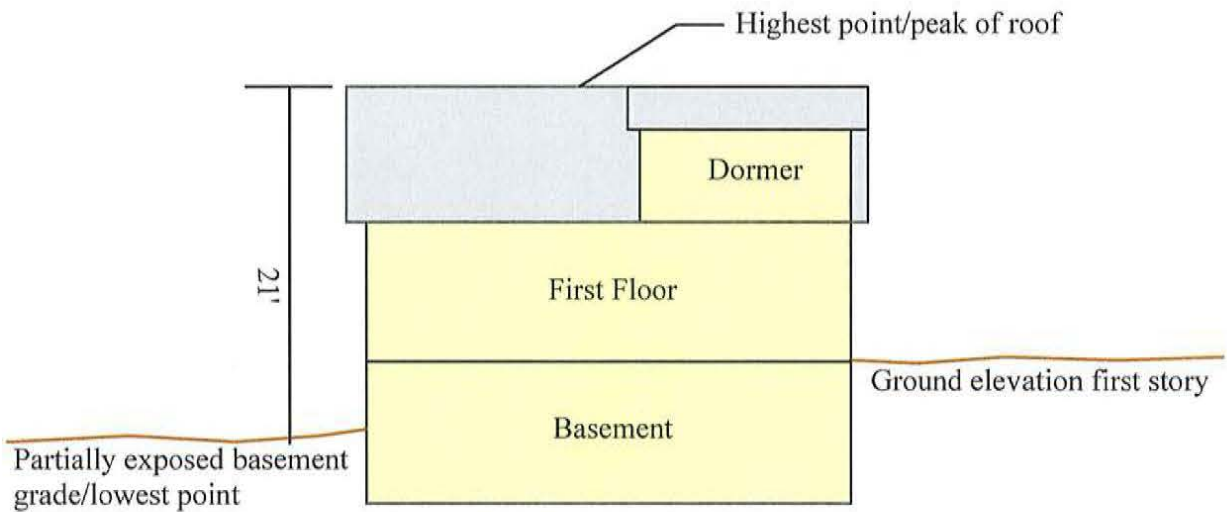
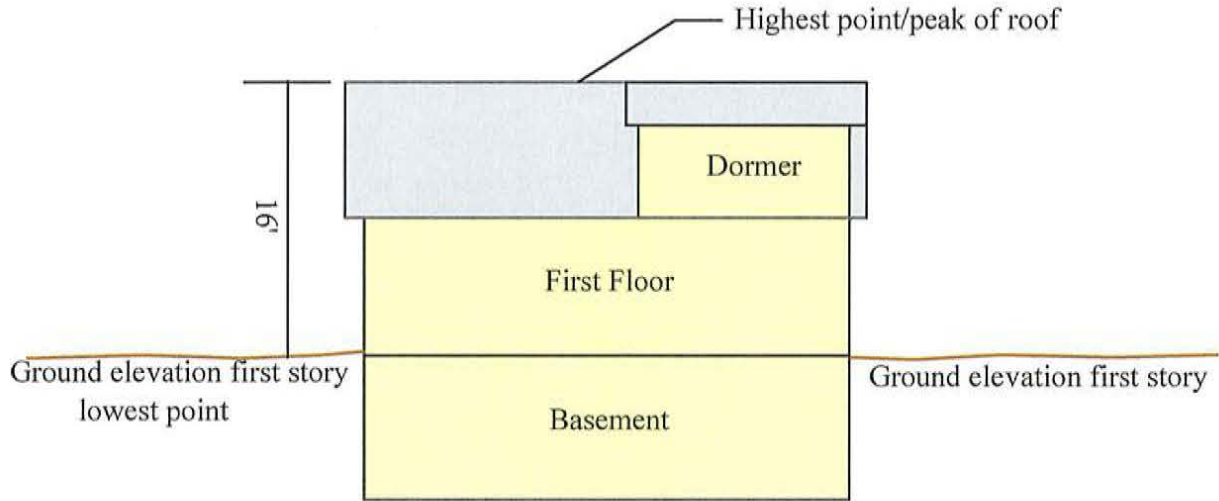
Impervious surface measurements WVIC owned lands
or lands owned by others.

