

ADAMS COUNTY SHORELAND, WETLAND AND HABITAT PROTECTION ORDINANCE



REVISED AUGUST 2011

SHORELAND, WETLAND AND HABITAT PROTECTION ZONING ORDINANCE, Adams County, Wisconsin
www.co.adams.wi.gov

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County Clerk -

Cindy Phillippi

EFFECTIVE DATE:

This Ordinance shall take effect after a Public Hearing, adoption by the County Board of Supervisors and transmittal to each Town Clerk.

ADOPTED THIS 14th DAY OF December, 1970
Effective Date: 01-01-71

REVISED THIS 21st DAY OF June, 2011
Public Hearing: 06-15-11
Board Adoption: 06-21-11: Ord.: 10-2011

REVISED THIS 27th DAY OF June, 1990
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REVISED THIS 16th DAY OF August, 2011
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REVISED THIS 15th DAY OF April, 2008
Public Hearing: 09-05-07 & 03-05-08
Board Adoption: 04-15-08: Ord.: 11-2008

REVISED THIS 17th DAY OF February, 2009
Public Hearing: 02-04-09
Board Adoption: 02-17-09: Ord.: 05-2009

ATTESTED:

Al Sebastiani
CHAIRPERSON OF COUNTY BOARD

Cindy Phillippi
COUNTY CLERK

ADAMS COUNTY

SHORELAND, WETLAND AND HABITAT PROTECTION ORDINANCE

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ADAMS COUNTY
SHORELAND, WETLAND AND HABITAT PROTECTION ORDINANCE

SECTION 1 - STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE AND TITLE

1-1.00 STATUTORY AUTHORIZATION

This Shoreland, Wetland and Habitat Protection Ordinance is adopted under the authority of s. 59.692, Wis. Stats., in order to satisfy the requirements of s. 59.692 and s. 87.30, Wis. Stats., and to implement ss. 59.69, 59.694, 281.31 and 236.45, Wis. Stats.

1-2.00 FINDING OF FACT

Uncontrolled use of the Shorelands and wetlands and pollution of the navigable waters of Adams County, Wisconsin, adversely affects the public health, safety, convenience and general welfare, and impairs the tax base. The legislature of Wisconsin has delegated responsibilities to the counties to further the maintenance of safe and healthful conditions, prevent and control water pollution, protection of fish spawning grounds, fish and aquatic life, control building sites, placement of structures and land uses, preserving shore cover natural beauty and habitat; this is the responsibility recognized by Adams County, Wisconsin.

1-3.00 STATEMENT OF PURPOSE

For the purpose of promoting and protecting the public health, safety, convenience and general welfare, and further the maintenance of safe and healthful conditions and control water pollution through:

1-3.01 Protect spawning grounds, fish and aquatic life through:

- (A) Preserving wetlands and other fish and aquatic habitat.
- (B) Controlling shoreline alterations, dredging and lagooning.
- (C) Regulating pollution sources.
- (D) Protection of water quality.
- (E) Protection of critical habitat.

1-3.02 Control building sites, placement of structures and land uses through:

- (A) Separating conflicting land uses.
- (B) Prohibiting certain uses detrimental to shoreland and wetland areas.
- (C) Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
- (D) Regulating side-yards, and building setbacks from roadways and waterways.

(E) Controlling filling and grading to prevent serious erosion.

(F) Controlling storm-water runoff.

1-3.03 Preserving shore cover and natural beauty through:

(A) Restricting the removal of natural shoreland cover.

(B) Preventing shoreline encroachment by structures.

(C) Controlling shoreline excavation and other earth moving activities.

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

(E) Controlling the use and placement of signs.

(F) Limiting impervious surfaces to control runoff which carries pollutants.

SECTION 2 - GENERAL PROVISIONS

2-1.00 AREAS TO BE REGULATED

Areas regulated by this Ordinance shall include all the lands (referred to herein as “shorelands”, “wetlands”, “conservancy”, “recreational-residential” and “general purpose”) in the unincorporated areas of Adams County that are:

2-1.01 Within one thousand (1,000) feet of the ordinary high water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in Adams County shall be presumed to be navigable as defined by this Ordinance or are shown on USGS maps, or are listed in the Wisconsin Department of Natural Resources publication FH-800 2009 “Wisconsin Lakes” book or other zoning base maps which have been incorporated by reference and made a part of this Ordinance in Section 7 of this Ordinance. If evidence to the contrary is presented, the County Zoning Administrator shall make the initial determination whether or not the lake, pond or flowage in question is navigable under the laws of this State. The County Zoning Administrator shall also make the initial determination of the location of the ordinary high water mark. When questions arise, the County Zoning Administrator shall contact the appropriate area or district DNR office for a determination of navigability or ordinary high water mark.

2-1.02 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 Adams County shall be presumed to be navigable as defined by this Ordinance or are designated as either continuous or intermittent waterways on the USGS quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Ordinance in Section 7 of this Ordinance. If evidence to the contrary is presented, the County Zoning Administrator shall make the initial determination whether or not the river or stream in question is navigable under the laws of this State. The County Zoning Administrator shall also make the initial determination of the location of the ordinary high water mark. When questions arise, the County Zoning Administrator shall contact the appropriate area or district DNR office for a determination of navigability or ordinary high water mark. Flood Hazard Boundary maps, Flood

Insurance Study maps, soil maps or other existing county maps used to delineate floodplain areas, which have been adopted by Adams County, shall be used to determine the extent of the floodplain of rivers or streams in Adams County.

2-1.03 Additional areas regulated.

- (A) Wetlands pursuant to s. 59.69 (4) (e) and Adams County Comprehensive Zoning section 5-17 WETLAND CONSERVATION DISTRICT.
- (B) Wetlands, contiguous areas within a general wetland area and areas within seventy-five (75) feet of a wetland delineation boundary beyond the scope of 2-1.01 and 2-1.02 above.
 - 1. Wetland means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. The official wetlands inventory maps adopted by Adams County can be used to identify wetland areas, but in all cases, actual site conditions shall prevail.
 - 2. Contiguous areas within a general wetland area means areas that may or may not be wetlands that are dispersed within an area characterized largely and generally by wetlands.
- (C) 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

2-1.04 Under s. 281.31(2m) Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to lands adjacent to farm drainage ditches if:

- (A) Such lands are not adjacent to a natural navigable stream or river;
- (B) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- (C) Such lands are maintained in nonstructural agricultural use.

In order to correct wetland-mapping errors shown on the official zoning maps, the Zoning Administrator shall be responsible for initiating a shoreland-wetland or inland-wetland map amendment within a reasonable period of time.

- 2-1.05 Critical habitat areas of county lakes as determined by the Wisconsin DNR Maps and descriptions of these areas are available in the Adams County Land and Water Conservation Department. No alteration of these areas can occur without a permit from Adams County Planning & Zoning and the WDNR. In determining whether to grant a permit, preserving the designated area will be the paramount consideration. No permit will be issued for an activity that will degrade or alter the designated area in a manner so that it no longer serves the purpose for its original designation.

2-2.00 COMPLIANCE

The use of any land or water; the use, size, type and location of structures on lots; the filling, grading, lagooning, dredging of any land; and the cutting of shoreland vegetation; shall be in full compliance with the

terms of this Ordinance and other applicable State and Federal regulations. (See also Section 6 for non-conforming uses). Buildings, signs and other structures shall require a permit unless expressly exempted by the requirements of this Ordinance.

2-2.01 Unless specifically exempted by law, all cities, villages and towns located within Adams County are required to comply with this Ordinance and obtain all necessary permits.

(A) State agencies are required to comply when Section 13.48 (13), Wisconsin Statutes, applies.

(B) The construction, reconstruction, maintenance and repair of State and municipal bridges are exempt when Section 30.123, Wisconsin Statutes, applies.

2-3.00 ABROGATION AND GREATER RESTRICTIONS

2-3.01 It is not otherwise intended by this Ordinance to repeal, abrogate or impair any existing deed restrictions or ordinances; however, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

2-3.02 This Ordinance shall not require the approval or be subject to disapproval by any town or town board.

2-3.03 If any existing Town Ordinance relating to shorelands and/or wetlands 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.

2-3.04 The provisions of this ordinance supersede all the provisions of any county zoning ordinance adopted under s. 59.692, Wis. Stats., which relate to shorelands. However, where an ordinance adopted under a statute other than s. 59.692, Wis. Stats., is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

2-4.00 INTERPRETATION

In their interpretations and applications, the provisions of this Ordinance shall be held to the minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes.

2-5.00 SEVERABILITY

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court or competent jurisdiction, the remainder of this Ordinance shall not be affected thereby and shall remain enforceable.

SECTION 3 – SETBACKS AND USE RESTRICTIONS

3-1.00 HIGHWAY SETBACKS & VISUAL CLEARANCES

For the purpose of determining the distance buildings and other structures shall be set back from the street and highways, the highways of Adams County are divided into the following classes:

3-1.01 CLASS A HIGHWAYS.

- (A) All State and Federal Highways are hereby designated as Class A Highways.
- (B) The setback from Class A Highways shall be one hundred ten (110) feet from the center-line of the highway or fifty (50) feet from the right-of-way line, whichever is greater.

3-1.02 CLASS B HIGHWAYS.

- (A) All county trunks are hereby designated as Class B Highways.
- (B) The setback from Class B Highways shall be eighty-three (83) feet from the centerline of such highway or fifty (50) feet from the right-of-way line, whichever is greater.

3-1.03 CLASS C HIGHWAYS.

- (A) All town roads, public streets and highways not otherwise classified, are hereby designated as Class C Highways.
- (B) The setback from Class C Highways shall be sixty-three (63) feet from the centerline of such highway or thirty (30) feet from the right-of-way line, whichever is greater.

3-1.04 VISUAL CLEARANCE TRIANGLE. In each quadrant of every public street intersection there shall be a visual clearance triangle bounded by the street centerlines and a line connecting points on them three hundred (300) feet from a Class A Highway intersection, two hundred (200) feet from a Class B Highway intersection and one hundred fifty (150) feet from a Class C Highway intersection.

(A) Objects permitted within Highway setback lines and visual clearance triangles:

1. Open fences.
2. Telephone and power transmission poles, lines and pedestals.
3. The planting and harvesting of field crops, shrubbery and trees except that no trees, shrubbery or crops shall be planted within a visual clearance triangle so as to obstruct the view.

3-1.05 SETBACKS FROM PRIVATE ROADS AND ACCESS EASEMENTS. When serving more than one residence or parcel, the setback shall be thirty (30) feet from the described private road or easement; in case of a private road or easement that does not have a legal description, thirty (30) feet from the nearest point on the edge of the traveled way.

3-2.00 SETBACKS FROM THE WATER

All buildings and structures, except stairways, walkways, piers, and patios which may require a lesser setback, shall be set back at least seventy-five (75) feet from the ordinary high water mark of navigable waters.

NOTE: There are increased setbacks and other zoning restrictions in some areas. Retaining walls are prohibited within the seventy-five (75) ft. setback area. In situations where overlapping setbacks (e.g. road and water) exist, a variance is required.

- 3-2.01 Stairs, elevated walkways and that portion of piers landward of the ordinary high water mark are exempted from the shoreline setback requirement provided:
- (A) The structure is necessary to access the shoreline because of steep slopes or wet, unstable soils.
 - (B) The structure shall be located so as to minimize earth disturbing activities and shoreline vegetation removal during construction and to be visually inconspicuous as viewed from the adjacent waterways and public thoroughfares.
 - (C) The structure shall be no more than four (4) feet wide.
 - (D) Structures shall be inconspicuously colored.
 - (E) Railings are permitted only where required by safety concerns.
 - (F) Canopies and roofs on such structures are prohibited.
 - (G) Stairways shall be supported on piles or footings rather than being excavated from erodible soils or steep slopes.
 - (H) Landings for stairways or docks are permitted only where required by safety concerns and shall not exceed forty (40) square feet in area.
 - (I) Stairway and landing structures shall be a minimum of six (6) inches above average grade at the lowest point.
 - (J) Measures shall be taken to prevent erosion of the area beneath stairs and landings. An erosion control plan shall define the measures and a long-term maintenance plan approved by Adams County shall be included with the Zoning Permit Application and implemented upon completion of the project.
 - (K) Elevated walkways over shore wetland areas must be installed in a manner involving the least amount of wetland disturbance possible.
- 3-2.02 Patios. The Planning and Zoning Department shall grant special zoning permission for the construction or placement of a structure on property in a shoreland setback area if all of the following apply (see section 4-2.08 mitigation):
- (A) The part of the structure that is nearest to the water is located at least thirty five (35) feet landward from the ordinary high-water mark.
 - (B) Total area of all structures in the shoreland setback area of the property will not exceed two hundred (200) square feet. In calculating this square footage, boathouses shall be excluded.
 - (C) The structure that is the subject for the request for special zoning permission has no sides or has open or screened sides.
 - (D) Adams County shall approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least seventy (70) percent of the half of the shoreland setback area that is nearest to the water.

3-2.03 Upon issuance of a Zoning Permit, non-vegetative erosion control devices and materials such as flagstone and gravel may be allowed in the seventy-five ft. setback area in cases where the site is not conducive to the establishment of vegetation. A design and a long-term maintenance plan approved by Adams County shall be included with the Zoning Permit Application.

3-2.04 Beginning July 1, 2015, livestock shall be prohibited closer than thirty-five (35) feet to any navigable water body with the exception of a stream crossing that meets USDA-Natural Resources Standard 578-Stream Crossing and does not exceed ten (10) feet in width.

3-3.00 SETBACKS AND HEIGHT

3-3.01 BASIC REQUIREMENTS

(A) Setbacks: All buildings and structures shall be set back per the applicable zoning district requirements.

(B) Height: All buildings and structures shall comply with the applicable zoning district requirements; however, to protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, any construction that results in a structure taller than thirty-five (35) feet within seventy-five (75) feet of the ordinary high-water mark of any navigable waters is prohibited.

3-3.02 EXCEPTIONS:

NOTE: Residential and security fences are not permitted in waterfront setback areas.

(A) Residential fences, hedges, and tree plantings are permitted along the inside of property lines or in the yards of residential districts.

1. Residential fences shall not exceed a height of six (6) feet. No height limitation shall be placed on tree plantings or hedges.

2. The finished side of the fence must face to the outside.

(B) Security fences are permitted along the property lines in all districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

(C) Farm related fencing is permitted along the property lines or in the yards of General Purpose districts provided that a substantial impediment to visibility is not thereby created.

(D) Vegetation and certain accessory structures used for landscaping and decorating in the required front, rear and side yards. Structures and vegetation include, but are not limited to, flag poles, ornamental light standards, ornamental ponds and fountains, lawn furniture, sun dials, bird baths, trees, shrubs and flowers.

(E) Signs as permitted in section 12.

3-4.00 REDUCED BUILDING SETBACKS

3-4.01 A setback less than the setback required from the ordinary high water mark or appropriate class of

highway may be permitted when an existing development pattern exists where there are existing main buildings in both directions along the shoreline within two hundred fifty (250) feet of the proposed site that are built to less than the required setback. In such case, the setback shall be the average of the nearest main building on each side of the proposed site. Such setback relief shall be limited to a maximum of ten (10) feet.

(A) Variance. Any other setback reduction may only be permitted by the Board of Adjustment according to Section 13-5.01 (4) of this Ordinance.

3-5.00 MAINTENANCE AND USE OF SETBACK AREAS

Any such required setback area shall be kept clean and free from the accumulation of debris and refuse. Such required setback areas shall not be used for the storage or display of equipment, products, vehicles, or other materials for a period to exceed six (6) consecutive months.

3-6.00 USE RESTRICTIONS

The following use restrictions and regulations shall apply:

- 3-6.01 Only those principal uses specified for a district and their essential services shall be permitted in that district.
- 3-6.02 Only one principal structure shall be located, erected or moved onto a lot, except in the General Purpose district, a permitted manufactured home park or an approved and platted condominium.
- 3-6.03 Customary accessory uses and structures are permitted in any district. Accessory structures including those for storage or occasional use such as hunting quarters shall not consist of truck bodies, recreational vehicles, mobile or manufactured homes. Residential accessory uses shall not involve the conduct of any business, trade, or industry, except in a residential district, home occupations and professional home offices are permitted.
- 3-6.04 Special Exceptions and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Board of Adjustment in accordance with Section 13-4 of this Ordinance.
- 3-6.05 The regular outside parking of more than one (1) truck, other than panel or pickup trucks, or of other vehicular equipment, which exceeds thirty (30) feet in length, shall be prohibited in all residential districts.
- 3-6.06 Unclassified or unspecified uses shall not be permitted until the Board of Adjustment has reviewed and approved an application in accordance with the requirements of Section 13-4 of this Ordinance.
- 3-6.07 Temporary uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, are permitted upon obtaining a permit from the Planning and Zoning Department.
- 3-6.08 No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so that it does not meet the provisions of this ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

3-7.00 LAND DIVISION REVIEW

3-7.01 The county shall review, pursuant to s.236.45, Wis. Stats., all land divisions in shoreland areas which create three (3) or more parcels or building sites of five (5) acres each or less within a five (5)-year period. In such review all of the following factors shall be considered:

- (A) Hazards to the health, safety or welfare of future residents.
- (B) Proper relationship to adjoining areas.
- (C) Public access to navigable waters, as required by law.
- (D) Adequate storm-water drainage facilities.
- (E) Conformity to state law and administrative code provisions.

3-8.00 IMPERVIOUS SURFACE STANDARDS

3-8.01 PURPOSE

Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface within three hundred (300) feet of the ordinary high-water mark of any navigable waterway, and shall require all of the following 3-8.02 – 3-8.06):

3-8.02 CALCULATION OF IMPERVIOUS SURFACE

Percentage of impervious surface shall be calculated by dividing the surface area of existing and proposed impervious surfaces on the portion of a lot or parcel that is within three hundred (300) feet of the ordinary high-water mark by the total surface area of that portion of the lot or parcel that is within three hundred (300) feet of the ordinary high-water mark, and multiplied by one hundred (100).

3-8.03 IMPERVIOUS SURFACE STANDARD

Up to fifteen percent (15%) impervious surface on the portion of a lot or parcel that is within three hundred (300) feet of the ordinary high-water mark is allowed.

3-8.04 MAXIMUM IMPERVIOUS SURFACE

More than fifteen percent (15%) impervious surface but not more than thirty percent (30%) impervious surface on the portion of a lot or parcel that is within three hundred (300) feet of the ordinary high-water mark is allowed as follows:

- (A) A permit can be issued for development that exceeds fifteen percent (15%) impervious surface but not more than thirty percent (30%) impervious surfaces with a mitigation plan that meets the standards found in section 4-2.08 mitigation.

3-8.05 EXISTING IMPERVIOUS SURFACES

For existing impervious surfaces that do not comply with the impervious surface standard in section 3-8.03 or the maximum impervious surface standard in section 3-8.04, 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 or structure 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 this ordinance revision, and the impervious surface meets the applicable setback requirements 3-1.00, 3-2.00 and the applicable zoning district requirements.
- (D) This section shall not be construed to supersede other provisions in this ordinance. Maintenance, reconstruction, relocation and expansion of existing structures must comply with other applicable provisions in this ordinance, the shoreland setback standards in sections 3-2.00 or 3-4.00 and the nonconforming structure provisions of section 6.

3-9.00 FLOODPLAIN STRUCTURES

Buildings and structures to be constructed or placed in a floodplain shall be required to comply with the Adams County Floodplain Zoning Ordinance.

3-10.00 RECREATIONAL VEHICLES AND CAMPING

3-10.01 General Regulations:

(A) Recreational vehicles / camping units:

1. Buses, construction trailers, truck bodies and trailers and other similar items not intended for use as recreational vehicles or camping units are prohibited from such use.
2. Recreational vehicles / camping units shall have a length of forty-five (45) feet or less and a body width of eight (8) feet or less.
3. Park Model Trailers are allowed only in licensed campgrounds.

(B) Camping:

1. In districts where camping is a permitted use, a self-contained recreational vehicle or camping unit may be placed on an individual lot without a permit provided:
2. No more than two (2) camping units shall be located on any parcel;
3. The unit is not a permanent installation (e.g. no continuous connection to sanitary system-dump use only, no foundation);
4. The unit remains mobile (e.g. no skirting, no hitch removal or wheel removal);
5. The unit is licensed for highway use (if applicable); and
6. An acceptable method of sewage and gray-water disposal is provided.

SECTION 4 - REMOVAL OF SHORE COVER, BUFFER ZONES AND MITIGATION

4-1.00 PURPOSE

To protect natural scenic beauty, fish and wildlife habitat, and water quality, Adams County shall regulate removal of vegetation in shoreland areas, consistent with generally accepted forestry management practices and the following 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.

4-2.00 MAINTENANCE AND ESTABLISHMENT OF A VEGETATIVE BUFFER ZONE

To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, this ordinance designates land that extends from the ordinary high water mark to a minimum of thirty-five (35) feet inland as a vegetative buffer zone and prohibits the removal of vegetation in the vegetative buffer zone except as follows:

4-2.01 Trees and shrubs may be removed in the vegetative buffer zone to create access and viewing corridors, provided that the combined width of all access and viewing corridors on a riparian lot or parcel may not exceed thirty percent (30%) of the shoreline frontage. Within the access and viewing corridor, a sand recreational area may be maintained with hand tools.

Note: If creating a new sand recreational area, all activities must meet Section 5 of this Ordinance.

4-2.02 In the remaining seventy percent (70%) length of this strip, vegetation shall be preserved as stated in a maintenance agreement approved by the County. At a minimum, the maintenance agreement shall be on file at the County and shall describe existing vegetation and/or vegetation restored and what activities shall occur to maintain the vegetative buffer zone. Vegetative buffer zones shall consist of a minimum fifty percent (50%) native plant canopy upon maturity. The following maintenance activities are allowed in the vegetative buffer zone:

- (A) Except as provided in paragraph (B) below, on all soils and slopes, routine maintenance of grasses that does not result in the death of the grass plants and does not require earth disturbance may occur to a height of no less than six (6) inches during the period between Memorial Day and Labor Day. Grass maintenance shall not result in a grass height of less than six (6) inches.
- (B) On all types of sandy soils with a minimum native species tree/shrub population of one plant per one hundred (100) square feet, routine maintenance of grasses that does not result in the death of the grass plants and does not require earth disturbance may occur to a height of three (3) inches during the period between Memorial Day and Labor Day. Grass maintenance shall not result in a grass height of less than three (3) inches.
- (C) With prior approval of the County, removal of trees and shrubs in the vegetative buffer zone on a parcel with ten (10) or more acres of forested land consistent with “generally accepted forestry management practices” as described in Department publication “Wisconsin Forest management Guidelines” (publication FR-226), provided that vegetation removal be consistent with these practices;
- (D) With prior approval of the County, removal of vegetation 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 under the permit be replaced by replanting in the same area as soon as practicable;

- (E) The County may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this paragraph 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.

4-2.03 Natural vegetation shall be preserved to retard runoff, promote infiltration, prevent erosion and preserve natural beauty. If the County determines that re-vegetation is necessary due to removal, ordinance violation or other similar circumstance that undermines the purposes of this Ordinance, vegetation shall be replaced per the Wisconsin Biology Technical Note 1: Shoreland Habitat. Replacement vegetation shall be similar size and age or the most mature plant size reasonably available. A planting and maintenance plan shall be submitted to the County for approval prior to replacing the vegetation.