Non-riparian parcel NOT located entirely within 300
feet of the ordinary high water mark.



Appendix T

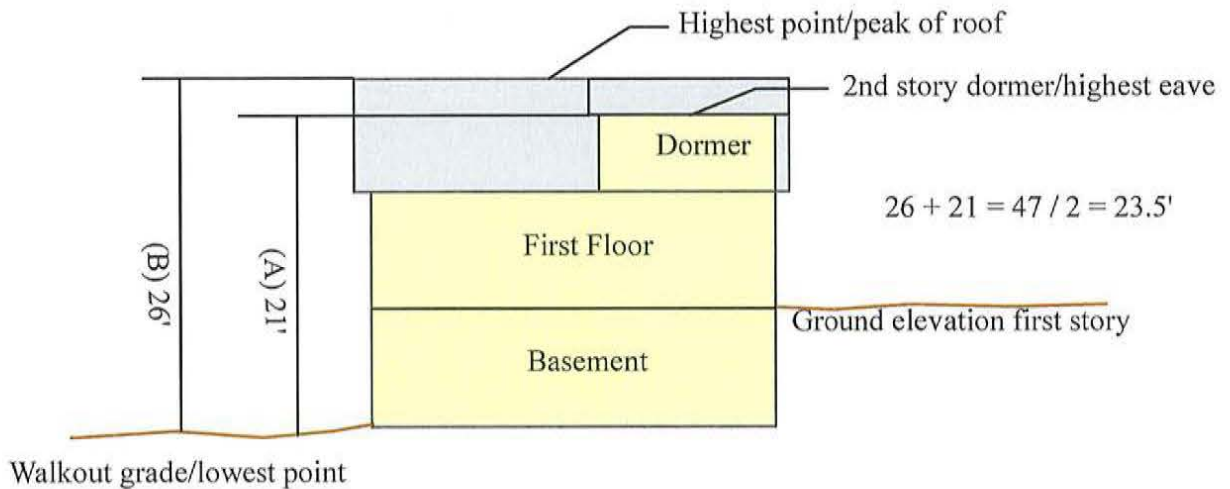
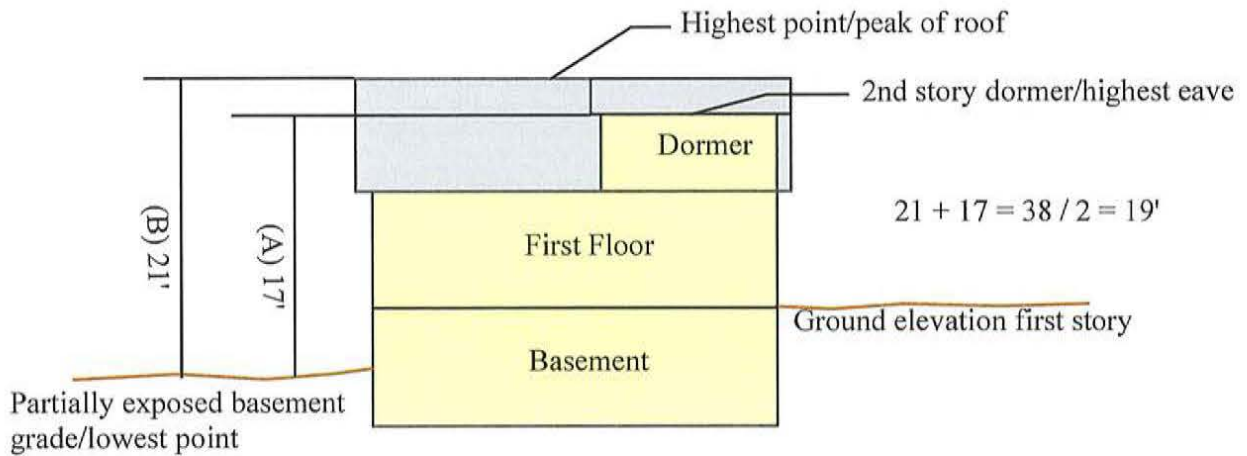
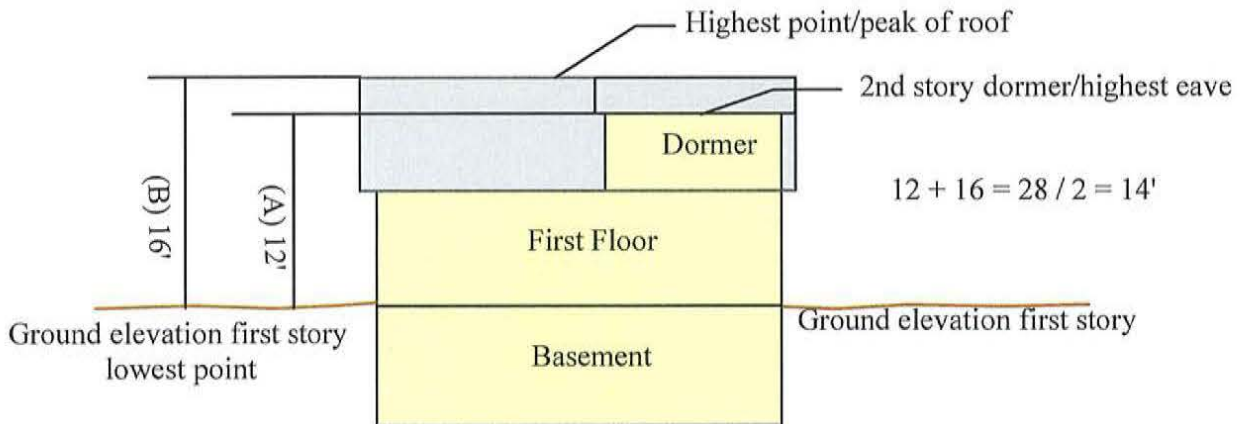
Building height measurement structures located less than 75 feet to ordinary high water mark.