4-2.04 The portions of permitted shoreline stabilization measures located above the ordinary high water mark are acceptable as contributing to the measurement of the thirty-five (35) foot buffer requirement.

4-2.05 By July 1, 2015, all lands that extend from the ordinary high water mark to a minimum of thirty-five (35) feet inland that currently do not meet the requirements of Section 4-2.00 above, shall become vegetative buffer zones specifically complying with Section 4-2.01, 4-2.02 or such lands shall be considered to be in violation of this ordinance and be subject to enforcement and penalties as stated in Section 15 of this ordinance. Exception to this requirement are lands that extend from the ordinary high water mark to a minimum of thirty-five (35) feet inland that had no existing vegetation prior to the Adams County Shoreland Protection Ordinance effective date of 1/1/1971.

4-2.06 A mitigation plan shall be required when the county issues a permit under Sections: 3-8.04 Maximum Impervious Surface, 6-1.06 Vertical Expansion of Nonconforming Principal Structure and 6-1.08 Replacement or Relocation of Nonconforming Principle Structure.

4-2.07 As determined by Adams County, in cases where a thirty-five (35) ft. buffer is not practical due to site limitations including but not limited to legal nonconforming setback encroachments, topography, the non-existence of soil (e.g. bedrock), soil inadequacies; other mitigation measures capable of serving the purposes of this Ordinance such as rain gardens shall be implemented in lieu of complying with the requirements in Section 4. If less than a thirty-five (35) ft. buffer is to be established, the buffer area shall be at a minimum, thirty-three percent (33%) of the distance as measured horizontally from the Ordinary High Water Mark to the primary structure or other limiting obstruction.

4-2.08 MITIGATION. When the county issues a permit requiring mitigation under sections 3-2.02, 3-8.04, 6-1.06, 6-1.08 or 4-2.01 through 4-2.07, the property owner must submit a complete permit application that is reviewed and approved by the county. As part of the mitigation plan, the permit applicant shall restore the lands that extend from the ordinary high water mark to a minimum of thirty-five (35) feet inland as a vegetative buffer zone specifically complying with Section 4-2.01, 4-2.02. The permit shall further require the property owner to establish or

maintain measures that the county determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the impacts of the activity being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds. Compliance with the permit shall be enforceable under section 15. The application shall include the following:

(A) A site plan that describes the proposed mitigation measures:

1. The site plan shall be designed and implemented to restore natural functions lost through development and human activities.
2. The mitigation measures shall be proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.

(B) An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures:

1. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to issuance of the permit.

SECTION 5 - FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING

5-1.00 EROSION CONTROL

5-1.01 All filling, rototilling, grading, lagooning, dredging, ditching or excavating shall be done in accordance with a Planning & Zoning Department approved erosion control and maintenance plan designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat. Such activities may be permitted provided a design and maintenance plan is submitted to the Planning and Zoning Department and approved by the proper authority.

5-2.00 OTHER INTERNAL REQUIREMENTS

5-2.01 Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland or inland-wetland district may be permitted only if the requirements of Sections 8-3A.02 and 8-3A.03 of this Ordinance are met.

5-3.00 STATE AND FEDERAL REQUIREMENTS

5-3.01 A State or Federal permit may be required, in addition to a permit under this Ordinance, if state or federal laws are applicable to the filling, grading, lagooning, dredging, ditching or excavating that is proposed.

5-4.00 SPECIAL EXCEPTION PERMIT REQUIRED

A special exception permit is required:

5-4.01 For any filling or grading of any area which is within three hundred (300) feet of the ordinary high-water mark and which has surface drainage toward the water and on which there is either:

- (A) Any filling or grading on slopes of more than twenty (20) percent.
- (B) Filling or grading of more than one thousand (1,000) square feet on slopes of twelve (12) to twenty (20) percent.
- (C) Filling or grading of more than two thousand (2,000) square feet on slopes of less than twelve (12) percent.

NOTE: In addition, a permit shall be obtained from the Department of Natural Resources for any filling, grading or dredging of the bed of a navigable body of water or where more than ten thousand (10,000) square feet of grading and/or filling is to be completed on the banks of any navigable water body, as provided in Section 30.19 of the Wisconsin Statutes.

EXCEPTIONS TO SECTION 5-4.00 A zoning permit may be obtained in lieu of the special exception permit for:

- (A) Riprap or similar shoreline stabilization projects involving less than one thousand (1,000) square feet of filling or grading, for which a permit has been issued by the Department of Natural Resources.
- (B) The placement of sod or seed including site preparation outside the thirty-five (35) ft. buffer area.

NOTE: Section 5-4.00 does not apply to soil conservation practices such as terraces, runoff diversions and grassed waterways that are used for sediment retardation.

5-5.00 LAGOONING OR DREDGING

A Special Exception permit shall be required before constructing, dredging or commencing work on an artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within five hundred (500) feet of the ordinary high-water mark of navigable body of water. The Board of Adjustment shall evaluate each application according to the standards as set out in Section 13-4.02 and 13-4.03 of this Ordinance and may request the County Planning and Zoning Committee to make available expert assistance from those State and Federal agencies which are assisting said District under a memorandum of understanding.

NOTE: A permit shall be obtained from the Department of Natural Resources under the provisions of Section 30.19, Wisconsin Statutes.

5-6.00 SPECIAL EXCEPTION CONDITIONS

5-6.01 In granting a Special Exception Permit-the Board may attach the following conditions, in addition to the provisions specified in Section 13 of this Ordinance, that:

- (A) The smallest amount of bare ground be exposed for as short a time as feasible.
- (B) Temporary ground cover, such as mulch, be used, and permanent cover such as sod, be planted.
- (C) Diversions, silting basins, terraces and other methods to trap sediment to be used.
- (D) Lagooning be conducted in such a manner as to avoid creation of fish trap conditions.
- (E) Fill is stabilized according to accepted engineering standards.

- (F) Fill will not restrict a floodway or destroy the storage capacity of a floodplain.
- (G) Sides of a channel or artificial watercourse be stabilized to prevent slumping.
- (H) Sides of channels or artificial watercourses be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter, unless bulkheads or rip-rapping are provided.
- (I) A design and maintenance plan be submitted to the County for approval.

SECTION 6 - NONCONFORMING STRUCTURES, USES AND LOTS

6-1.00 EXISTING NONCONFORMING STRUCTURES AND USES.

6-1.01 **PURPOSE.** To protect water quality, fish and wildlife habitat, and natural scenic beauty, some control is needed over the modification and reconstruction of these structures.

6-1.02 GENERAL RULE FOR NONCONFORMING USES AND STRUCTURES.

- (A) Uses that are nuisances shall not be permitted to continue as a nonconforming use.
- (B) Restrictions that are applicable to damaged or destroyed nonconforming structures and that are contained in an ordinance enacted under s. 59.692 stats. may not prohibit the restoration of a nonconforming structure if the structure will be restored to the size, subject to par. (b), location, and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:
 1. The nonconforming structure was damaged or destroyed after October 14, 1997.
 2. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
- (C) An ordinance enacted under this section to which par. (A) applies shall allow for the size of a structure to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

6-1.03 **DISCONTINUED NONCONFORMING USE.** If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance.

6-1.04 **MAINTANENCE OF NONCONFORMING PRINCIPAL STRUCTURE.** An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 6.1 may be maintained and repaired within its existing building envelope. Maintenance and repair includes such activities as interior remodeling, plumbing, insulation, and replacement of windows, doors, siding, or roof.

6-1.05 **MAINTENANCE OF NONCONFORMING ACCESSORY STRUCTURES.** Accessory structures that were legally constructed before the adoption of this chapter may be maintained and repaired but may not be expanded or rebuilt unless authorized by s. 59.692(1s) Wisconsin Stats. or unless they are made to conform to all other provisions of this ordinance.

6-1.06 **VERTICAL EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURE.** An existing principal structure that was lawfully placed when constructed but that does not comply with the

required building setback per section 3-2.00 may be expanded vertically, provided that all of the following requirements are met:

- (A) The use of the structure has not been discontinued for a period of twelve (12) months or more.
- (B) The existing principal structure is at least thirty-five (35) feet from the ordinary high-water mark.
- (C) Vertical expansion is limited to the height of thirty-five (35) feet.
- (D) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 4-2.08 mitigation.
- (E) All other provisions of this ordinance shall be met.

6-1.07 EXPANSION OF A NONCONFORMING PRINCIPAL STRUCTURE BEYOND SETBACK.

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under section 3-2.00 , may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per section 3-2.00 and that all other provisions of this ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required per section 3-8.00.

6-1.08 REPLACEMENT OR RELOCATION OF NONCONFORMING PRINCIPAL STRUCTURE.

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 3-2.00 may be replaced or relocated on the property provided all of the following requirements are met:

- (A) The use of the structure has not been discontinued for a period of twelve (12) months or more.
- (B) The existing principal structure is at least thirty-five (35) feet from the ordinary highwater mark.
- (C) No portion of the replaced or relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- (D) The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for replacement or relocation that will result in compliance with the shoreland setback requirement per section 3-2.00.
- (E) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 4-2.08.
- (F) The county shall issue a permit that requires that all other structures on the lot or parcel that do not comply with the shore-land setback requirement per section 3-2.00 and are not exempt under section 3-2.02 to be removed by the date specified in the permit.
- (G) All other provisions of this ordinance shall be met.

6-2.00 EXISTING NONCONFORMING LOTS

In any district, permitted structures and uses are allowed on any legal lot of record in the Adams County Register of Deeds Office before April 15, 2008, provided that all other requirements of this ordinance and all other applicable ordinances are met. If such lot or parcel is in same ownership as abutting lands, the properties shall be combined to create a compliant or at least more compliant lot. If in separate ownership, all other ordinance requirements shall be applicable

NOTE: After April 15, 2008, the effective date of this revision, all lots or parcels created shall not be less than the minimum required by the zoning district in which the property is located.

SECTION 7 - ZONING DISTRICT MAPS

7-1.00 SHORELAND ZONING MAPS, WISCONSIN WETLAND INVENTORY MAPS, FEMA FLOOD MAPS AND CRITICAL HABITAT MAPS

7-1.01 The shorelands and wetlands of Adams County are hereby divided into the following districts: (1) Shoreland-Wetland District, (2) Inland-Wetland District (3) Recreational-Residential Districts, (4) General Purpose District and (5) Conservancy District, which are described in Sections 8A, 8B, 9, 10A, 10B, and 11 of this Ordinance. These districts are designated on maps which are on file in the office of the Zoning Administrator for Adams County. The district maps and the following maps are hereby adopted and made a part of this Ordinance:

(A) The Wisconsin Wetland Inventory Maps dated April 12, 1988;

(B) The Adams County Official Shoreland Zoning Maps dated January 1, 1971 including all subsequent revisions;

(C) The following USGS Quadrangle Maps including all subsequent revisions; and

- | | |
|----------------|---------------------------|
| 1. Arkdale NW | 11. Grand Marsh |
| 2. Arkdale NE | 12. Westfield |
| 3. Arkdale | 13. Brooks |
| 4. Roche-A-Cri | 14. Oxford |
| 5. Coloma NW | 15. Wisconsin Dells North |
| 6. Coloma SW | 16. Big Spring |
| 7. Coloma | 17. Briggsville |
| 8. Hancock | 18. Dellwood |
| 9. Necedah | 19. Round Bluff |
| 10. Adams | 20. Easton |

(D) The Adams County Critical Habitat Area Maps dated December 2006 and January 2007.

(E) The Flood Insurance Rate Map (FIRM) panels 55001C0006D through 55001C0500D and the Flood Insurance Study (FIS) 55001CV000A both dated June 17, 2008.

All pertinent notations and information shown on the Official Adams County Shoreland Zoning Maps, the Wisconsin Wetland Inventory Maps and the USGS Maps are as much a part of this Ordinance as if the matter set forth by the maps is fully described herein.

SECTION 8A - SHORELAND-WETLAND DISTRICT

8-1A.00 DESIGNATION

This district shall include all shorelands within the jurisdiction of this Ordinance that are designated as wetlands, including all point symbols, on the Wisconsin Wetland Inventory Maps which have been adopted in Section 7-1.00 of this Ordinance.

When an apparent discrepancy exists between the shoreland-wetland district shown on the official wetlands inventory maps and actual field conditions at the time the maps were adopted, the actual site conditions based on vegetation, soil and hydrology type, shall prevail. If a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a land use permit in accordance with the regulations applicable to the correct zoning district. The Planning and Zoning Department and the landowner may seek the assistance of a qualified wetland delineator and/or the Army Corps of Engineers.

8-2A.00 PURPOSE

This Ordinance is adopted to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in manner that minimizes adverse impacts upon the wetland.

8-3A.00 PERMITTED USES

The following uses shall be allowed, subject to the general zoning regulations in this Ordinance, the provisions of Sections 30 and 31 and 281.36 and 281.37 of the Wisconsin Statutes, and the provisions of other state and federal laws, if applicable:

8-3A.01 Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without filling, flooding, draining, dredging, ditching, tiling or excavating:

- (A) Hiking, fishing, trapping, hunting, swimming, boating and self-contained recreational vehicle camping {two (2) camping units per parcel};
- (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 practice of silviculture, including the planting, thinning and harvesting of timber, provided it is done in accordance with Section 4 of this Ordinance;
- (D) The pasturing of livestock and the construction and maintenance of fences;
- (E) The cultivation of agricultural crops;
- (F) The construction and maintenance of duck blinds;
- (G) The construction and maintenance of piers, docks and walkways in accordance with Section 3-2.00 of this Ordinance;
- (H) The maintenance, repair, replacement, and reconstruction of existing town, county, and state highways and bridges.

8-3A.02 Uses which do not require the issuance of a zoning permit and which may involve filling, flooding, draining, dredging, ditching, tiling or excavating to the extent specifically provided below:

- (A) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
- (B) The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries,
- (C) The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible;
- (D) The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
- (E) The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
- (F) The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

8-3A.03 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 are necessary for agricultural cultivation provided that:
 - 1. The road cannot as a practical matter be located outside the wetland; and
 - 2. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland and meets the following standards:
 - (a) The road shall be designed and constructed as a single lane roadway with only such depth and width necessary to accommodate the machinery required to conduct agricultural and silvicultural activities;
 - (b) Road construction activities are to be carried out in the immediate area of the roadbed only; and
 - (c) Any filling, flooding, draining, dredging, ditching, tiling or excavating that is to be done must be necessary for the construction or maintenance of the road; and
 - (d) Roads constructed for silviculture and intermittent agriculture activity are completely removed and the area restored to natural condition upon completion of the activity or inactivity for a period of twelve (12) months.
- (B) The construction and maintenance of nonresidential buildings used solely in conjunction with

raising of waterfowl, minnows or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation, if such building cannot as a practical matter be located outside the wetland, provided that:

1. Any such building does not exceed five hundred (500) square feet in floor area and is not designed for human habitation; and
2. No filling, flooding, draining, dredging, ditching, tiling or excavating is to be done except limited excavating necessary to provide structural support for the building.

(C) The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, provided that:

1. Any private recreation or wildlife habitat area must be used exclusively for that purpose and applicant has received permit or license under chapter 29 Wis. Stats. where applicable;
2. Limited filling and excavating necessary for the development of boat launching ramps and access roads may be allowed provided that they cannot, as a practical matter, be located outside the wetland;
3. Ditching, excavating, dredging, dike and dam construction may be done in wildlife- refuges, game preserves and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

(D) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, provided that:

1. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland; and
2. Any filling, excavating, ditching or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designated to minimize flooding and other adverse impacts upon the natural functions of the wetlands.

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

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

8-4A.00 PROHIBITED USES

Any use not listed in Sections 8-3A.01, 8-3A.02 or 8-3A.03 is prohibited, unless the shoreland-wetland district or a portion of the district has been rezoned by amendment of this Ordinance in accordance with Section 59.69(5)(e), Wisconsin Statutes, Chapter NR 115, Wisconsin Administrative Code, and Section 8-

6A.00 of this Ordinance.

8-5A.00 SITE REQUIREMENTS

8-5.01 Yard Requirements: All structural uses except for utilities and transportation shall meet the following minimum setback requirements:

- (A) Class A Highway {State Highway}: 110 ft. from centerline or 50 ft. from lot line, whichever measures furthest into the lot.
- (B) Class B Highway {County Trunk}: 83 ft. from centerline or 50 ft. from lot line, whichever measures furthest into the lot.
- (C) Class C Highway {Town Road}: 63 ft. from centerline or 30 ft. from lot line, whichever measures furthest into the lot.
- (D) Front Lot Line: 30 ft. for all structures.
- (E) Rear Lot Line: 30 ft. for dwelling and attached accessory structures, 10 ft. for detached accessory building.
- (F) Side Lot Line: 10 ft. for all structures.

NOTE: (D), (E) and (F) are subject to (A), (B) and (C) above.

8-5.02 Height Requirements:

- (A) Accessory Structure {8-3.03 (E)}: 20 ft.

8-5.03 Lot / Area Requirements:

(A) Parcels zoned Conservancy, Shoreland-Wetland and/or Inland-Wetland in their entirety, the following requirements apply:

1. Lot Area excluding access strips minimum: Twenty (20) acres.
2. Lot Width average minimum: 400 feet.
3. Waterfront minimum width: 200 ft.

(B) Parcels not zoned Conservancy, Shoreland-Wetland and/or Inland-Wetland in their entirety, the following requirements apply:

1. Lot area excluding access strips minimum: One (1) acre.
2. Minimum of 20,000 sq. ft. of buildable area is required per dwelling unit.
3. Lot width average minimum: 150 feet.
4. Waterfront minimum width: 100 ft.

8-6A.00 REZONING OF LANDS IN THE SHORELAND-WETLAND ZONING DISTRICT

NOTE: Only the minimum area of the lot required for the proposed use shall be considered for rezoning.

8-6A.01 For all proposed text and map amendments to the shoreland-wetland district, the appropriate district and area offices of the Department of Natural Resources 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 filing such petition with the Planning and Zoning Department. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;
- (B) Written notice of the public hearing to be held on a proposed amendment, at least ten (10) days prior to such hearing;
- (C) A copy of the Planning & Zoning 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.

8-6A.02 Shoreland-wetland or portion thereof shall not be rezoned unless in the best interest of Adams County citizens and protection of the local natural resources. The petitioner shall have the burden to demonstrate the proposed rezoning of a previously established district is in the best interest of Adams County citizens.

A wetland district or portion thereof 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 stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
- (C) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (D) Shoreline protection against soil erosion;
- (E) Fish spawning, breeding, nursery or feeding grounds;
- (F) Wildlife habitat; or
- (G) Areas of special recreational, scenic or scientific interest, including scarce wetland types.
- (H) 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

The burden of proof that the proposed rezoning will not have "significant adverse impact" shall fall upon the petitioner. Petitioner shall supply the information requested on the appropriate inventory checklist and present the information to the Planning and Zoning Committee at the time of rezoning

request.

8-6A.03 If the Department of Natural Resources has notified the Planning & Zoning Committee that a proposed amendment to the shoreland-wetland district may have a significant adverse impact upon any of the criteria listed in Section 8-6A.02 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 Department of Natural Resources. During that thirty (30) day period, the Department of Natural Resources may notify the County Board that it will adopt a superceding shoreland ordinance for the county under Section 59.692(6) of the Wisconsin Statutes. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the Section 59.692(6) adoption procedure is completed or otherwise terminated.”

8-7A.00 SPECIAL EXCEPTIONS

8-7A.01 The following uses shall be allowed upon issuance of a Special Exception Permit as provided in Section 13-4.00 of this Ordinance, and issuance of a Department of Natural Resources Permit, where required by Section 30 and 31, Wisconsin Statutes:

(A) Dams, Power Plants, Flowages and Ponds.

NOTE: Wildlife ponds approved as appropriate by the Zoning Administrator, Planning & Zoning Committee, federal or state authorities and/or the USDA-Farm Service Agency and/or the USDA-Natural Resources Conservation Service are exempted from obtaining a Special Exception Permit (a Zoning Permit may be required).

(B) Relocation of any watercourse.

SECTION 8B - INLAND-WETLAND DISTRICT

8-1B.00 DESIGNATION

This district shall include all wetlands within the jurisdiction of this Ordinance that are designated as Inland-Wetlands, including all point symbols, on the Wisconsin Wetland Inventory Maps which have been adopted in Section 7-1.00 of this Ordinance.

When an apparent discrepancy exists between the wetland shown on the official Wetlands Inventory Maps and / or the Inland-Wetland District on the County Shoreland Maps and actual field conditions at the time the maps were adopted, the actual site conditions based on vegetation, soil and hydrology type, shall prevail. If a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a land use permit in accordance with the regulations applicable to the correct zoning district. The Planning and Zoning Department and the landowner may seek the assistance of a qualified wetland delineator and/or the Army Corps of Engineers.

8-2B.00 PURPOSE

To preserve, protect, and enhance wetlands placed into this district. Wetlands are those areas where water is

at, near, or above the land surface long enough to support aquatic or hydrophytic vegetation and where soils are indicative of wet conditions.

8-3B.00 PERMITTED USES:

8-3B.01 Permitted Principal Uses:

- (A) Agricultural uses.
- (B) Fishing.
- (C) Grazing in dry conditions.
- (D) Hunting if permitted under other Town laws.
- (E) Preservation of scenic, historic and scientific areas.
- (F) Public fish hatcheries.
- (G) Public or private parks, where left in a natural, undeveloped, open-space use.
- (H) Sustained yield forestry if conducted under a US Soil Conservation Service management plan.
- (I) Stream, bank and lakeshore protection.
- (J) Water retention and wildlife preserves.

8-3B.02 Permitted Accessory Uses:

- (A) Structures accessory to principal uses, not intended for human habitation or the confined housing of animals or livestock such as fences, elevated nature trail walkways.

8-4B.00 PROHIBITED USES

Any use not listed in Sections 8-3B.01, 8-3B.02 or 8-3B.03 is prohibited, unless the Inland-wetland district or a portion of the district has been rezoned by amendment of this Ordinance in accordance with Section 59.69(5)(e), Wisconsin Statutes, Chapter NR 115, Wisconsin Administrative Code, and Section 8-6B.00 of this Ordinance.

8-5A.00 SITE REQUIREMENTS

8-5B.01 Yard Requirements: All structural uses except for utilities and transportation shall meet the following minimum setback requirements:

- (A) Class A Highway {State Highway}: 110 ft. from centerline or 50 ft. from lot line, whichever measures furthest into the lot.
- (B) Class B Highway {County Trunk}: 83 ft. from centerline or 50 ft. from lot line, whichever measures furthest into the lot.
- (C) Class C Highway {Town Road}: 63 ft. from centerline or 30 ft. from lot line, whichever measures furthest into the lot.
- (D) Front Lot Line: 30 ft. for all structures.
- (E) Rear Lot Line: 30 ft. for dwelling and attached accessory structures, 10 ft. for detached accessory building.
- (F) Side Lot Line: 10 ft. for all structures.

NOTE: (D), (E) and (F) are subject to (A), (B) and (C) above.

8-5B.02 Height Requirements:

- (A) Accessory Structure {8-3.03 (E)}: 20 ft.