Appendix U

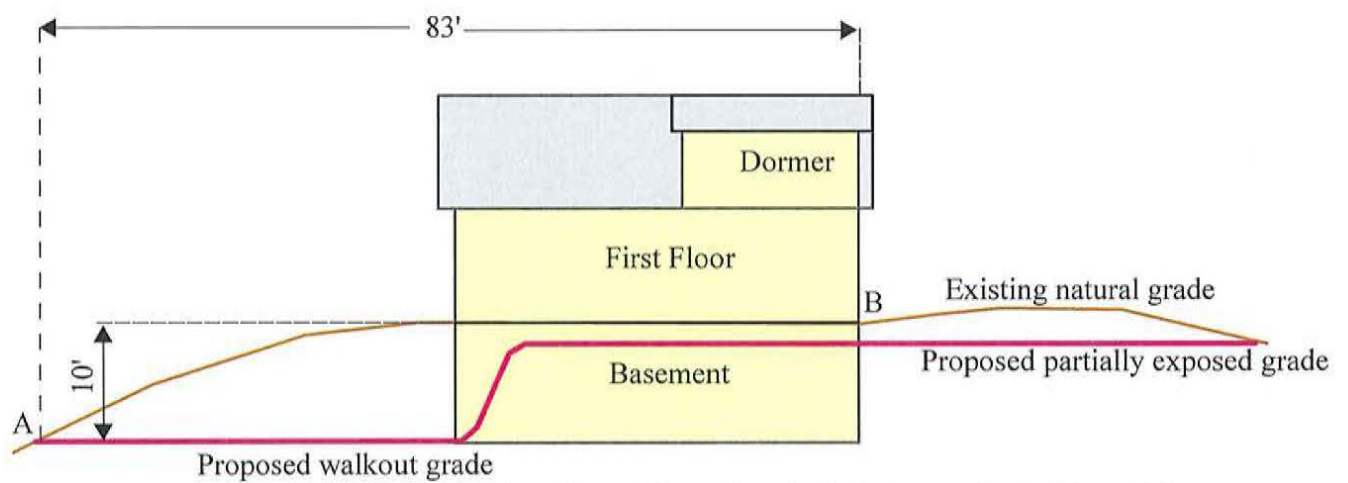
Building height measurement structures located greater than 75 feet to ordinary high water mark.