8-5B.03 Lot / Area Requirements:

(A) Parcels zoned Conservancy, Shoreland-Wetland and/or Inland-Wetland in their entirety, the following requirements apply:

1. Lot Area excluding access strips minimum: Twenty (20) acres.
2. Lot Width average minimum: 400 feet.
3. Waterfront minimum width: 200 ft.

(B) Parcels not zoned Conservancy, Shoreland-Wetland and/or Inland-Wetland in their entirety, the following requirements apply:

1. Lot area excluding access strips minimum: One (1) acre.
2. Minimum of 20,000 sq. ft. of buildable area is required per dwelling unit.
3. Lot width average minimum: 150 feet.
4. Waterfront minimum width: 100 ft.

8-6B.00 REZONING OF LANDS IN THE INLAND-WETLAND DISTRICT

NOTE: Only the minimum area of the lot required for the proposed use shall be considered for rezoning.

8-6B.01 For all proposed text and map amendments to the inland-wetland district, the appropriate district and area offices of the Department of Natural Resources shall be provided with the following:

- (A) A copy of every petition for a text or map amendment to the inland-wetland district, within five (5) days of filing such petition with the Planning and Zoning Department. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a inland-wetland;
- (B) Written notice of the public hearing to be held on a proposed amendment, at least ten (10) days prior to such hearing;
- (C) A copy of the Planning & Zoning 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.

8-6B.02 Inland-wetland or portion thereof shall not be rezoned unless in the best interest of Adams County citizens and protection of the local natural resources. The petitioner shall have the burden to demonstrate the proposed rezone of a previously established district is in the best interest of Adams County citizens. A wetland district or portion thereof 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 stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;

- (C) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (D) Shoreline protection against soil erosion;
- (E) Fish spawning, breeding, nursery or feeding grounds;
- (F) Wildlife habitat; or
- (G) Areas of special recreational, scenic or scientific interest, including scarce wetland types.
- (H) 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

The burden of proof that the proposed rezone will not have “significant adverse impact” shall fall upon the petitioner. Petitioner shall supply the information requested on the appropriate inventory checklist and present the information to the Planning and Zoning Committee at the time of rezoning request.

8-7B.00 SPECIAL EXCEPTIONS

8-7B.01 The following uses shall be allowed upon issuance of a Special Exception Permit as provided in Section 13-4.00 of this Ordinance, and issuance of a Department of Natural Resources Permit, where required by Section 30 and 31, Wisconsin Statutes:

(A) Dams, Power Plants, Flowages and Ponds.

NOTE: Wildlife ponds approved as appropriate by the Zoning Administrator, Planning & Zoning Committee, federal or state authorities and/or the USDA-Farm Service Agency and/or the USDA-Natural Resources Conservation Service are exempted from obtaining a Special Exception Permit (a Zoning Permit may be required).

(B) Relocation of any watercourse.

(C) Sod farming.

(D) Utility facilities (except buildings and substations) such as underground water tight conduits, telephone and electric poles, etc.

(E) Public road crossings of the wetland provided other routes have first been studied and discarded, and provided the construction technique and final roadway design used will not permanently impair the overall function of the wetland being crossed. Where some permanent damage appears unavoidable, the Planning and Zoning Committee, if satisfied the crossing is in the public interest, may require compensating measures which create at least an equal amount of wetlands nearby or elsewhere, or which preserve an equal or larger area of wetland nearby or elsewhere which is otherwise not protected.

SECTION 9 - CONSERVANCY DISTRICT

9-1.00 DESIGNATION

9-1.01 This district includes:

(A) All lands within the jurisdiction of this Ordinance, which are designated as Conservancy District on the Official Shoreland, Wetland and Habitat Protection Zoning Maps for Adams County, which have been adopted under Section 7-1.00 of this Ordinance.

1. Conservancy districts are often comprised of areas of intermittent wetlands dispersed within an area characterized largely and generally by wetlands and may or may not be wetlands in their entirety.

9-2.00 PURPOSE

The purpose of the Conservancy District is to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty of shorelands and inland-wetlands. Protect and preserve 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 and to control building and development in in these areas whenever possible (also see sec. 2-1.03). When development is permitted in a Conservancy District, the development should occur in a manner that minimizes adverse impacts upon the land and overall environment.

9-3.00 PERMITTED USES

9-3.01 The following uses shall be allowed, subject to the general zoning regulations in this Ordinance, the provisions of Sections 30 and 31 of the Wisconsin Statutes, and the provisions of other state and federal laws, if applicable:

- (A) Any use permitted under Section 8-3A.00 of this Ordinance.
- (B) Non-residential buildings used exclusively for farm operations, provided that no filling is necessary for the construction of such building.

9-4.00 PROHIBITED USES

Any use prohibited under Section 8-4A.00 of this Ordinance.

9-5.00 SITE REQUIREMENTS

9-5.01 Yard Requirements: All structural uses except for utilities and transportation shall meet the following minimum setback requirements:

- (A) Class A Highway {State Highway}: 110 ft. from centerline or 50 ft. from lot line, whichever measures furthest into the lot.
- (B) Class B Highway {County Trunk}: 83 ft. from centerline or 50 ft. from lot line, whichever measures furthest into the lot.
- (C) Class C Highway {Town Road}: 63 ft. from centerline or 30 ft. from lot line, whichever measures furthest into the lot.
- (D) Front Lot Line: 30 ft. for all structures.

- (E) Rear Lot Line: 30 ft. for dwelling and attached accessory structures, 10 ft. for detached accessory building.
- (F) Side Lot Line: 10 ft. for all structures.

NOTE: (D), (E) and (F) are subject to (A), (B) and (C) above.

9-5.02 Height Requirements:

- (A) Accessory Structure {8-3.03 (B)}: 20 ft.

9-5.03 Lot / Area Requirements:

(A) Parcels zoned Conservancy, Shoreland-Wetland and/or Inland-Wetland in their entirety, the following requirements apply:

1. Lot Area excluding access strips minimum: Twenty (20) acres.
2. Lot Width average minimum: 400 feet.
3. Waterfront minimum width: 200 ft.

(B) Parcels not zoned Conservancy, Shoreland-Wetland and/or Inland-Wetland in their entirety, the following requirements apply:

1. Lot area excluding access strips minimum: One (1) acre.
2. Minimum of 20,000 sq. ft. of buildable area is required per dwelling unit.
3. Lot width average minimum: 150 feet.
4. Waterfront minimum width: 100 ft.

9-6.00 REZONING OF LANDS IN THE CONSERVANCY DISTRICT

NOTE: Only the minimum area of the lot required for the proposed use shall be considered for rezoning.

9-6.01 For all proposed text and map amendments to the conservancy district, the appropriate district and area offices of the Department of Natural Resources shall be provided with the following:

- (A) A copy of every petition for a text or map amendment to the conservancy district, within five (5) days of filing such petition with the Planning and Zoning Department;
- (B) Written notice of the public hearing to be held on a proposed amendment, at least ten (10) days prior to such hearing;
- (C) A copy of the Planning and Zoning 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.

9-6.02 A conservancy district or portion thereof shall not be rezoned unless in the best interest of Adams County citizens. The petitioner shall have the burden to demonstrate the proposed rezoning of a previously established district is in the best interest of Adams County Citizens. A conservation

district or portion thereof 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 stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
- (C) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (D) Shoreline protection against soil erosion;
- (E) Fish spawning, breeding, nursery or feeding grounds;
- (F) Wildlife habitat; or
- (G) Areas of special recreational, scenic or scientific interest, including scarce wetland types.

The burden of proof that the proposed rezone will not have “significant adverse impact” shall fall upon the petitioner. Petitioner shall supply the information requested on the appropriate inventory checklist and present the information to the Planning and Zoning Committee at the time of rezoning request.

9-7.00 SPECIAL EXCEPTIONS

Any special exception allowed under Section 8-6A.00 of this Ordinance.

SECTION 10A - RECREATIONAL-RESIDENTIAL DISTRICT

10-1A.00 DESIGNATION

This district shall include all lands within the jurisdiction of this Ordinance that are designated as Recreational-Residential District on the Adams County Official Shoreland, Wetland and Habitat Protection Zoning Maps which have been adopted in Section 7-1.00 of this Ordinance.

10-2A.00 PURPOSE

The purpose of the Recreational-Residential District is to protect the waters, shorelands and wetlands of Adams County by providing for safe and orderly development in these areas. Recreational-Residential districts are particularly suited for residential and recreational uses. In this district, residential, recreational and various shoreland-wetland uses are permitted, and a limited number of commercial uses serving recreational needs are allowed as Special Exceptions.

10-3A.00 PERMITTED USES

10-3A.01 Various Permits are required for some of the following uses:

- (A) Year around single-family dwellings for owner occupancy and non-temporary rent or lease (see Section 16);
- (B) Seasonal single-family dwellings for owner occupancy and non-temporary rent or lease;
- (C) Accessory structures and uses;
- (D) Essential utility services.
- (E) Signs, as specified in Section 12 of this Ordinance.
- (F) Hiking, fishing, trapping, hunting, swimming, boating and self-contained recreational vehicle camping {two (2) camping units per parcel};
- (G) 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;
- (H) The practice of silviculture, including the planting, thinning and harvesting of timber, provided it is done in accordance with Section 4 and Section 8-3A.03of this Ordinance;
- (I) The construction and maintenance of duck blinds;
- (J) The construction and maintenance of piers, docks and walkways in accordance with Section 3-2.00 of this Ordinance;
- (K) The maintenance, repair, replacement, and reconstruction of existing town, county, and state highways and bridges.
- (L) The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, provided that:
 1. Any private recreation or wildlife habitat area must be used exclusively for that purpose.
 2. Limited filling and excavating necessary for the development of boat launching ramps and access roads may be allowed provided that they are designed and constructed to minimize the adverse impact upon the natural functions of the area.
 3. Ditching, excavating, dredging, dike and dam construction may be done in wildlife-refuges, game preserves and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

10-4A.00 SITE REQUIREMENTS

10-4A.01 Yard Requirements: All uses shall meet the following minimum setback requirements:

- (A) Class A Highway {State Highway}: 110 ft. from centerline or 50 ft. from lot line, whichever measures furthest into the lot.
- (B) Class B Highway {County Trunk}: 83 ft. from centerline or 50 ft. from lot line, whichever measures furthest into the lot.

- (C) Class C Highway {Town Road}: 63 ft. from centerline or 30 ft. from lot line, whichever measures furthest into the lot.
- (D) Front Lot Line: 30 ft. for all structures.
- (E) Rear Lot Line: 30 ft. for dwelling and attached accessory structures, 10 ft. for detached accessory building.
- (F) Side Lot Line: 10 ft. for all structures.

NOTE: (D), (E) and (F) are subject to (A), (B) and (C) above.

10-4A.02 Height Requirements:

- (A) Principal Structure maximum: 35 ft.
- (B) Accessory Structure maximum: 20 ft.
- (C) Exceptions:
 1. Chimneys and flues.
 2. Electric power and communication transmission lines.

10-4A.03 Lot / Area Requirements:

- (A) A minimum of 20,000 sq. ft. of buildable area is required per dwelling unit.
 1. Lot Area excluding access strips minimum: One (1) acre.
 2. Lot Width average minimum: 150 feet.
 3. Waterfront minimum width: 100 ft.

10-5A.00 SPECIAL EXCEPTIONS

10-5A.01 The following uses are permitted upon issuance of a Special Exception. Permit according to the procedure set forth in Section 13-4.00 of this Ordinance. Unless otherwise specified in the Special Exception Permit, any structure shall be set back at least seventy-five (75) feet from a property line.

- (A) Duplexes and multiple residential dwelling unit structures serving up to and including four (4)-family buildings;
- (B) Temporary rent or lease of single-family, duplex and multifamily dwellings;
- (C) Accessory structures and uses prior to primary structures and uses;
- (D) Hotels, resorts, taverns and private clubs;
- (E) Institutions of a philanthropic or educational nature;
- (F) Recreational camps and campgrounds. Recreational and educational camps shall conform to Chapter HSS 175 Wisconsin Administrative Code; and campgrounds shall conform to Chapter, HFS 178 Wisconsin Administrative Code, which shall apply until amended and then apply as amended;
- (G) Gift and specialty shops customarily found in recreational areas;

(H) Marinas, boat liveries, sale of bait, fishing equipment, boats and motors, and golf courses;

(I) Fish farms, forest industries

(J) Manufactured home parks, provided:

1. The minimum area for each manufactured home park shall be five (5) acres.
2. Every manufactured home lot shall have the following minimum dimensions exclusive of park streets:
 - (a) Area:12,500 square feet
 - (b) Width (at manufactured home):80 feet
 - (c) Depth:100 feet
3. Occupied lot area ratio: The accumulated area of the manufactured home and its accessory structures on a manufactured home lot, shall not exceed twenty percent (20%) of the respective lot area.
4. Required setbacks:
 - (a) Each manufactured home shall be located at least ten (10) feet from any manufactured home lot line.
 - (b) All manufactured homes shall meet the setback requirements in Section 3 of this Ordinance.

(K) Recreational Vehicle Parks, provided:

1. It shall conform to the requirements of Chapter HFS 178, Wisconsin Administrative Code, which shall apply until amended and then apply as amended.

(L) Signs not permitted by Section 12-2.00 of this Ordinance.

(M) All Special Exceptions listed in Section 8-6.00 of this Ordinance.

10-6A.00 VEGETATION REMOVAL / CUTTING

Vegetation removal / cutting regulations as set forth in Section 4 of this Ordinance shall apply.

SECTION 10B – RECREATIONAL-RESIDENTIAL SINGLE FAMILY CONSERVATION (R-RC) DISTRICT

10-1B.00 DESIGNATION

This district shall include all lands within the jurisdiction of this Ordinance that are designated as Recreational-Residential Single Family Conservation District on the Adams County Official Shoreland, Wetland and Habitat Protection Zoning Maps which have been adopted in Section 7-1.00 of this Ordinance.

10-2B.00 PURPOSE:

The R-RC District is intended to require the use of nontraditional residential subdivision design known as conservation subdivision, that will cluster the residential parcels and preserve open space and forest land, but

so designed to be spacious and protected from encroachment of non-compatible land use, noise and traffic hazard. The district is also intended to avoid overcrowding by requiring certain minimum yards, open spaces and site area while making available dwellings designed for and occupied exclusively by one (1) family.

10-3B.00 PERMITTED USES:

10-3B.01 Development Area:

- (A) Single-family dwelling (seasonal or year round) for owner occupancy, or long-term rent or lease
- (B) Signs, as specified in Section 12 of this Ordinance.
- (C) Residential condominium
- (D) Accessory apartment
- (E) Accessory buildings
- (F) Home occupation
- (G) Professional home office
- (H) Essential utility services
- (I) Customary accessory uses.

10-3B.02 Preservation Area (collectively, building structures shall not exceed ten percent (10%) of the undivided permanent open space):

- (A) Park
- (B) Playground
- (C) Sport & recreation court/field
- (D) Pond
- (E) Temporary use of an office or shelter for material and equipment being used in the construction of a permanent structure may be permitted by the Zoning Administrator.

10-4B.00 SITE REQUIREMENTS:

10-4B.01 Yard Requirements: All uses shall meet the following minimum setback requirements:

- (A) Class A Highway {State Highway}: 110 ft. from centerline or 50 ft. from lot line, whichever measures furthest into the lot.
- (B) Class B Highway {County Trunk}: 83 ft. from centerline or 50 ft. from lot line, whichever measures furthest into the lot.
- (C) Class C Highway {Town Road}: 63 ft. from centerline or 30 ft. from lot line, whichever measures furthest into the lot.

- (D) Front Lot Line: 30 ft. for all structures.
- (E) Rear Lot Line: 30 ft. for dwelling and attached accessory structures, 10 ft. for detached accessory building.
- (F) Side Lot Line: 10 ft. for all structures.

NOTE: (D), (E) and (F) are subject to (A), (B) and (C) above.

10-4B.02 Height Requirements:

- (A) Residential structure and attached accessory structure maximum: 35 ft.
- (B) Detached residential accessory structure maximum: 20 ft.
- (C) All other structures and facilities maximum: 35 ft.
- (D) Exceptions:
 1. Chimneys and flues.
 2. Electric power and communication transmission lines.

10-4B.03 Lot / Area Requirements:

- (A) Project Area: Minimum twenty (20) acres.
- (B) Development Lots:
 1. Area excluding access strips: Minimum buildable area of twenty thousand (20,000) square feet.
 2. Width. Minimum of 100 feet, measured at the front yard building setback line.
 3. Road Frontage: Minimum seventy (70) feet.
 4. Maximum Ground Coverage. The total ground area occupied by any principal building with all its accessory buildings shall not exceed the following percentage of total lot area: Twenty percent (20%).
- (C) Preservation Area:
 1. Fifty percent (50%) or more of the developable land and all undevelopable land area shall be designated as undivided permanent open space.
 2. All the land which is not divided into development land shall be designated as permanent open space, not to be further subdivided, and protected through conservation easement held by the County, by a recognized land trust or conservancy, or shall be held in common by equal shares by the owners of the development lots. All development lots capable of being further divided shall be restricted from further division by setting forth such restrictions in a recordable document naming the County as an interested party with standing to enforce such restrictions.

10-5B.00 SPECIAL EXCEPTIONS:

10-5B.01 Preservation Area:

- (A) Association Lodge
- (B) Public emergency shelter

(C) Marina

10-5B.02 Development Lot:

(A) Multi-family dwelling

(B) Temporary rental of dwelling (thirty (30) days or less)

10-6B.00 VEGETATION REMOVAL / CUTTING

Vegetation removal / cutting regulations as set forth in Section 4 of this Ordinance shall apply.

SECTION 11 - GENERAL PURPOSE DISTRICT

11-1.00 DESIGNATION

This district shall include all lands within the jurisdiction of this Ordinance that are not included in the: Shoreland-Wetland District, Inland-Wetland District, Recreational-Residential Districts or Conservancy District.

11-2.00 PURPOSE

Areas other than those contained in the above referenced districts under Section 11-1.00, are potentially suited to a wide range of uses including industrial, commercial, agricultural, residential, forestry and recreational uses. The General Purpose District will be used to allow a wide range of uses, subject to the general provisions of this Ordinance, which are designed and intended to: further the maintenance of safe and healthful conditions; protect spawning grounds, fish and aquatic life; and preserve shore cover, wetlands, habitat and natural beauty. Minimum separating distances are provided to reduce conflicting land uses between potentially incompatible uses.

11-3.00 PERMITTED USES

The following uses shall be allowed, subject to the general zoning regulations in this Ordinance:

11-3.01 Various Permits are required for some of the following uses:

- (A) Retail Commercial Uses (examples include hotel, resort, tavern, department store, grocery store, gift shop);
- (B) Non-commercial Recreational Uses including hiking, fishing, swimming, boating and self contained recreational vehicle camping {two (2) camping units per parcel};
- (C) Year around single-family dwellings for owner occupancy and non-temporary rent or lease (see Section 16);
- (D) Seasonal single-family dwellings for owner occupancy and non-temporary rent or lease;
- (E) Accessory structures and uses;
- (F) Essential utility services.

- (G) Signs, as specified in Section 12 of this Ordinance.
- (H) Hiking, fishing, trapping, hunting, swimming, boating and self-contained recreational vehicle camping {two (2) camping units per parcel};
- (I) 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;
- (J) The practice of silviculture, including the planting, thinning and harvesting of timber, provided it is done in accordance with Section 4 and Section 8-3A.03 of this Ordinance;
- (K) The construction and maintenance of duck blinds;
- (L) The construction and maintenance of piers, docks and walkways in accordance with Section 3-2.00 of this Ordinance;
- (M) The maintenance, repair, replacement, and reconstruction of existing town, county, and state highways and bridges.
- (N) The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, provided that:
 1. Any private recreation or wildlife habitat area must be used exclusively for that purpose;
 2. Limited filling and excavating necessary for the development of boat launching ramps and access roads may be allowed provided that they are designed and constructed to minimize the adverse impact upon the natural functions of the area.
 3. Ditching, excavating, dredging, dike and dam construction may be done in wildlife- refuges, game preserves and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

11-4.00 SPECIAL EXCEPTIONS

11-4.01 The following uses and related structures may be allowed by petitioning for a Special Exception Permit:

- (A) Wholesale commercial and Industrial uses may be permitted upon issuance of a Special Exception Permit by the Board of Adjustment as provided in Section 13-4.00 of this Ordinance. Any intended discharge of new waste into surface waters must be reported to the Department of Natural Resources and approved by the Department as provided in the Wisconsin Statutes and Wisconsin Administrative Code.
- (B) Agricultural Uses, provided livestock shall not be housed, pastured or otherwise permitted closer than one hundred (100) feet from any navigable water and shall be located so that no wastes or runoff will drain into any navigable water;
- (C) Temporary rent or lease of single-family, duplex and multifamily dwellings;

- (D) Accessory structures and uses prior to primary structures and uses;
- (E) Institutions of a philanthropic or educational nature;
- (F) Recreational camps, recreational vehicle (RV) parks and campgrounds. Recreational and educational camps shall conform to Chapter HSS 175 Wisconsin Administrative Code; and RV parks and campgrounds shall conform to Chapter, HFS 178 Wisconsin Administrative Code, which shall apply until amended and then apply as amended;
- (G) Marinas, boat liveries, sale of bait, fishing equipment, boats and motors, fish farms, forest industries and golf courses;
- (H) Manufactured home parks, provided:
 1. The minimum area for each manufactured home park shall be five (5) acres.
 2. Every manufactured home lot shall have the following minimum dimensions exclusive of park streets:

(a) Area:	12,500 square feet
(b) Width (at manufactured home):	80 feet
(c) Depth:	100 feet
 3. Occupied lot area ratio: The accumulated area of the manufactured home and its accessory structures on a manufactured home lot, shall not exceed twenty percent (20%) of the respective lot area.
 4. Required setbacks:
 - (a) Each manufactured home shall be located at least ten (10) feet from any manufactured home lot line.
 - (b) All manufactured homes shall meet the setback requirements in Section 3 of this Ordinance.
- (I) Planned Residential Community {See Section 11-7.00}.

11-5.00 VEGETATION REMOVAL / CUTTING

Vegetation removal / cutting regulations as set forth in Section 4 of this Ordinance shall apply.

11-6.00 SITE REQUIREMENTS

11-6.01 Yard Requirements: All uses shall meet the following minimum setback requirements:

- (A) Class A Highway {State Highway}: 110 ft. from centerline or 50 ft. from lot line, whichever measures furthest into the lot.
- (B) Class B Highway {County Trunk}: 83 ft. from centerline or 50 ft. from lot line, whichever measures furthest into the lot.
- (C) Class C Highway {Town Road}: 63 ft. from centerline or 30 ft. from lot line, whichever measures furthest into the lot.
- (D) Front Lot Line: 30 ft. for all structures.

- (E) Rear Lot Line: 30 ft. for dwelling and attached accessory structures, 10 ft. for detached accessory building.
- (F) Side Lot Line: 10 ft. for all structures.
- (G) Any lot line abutting any Recreational-Residential or Planned Residential District: One hundred (100) feet for all structures.

NOTE: (D), (E) and (F) are subject to (A), (B) and (C) above.

11-6.02 Height Requirements:

- (A) Principal Structure maximum: 35 ft.
- (B) Accessory Structure maximum: 20 ft.