Height Diagrams
(A) + (B) / 2 = Height



Appendix V

Percent Slope Example: structure



Difference in elevation (point A to point B) = 10'

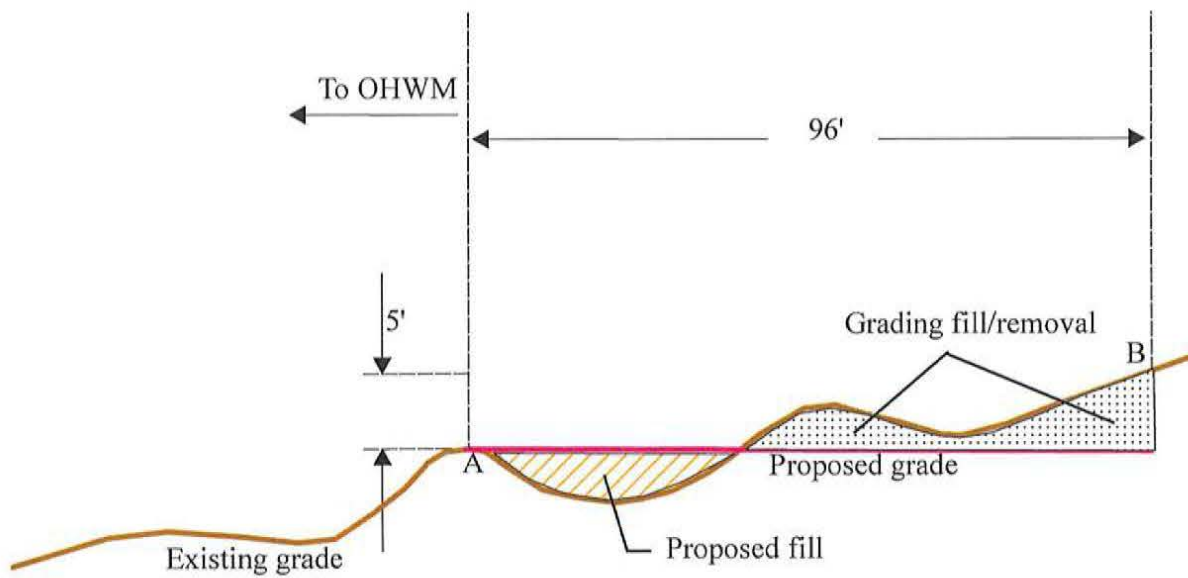
Rise = 10'

Run = 83'

Percent slope = $(10/83 = 0.12) \times 100 = 12\%$

Appendix W

Percent Slope Example: No structure



Difference in elevation (point A to point B) = 5'

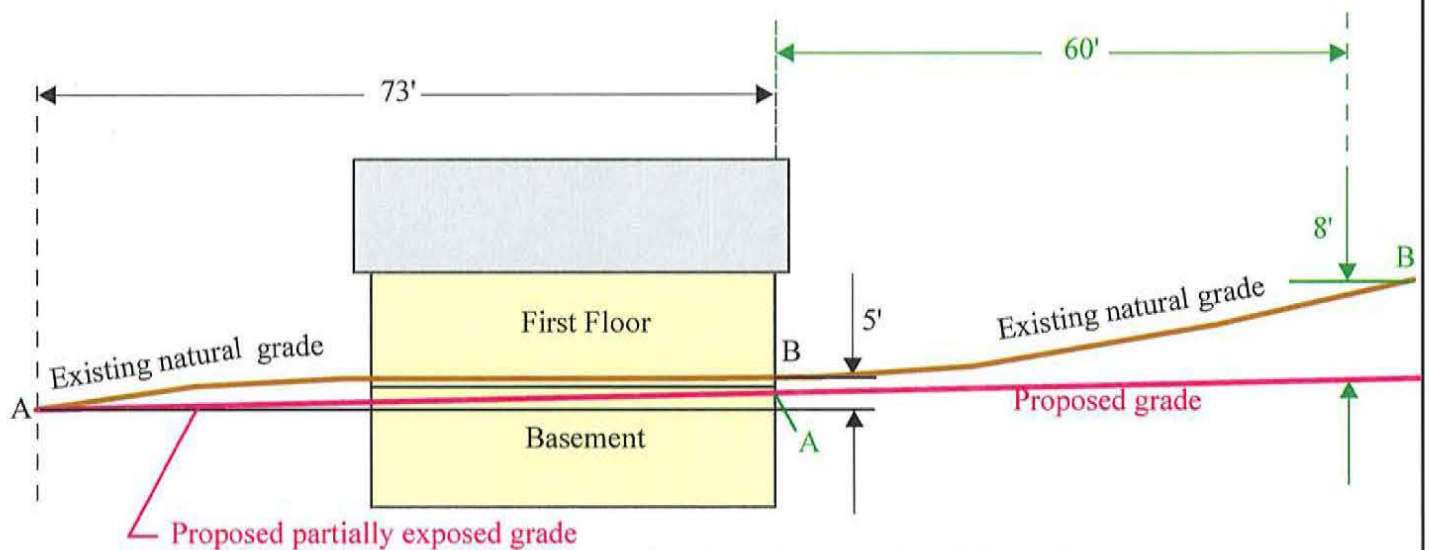
Rise = 5'

Run = 96'

Percent slope = $(5/96 = 0.052) \times 100 = 5.2\%$

Appendix X

Percent Slope Example: structure & no structure



Proposed partially exposed grade

Difference in elevation (point A to point B) = 5'

Rise = 5'

Run = 73'

Percent slope = $(5/73 = 0.068) \times 100 = 6.8\%$

Difference in elevation (point A to point B) = 8'

Rise = 8'

Run = 60'

Percent slope = $(8/60 = 0.133) \times 100 = 13.3\%$

Appendix Y

Section 9.77(A)(1) and (D)
Off-Street Parking and Loading Space

Diagram 1

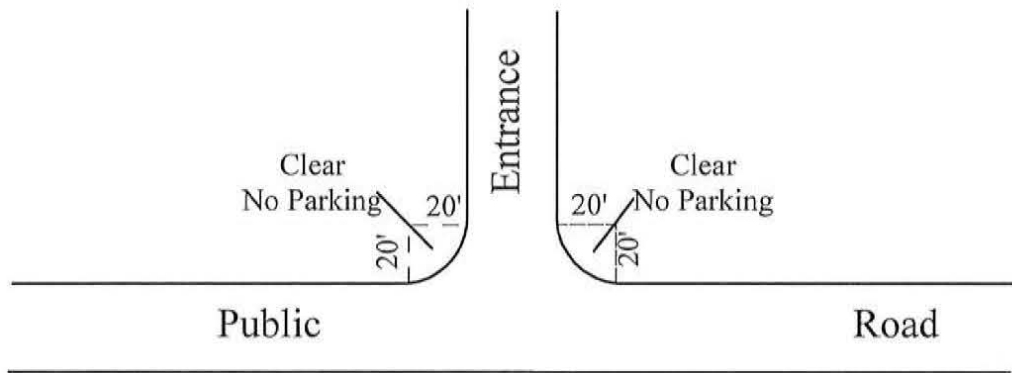
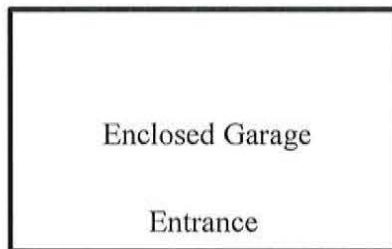


Diagram 2



No Parking Allowed