11-6.03 Lot / Area Requirements:

- (A) Lot Area excluding access strips minimum: One (1) acre.
- (B) Lot Width average minimum: 150 feet.
- (C) Waterfront minimum width: 100 ft.
- (D) Maximum Ground Coverage. The total ground area occupied by any principal building with all its accessory buildings shall not exceed thirty percent (30%) of total lot area (see section 3-8.00).

11-7.00 PLANNED RESIDENTIAL COMMUNITY

11-7.01 PURPOSE. The Planned Residential Community is intended to permit residential and compatible mixed use development 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 as a conventional subdivision. A condition of all Planned Residential Community development is the preservation of certain open space, preferably in the shoreland area, in perpetuity.

11-7.02 REQUIREMENTS FOR PLANNED RESIDENTIAL COMMUNITY. All Planned Residential Community development shall meet the following requirements:

- (A) Project Area: The area proposed for the Planned Residential Community shall be at least five (5) acres in size.
- (B) Project Water Frontage {if applicable}: Minimum of two hundred (200) feet.
- (C) Density: Whether multi-family or individual, the number of dwelling units shall not exceed that which would have been possible if the same land were platted in accordance with the minimum lot sizes and widths provided by the applicable provisions of the zoning ordinance and other applicable ordinances.
- (D) Vegetative buffer zone and preservation of ground cover: The location of lots and the dedication of part of the land for use by the public or residents of the Planned Residential Community shall preserve the vegetative buffer zone and ground cover of the area to enhance scenic beauty of the navigable water and wetlands, prevent erosion, and provide wildlife habitat. In cases where the vegetative buffer does not exist it shall be reestablished. (see section 4)
- (E) Open space: All lands not used for lots and streets shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of lots in the development or to a corporation formed by them, or by dedication to the county, town or municipality. Lands dedicated to the public must be accepted by action of the governing body

of the accepting unit of government. If the land is to be conveyed to owners of lots in the development, a homeowner's association or similar legally constituted body shall be created to maintain the open space land. Any restriction placed on platted land by covenant, grant of easement or any other manner which was required by a public body or which names a public body as grantee, promisee or beneficiary, shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction.

- 11-7.03 **PROCEDURE FOR ESTABLISHING A PLANNED RESIDENTIAL COMMUNITY.** When considering approval of a Planned Residential Community the County shall consider whether proposed structural density, lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways and wetlands. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions in Section 4-2.00 shall apply except that the maximum width of a viewing corridor shall be one hundred (100) feet and the minimum vegetative buffer depth shall be increased proportionately based on site conditions to offset the impact of the proposed development. The procedure for establishing a Planned Residential Community shall be as follows:
- (A) **Petition.** A petition setting forth all of the facts required in Section 11-7.02 shall be submitted to the Planning and Zoning Department.
 - (B) **Review and Hearing:** The petition shall be submitted to the Board of Adjustment which shall hold a public hearing. Copies of the petition and notice of the hearing shall also be sent to the appropriate office of the Department as described in Section 13-1.06 of this ordinance.
 - (C) **Findings and Conditions of Approval.** The Board of Adjustment shall make written findings as to the compliance or noncompliance of the proposed Planned Residential Community with each of the applicable requirements set forth in Section 11-7.02. If the petition is granted in whole or part, the Board of Adjustment shall attach such written conditions to the approval as are required by and consistent with Section 11-7.02. 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. The findings of the Board of Adjustment shall reflect the recommendations of any federal, state or local agency with which the Board of Adjustment consults.
 - (D) **Planning Studies.** A landowner or petitioner may at his own expense, develop the facts required to establish compliance with the provisions of Section 11-7.02 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.

SECTION 12 - SIGNS

12-1.00 BASIC REQUIREMENTS

12-1.01 The following applies to all signs in all districts:

- (A) No sign shall be located, erected, moved, reconstructed, enlarged or altered until a zoning permit has been issued, except as exempted in section 12-5.00 of this Ordinance.
- (B) Any sign intended to be read from the water shall be set back at least seventy-five (75) feet from the ordinary high-water mark and shall not exceed thirty (30) square feet in area.

- (C) The owner of any sign shall keep it in good maintenance and repair including restoring, repainting, or replacing a worn or damaged, legally existing sign to its original condition.

12-2.00 RECREATIONAL – RESIDENTIAL, RECREATIONAL-RESIDENTIAL SINGLE FAMILY CONSERVATION AND PLANNED RESIDENTIAL COMMUNITY DISTRICTS

12-2.01 The following signs shall be permitted in a Recreational-Residential, Recreational-Residential Single Family Conservation and Planned Residential Community Districts:

- (A) Signs specifically exempted in Section 12-5.00 of this Ordinance.
- (B) On premise ground signs not exceeding forty (40) square feet, identifying an apartment, condominium, manufactured home park, subdivision, multiple family use or a permitted business or commercial use.

12-3.00 GENERAL PURPOSE DISTRICT

12-3.01 The following signs shall be permitted in a General Purpose District:

- (A) Temporary signs when permitted by the County Planning and Zoning Committee as a conditional use. The Planning and Zoning Committee shall, in each case, determine the structural type of sign permitted, the maximum size permitted and the time period the sign may remain in use.
- (B) Wall signs placed against the exterior walls of buildings and, for any one premise, not exceeding forty (40) square feet in area.
- (C) Projecting signs not exceeding forty (40) square feet in area for any one premise.
- (D) Awning and canopy signs not exceeding forty (40) square feet in area for any one premise.
- (E) Ground signs not exceeding forty (40) feet in height above the mean centerline street grade. They shall not exceed forty (40) square feet on one side or eighty (80) square feet on all sides. No ground sign shall be placed closer than eighty (80) feet to another ground sign. Such signs may be placed at the right-of-way line.
- (F) Roof signs not exceeding ten (10) feet in height above the roof. They shall not exceed forty (40) square feet on all sides for any one premise.
- (G) Portable signs not exceeding forty (40) square feet on one side or eighty (80) square feet on all sides.
- (H) Window signs.
- (I) Signs permitted in Section 12-2.00 of this Ordinance.
- (J) Signs specifically exempted in Section 12-5.00 of this Ordinance.

NOTE: Larger signs may be permitted by the Board of Adjustment upon a finding of fact that increased size shall be necessary to inform the public.

12-4.00 SHORELAND-WETLAND, INLAND-WETLAND & CONSERVANCY DISTRICTS

12-4.01 The following signs shall be permitted in Shoreland-Wetland, Inland-Wetland and Conservancy Districts:

(A) Signs specifically exempted in Section 12-5.00 of this Ordinance.

12-5.00 ALL DISTRICTS

12-5.01 The following signs are permitted in all districts without permit, but subject to the following regulations:

(A) Real estate ground or wall signs not exceeding eight (8) square feet in area which advertise the sale, rental, or lease of the premises upon which the signs are temporarily located. Such signs may be placed at the right-of-way line.

(B) Ground signs identifying the name and address of the resident, not exceeding six (6) square feet in area, and located on the premises. Such signs may be located at the right-of-way line.

(C) Home occupation and professional home office signs not exceeding nine (9) square feet in area on any one side; located on the premises, and not illuminated after 10 p.m. or before 8 a.m.

(D) Bulletin boards on ground or wall signs not exceeding thirty-six (36) square feet in area, located on the premises, and used by public, charitable, or religious institutions. Such signs may be placed at the right-of-way line.

(E) Memorial signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal or wood and affixed flat against a structure.

(F) Official ground signs, such as traffic control, parking restrictions, information and notices. As allowed by the state, county and town, such signs may be placed up to the pavement edge.

(G) Political signs provided the following provisions are met:

1. No sign is erected more than sixty (60) days prior to the election.
2. All signs are removed within seven (7) days after the election.
3. No sign shall be attached or placed on utility poles or traffic devices within public right-of-way.
4. The graphic message must relate to candidates or beliefs at issue in the current election.
5. Persons or committees authorizing the distribution or posting of campaign materials shall be responsible for compliance with the provisions of this Ordinance.

(H) Field demonstration and test plot signs.

SECTION 13 - ADMINISTRATION

13-1.00 ZONING ADMINISTRATOR

13-1.01 The Zoning Administrator or his designee shall exercise the following duties and powers:

- (A) Advise applicants as to the provisions of this Ordinance and assist them in preparing permit applications.
- (B) Issue permits and inspect properties for compliance with this Ordinance.
- (C) Keep records of all permits issued, inspections made, work approved and other official actions.
- (D) Have access to any structure or premises during reasonable hours for the purpose of performing his duties.
- (E) Issue directives and orders and report violations of this Ordinance and other applicable regulations to the Planning and Zoning Committee and Corporation Counsel.

NOTE: Written notice shall be given to the appropriate district and area offices of the Department of Natural Resources at least ten (10) days prior to hearings on proposed shoreland variance, special exceptions, appeals for map or text interpretations and map or text amendments.

- (F) Copies of decisions on shoreland variances, special exceptions, appeals for map or text interpretations and map or text amendments shall be submitted to the appropriate district or area offices of the Department of Natural Resources within ten (10) days after they are granted or denied.

13-2.00 ZONING PERMITS

13-2.01 Cases when a Zoning Permit is required:

- (A) Before any building or other structure is erected, moved or structurally altered so as to change its use or increase its floor space.
- (B) Before placement of rip rap or other non-vegetative erosion control devices and structures. Prior to installation, the County must approve the design and necessity for all erosion control devices and structures.
- (C) Before a Special Exception Permit for filling and/or grading may be issued.
- (D) Before any land use is substantially altered (including pond construction, land clearing and filling and grading for camper slabs).

13-2.02 Application for Zoning Permit:

An application for a Zoning Permit shall be made to the Zoning Administrator upon forms furnished, and shall include, for the purpose of proper enforcement of these regulations, the following data:

- (A) Name and address of the applicant and property owner;

- (B) Legal description of the subject site, address of the subject site, type of structure or use and the zoning district within which the subject site lies.
- (C) Plat of survey or a location sketch showing the location, boundaries, dimensions, elevations, uses and sizes of the following:
 1. Subject site;
 2. Existing and proposed structures;
 3. Existing and proposed easements, streets and other public ways;
 4. Existing and proposed building setbacks; and
 5. The ordinary high-water mark of any abutting watercourse and watermark at the day of the sketch.
- (D) Any additional information as may be required by the County Planning and Zoning Committee or the Zoning Administrator.
- (E) If applicable, inventory checklist.

13-3.00 COMPLIANCE

13-3.01 As applicable and permitted, no land shall be occupied, used or altered and no building hereafter erected, altered or moved shall be occupied until the appropriate inspection(s) and/or final occupancy as been issued by the Planning and Zoning Department.

(A) Inspection reports shall show that the building or premises or part thereof conforms to all provisions of this Ordinance.

13-3.02 The Zoning Administrator may issue a temporary occupancy for part of a building, pursuant to rules and regulations established by this Ordinance and other applicable codes and ordinances.

13-3.03 Upon written request from the owner, the Zoning Administrator shall issue a letter of compliance for any building or premises existing at the time of the adoption of this Ordinance, certifying, after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this Ordinance.

NOTE: An onsite inspection may require a fee.

13-4.00 SPECIAL EXCEPTION PERMIT

Unclassified or unspecified uses and any use listed as a Special Exception in this Ordinance may be permitted only upon application to the Zoning Administrator and issuance of a Special Exception Permit by the Board of Adjustment.

13-4.01 APPLICATION FOR A SPECIAL EXCEPTION PERMIT. In order to secure information upon which to base its determination, the Board of Adjustment may require the applicant to

furnish, in addition to the information required for a zoning permit, the following information:

- (A) A plan of the area showing contours, soil types, driveways, walkways, groundwater conditions, bedrock, slope and vegetative cover.
- (B) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open spaces and landscaping.
- (C) Plans of buildings, sewage disposal facilities, water supply systems and arrangements for operation.
- (D) Specifications for areas of proposed filling, grading, lagooning or dredging.
- (E) Other pertinent information necessary to determine if the proposed use meets the requirements of this Ordinance.
- (F) If applicable, inventory checklist;

13-4.02 STANDARDS APPLICABLE TO ALL SPECIAL EXCEPTIONS.

In passing upon a Special Exception Permit, the Board of Adjustment shall evaluate the effect of the proposed use upon:

- (A) The maintenance of safe and healthful conditions;
- (B) The prevention and control of water pollution including sedimentation;
- (C) Existing topographic and drainage features and vegetative cover on the site;
- (D) The location of the site with respect to floodplains of rivers or streams;
- (E) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover;
- (F) The location of the site with respect to existing or future access roads;
- (G) The need of the proposed use for the particular location;
- (H) Its compatibility with uses on adjacent land; and
- (I) Location factors under which:
 1. Domestic uses shall be generally preferred;
 2. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source;
 3. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.

13-4.03 CONDITIONS ATTACHED TO SPECIAL EXCEPTIONS. Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions, in addition to those required elsewhere in this Ordinance, that it deems necessary in furthering the purposes of this Ordinance. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; increased setbacks; specified sewage disposal or water supply facilities; landscaping and planting screens; period of operation; operation control; sureties; deed restrictions; location of piers, docks, parking and signs; type of construction or any other requirements necessary to fulfill the purpose and intent of this Ordinance.

The Board of Adjustment in evaluating each application may request the Planning and Zoning Administrator to make available expert assistance from those State and Federal agencies which are assisting said District under a memorandum of understanding and any other State or Federal agency which can provide technical assistance.

13-4.04 NOTICE OF PUBLIC HEARING. Before passing upon an application for Special Exception Permit, the Board of Adjustment shall hold a public Hearing. Notice of such public hearing specifying the time, place and matters to come before the board shall be given in the manner specified in Section 13-5.04 of this Ordinance, including mailed notice to the district and area offices of the Department of Natural Resources at least ten (10) days prior to the hearing.

13-4.05 RECORDING. When a Special Exception Permit is acted upon, an appropriate record shall be made of the land use and structures permitted or denied, and such grant shall be applicable solely to the structures, uses and property so described. A copy of any decision granting a Special Exception Permit shall be mailed to the district and area offices of the Department of Natural Resources.

NOTE: When a Special Exception Permit is denied, the Board shall state in writing the grounds for refusing the permit.

13-4.06 TERMINATION. Where a Special Exception does not continue in conformity with the conditions of the original approval, the Special Exception shall be terminated by action of the Board of Adjustment.

13-5.00 BOARD OF ADJUSTMENT

13-5.01 CREATION OF THE BOARD.

- (A) The Chairman of the County Board is hereby directed to appoint a Board of Adjustment according to Section 59.694 of the Wisconsin Statutes, consisting of five (5) members and two (2) alternates.
- (B) The members shall all reside within the county and outside of limits of incorporated cities and villages; provided, however, that no two (2) members may reside in the same town. The Board shall choose its own chairman and other officers as may be needed.
- (C) No member shall be a member of the Planning and Zoning Committee or be a member of the County Board of Supervisors or be a member of a Town Board.
- (D) Term of office shall be for three years beginning July 1. Vacancies shall be filled for the un-

expired term of any member whose term becomes vacant.

13-5.02 POWERS AND DUTIES OF THE BOARD.

- (A) The Board of Adjustment shall adopt such rules as it deems necessary for the conduct of business and may exercise all of the powers conferred on such boards by Section 59.694(7), Wisconsin Statutes.
- (B) It shall hear and decide appeals where it is alleged there is error in any order requirements, decisions or determination made by an administrative official in the enforcement or administration of this Ordinance.
- (C) It shall hear and decide Special Exceptions to the terms of this Ordinance upon which the Board is required to pass under this Ordinance.
- (D) It may authorize upon appeal, in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special or unique site conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship provided the purpose and intent of the ordinance are observed. No variance shall have the effect of allowing in any district uses prohibited in that district or permit standards lower than those required by state law.

For the purposes of this section, “unnecessary hardship” means whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. Self-created and-economic hardship shall not be considered.

13-5.03 APPEALS TO THE BOARD. Appeals to the Board of Adjustment may be taken by a person aggrieved or by an officer, department, board or bureau of the municipality, affected by a decision of the Zoning Administrator. Such appeal shall be taken within thirty (30) days of written notice of the decision or order of the Zoning Administrator, by filing with the office from whom the appeal is taken and with the Board of Adjustment, a notice of appeal specifying the ground thereof. The Zoning Administrator shall forthwith transmit to the Board all the documents constituting the record upon which the action appealed from was taken.

13-5.04 HEARING APPEALS.

- (A) The Board of Adjustment shall fix a reasonable time for the hearing of the appeal; give public notice and such notice to be published in the official newspaper of the County by publishing a class two (2) notice thereof as defined in Section 985 of the Wisconsin Statutes, as well as due notice to the parties in interest, including mailing notice to the district and area offices of the Department of Natural Resources at least ten (10) days prior to the hearing. Such notice shall specify the date, time and place of the hearing and matters to come before the Board.
- (B) A decision regarding the appeal shall be made as soon as practicable.
- (C) The final disposition of an appeal or application to the Board of Adjustment shall be in the form of a written resolution or order signed by the secretary of the Board. Such resolution shall state

the specific facts that are the basis for the Board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.

(D) A copy of any decision granting a variance shall be mailed to the district and area offices of the Department of Natural Resources.

(E) Any party may appear in person or by agent or by attorney.

13-6.00 FEES

13-6.01 The applicant, upon filing of an application, shall pay a fee for the following purposes:

(A) Zoning Permit;

(B) Onsite inspections;

(C) Special Exception Permit;

(D) Petitions for Zoning Map Amendments; and

(E) Appeals and Variances.

Fees shall be as set from time to time by the Adams County Board of Supervisors upon recommendation from the Planning and Zoning Committee.

SECTION 14 - CHANGES AND AMENDMENTS

14-1.00 AMENDMENT PROCEDURE

14-1.01 The County Board of Supervisors of Adams County, Wisconsin may from time to time, alter, supplement or change the boundaries of the use districts and the regulations contained in this Ordinance in the manner provided by law as follows:

(A) Amendments to this Ordinance may be made on petition of any interested party in accordance with the provisions of Section 59.69(5)(e), Wisconsin Statutes.

(B) Amendments to the Shoreland-Wetland District shall be done in accordance with Section 8-6A.00 of this Ordinance.

(C) Copies of any amendment proposed to the County Board of Supervisors, referred by that board to the Planning and Zoning Committee, shall be mailed by the Planning and Zoning Department within five (5) days after such referral to the district and area offices of the Department of Natural Resources. Written notice of the public hearing to be held on a proposed amendment shall be mailed to the district and area offices of the Department of Natural Resources at least ten (10) days prior to the hearing.

(D) A copy of the action taken by the County Board of Supervisors on all amendments shall be forwarded to the district and area offices of the Department of Natural Resources within ten (10)

days after the decision is issued.

SECTION 15 - ENFORCEMENT AND PENALTIES

15-1.00 ENFORCEMENT

Any building or structure hereinafter erected, enlarged, moved or structurally altered or any use hereinafter established in violation of the provisions of this Ordinance by any person, firm, association, corporation (including contractors or his or their agent) shall be deemed as an unlawful structure or use..

15-2.00 PROCEDURE

The Zoning Administrator may sign a complaint, issue directives or orders including stop-work orders and report the violations to the County Corporation Counsel. It shall be the duty of the Corporation Counsel to expeditiously prosecute all such violators.

15-3.00 PENALTIES

A violator shall, upon conviction, forfeit to the County a penalty of not less than fifty dollars (\$50.00) together with the taxable cost in such action and not more than five hundred dollars (\$500.00) and every day of violation shall constitute a separate offense.

15-4.00 CORRECTION

Additionally, the violator will be required to bear the costs for correcting the violation and may be required to post a cash bond to cover such costs. Any cash posted that is not needed to correct the violation will be returned to the violator.

SECTION 16 - DEFINITIONS

16-1.00 INTERPRETATION

16-1.01 For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows: Words used in the present tense includes the future; words in the singular number include the plural number; and words in the plural number include the single number. The word "shall" is mandatory, not permissive. Any word not defined below shall be presumed to have its customary dictionary definition.

- (A) ACCESSORY USE. A use incidental to the principal use of a building. In buildings restricted to residential use, the office of a professional man, customary family occupations and workshops not conducted for compensation shall be deemed accessory uses.
- (B) ACCESS STRIP. Any portion of a parcel that is sixty-six (66) feet or less in width.
- (C) ACCESS AND VIEWING CORRIDOR. A strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.
- (D) BOATHOUSE.. Boathouse means a permanent structure located entirely in the water or within

seventy-five (75) ft. of the OHWM 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. Boathouses are prohibited.

- (E) BUILDABLE AREA. Land area not encumbered for construction of primary and accessory residential, commercial or industrial structures including onsite sanitary systems. Encumbrances include floodplain, wetland and other unbuildable site conditions.
- (F) BUILDING ENVELOPE. The three dimensional space within which a structure is built.
- (G) CAMPGROUNDS. Any premises established for overnight habitation by persons using equipment designed for the purpose of temporary camping and for which a fee of any sort is charged or exchanged.
- (H) COUNTY ZONING AGENCY. The Planning and Zoning Committee created by the county board under s. 59.69(2)(a), Wis. Stats, to act in all designated matters pertaining to county planning and zoning.
- (I) CRITICAL HABITAT. Areas of aquatic vegetation identified as offering critical or unique fish and wildlife habitat or offering water quality or erosion control benefits to the body of water.
- (J) DEPARTMENT. The Wisconsin Department of Natural Resources.
- (K) DRAINAGE SYSTEM. One or more artificial ditches, tile drains or similar devices, which collect surface runoff or groundwater and convey it to a point of discharge.
- (L) EROSION CONTROL DEVICE/STRUCTURE. Any material placed at a 2:1 slope or flatter intended to retard or eliminate the movement of soil resulting from the overland flow of water.
- (M) EXISTING DEVELOPMENT PATTERN. Principal structures exist within two hundred fifty (250) feet of a proposed principal structure in both directions along the shoreline.
- (N) FLOODPLAIN. That land which has been or may be hereafter covered by flood water during the regional flood, as indicated by the Adams County Floodplain Ordinance. The floodplain includes the floodway and the flood fringe as those terms are defined in Chapter NR 116, Wisconsin Administrative Code.
- (O) GENERALLY ACCEPTED FORESTRY MANAGEMENT PRACTICES. Forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.
- (P) HAND TOOL. An unpowered tool; a device for doing a particular job that does not use a motor, but is powered solely by the person using it.
- (Q) IMPERVIOUS SURFACE. 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.

- (R) INCONSPICUOUSLY COLORED. Not readily noticeable or prominent.
- (S) LAGOON. An artificial enlargement of a waterway.
- (T) MAINTENANCE AND REPAIR. Includes such activities as interior remodeling, painting, decorating, paneling, plumbing, insulation, and replacement of windows, doors, wiring, siding, roof and other nonstructural components; and the repair of cracks in foundations, sidewalks, walkways and the application of waterproof coatings to foundations.
- (U) MANUFACTURED HOME. A vehicle having an overall length in excess of forty-five (45) feet or a body width of more than eight (8) feet designed to be towed on its chassis (comprised of frame and wheels) as a single unit or in sections upon a highway by a motor vehicle and equipped and used or intended to be used for residential occupancy and designed to be connected to utilities, excluding, however, recreational vehicles.
- (V) MITIGATION. Balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.
- (W) 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 s. 281.31(2)(d), Wis. Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.692, Wis. Stats, and ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:
1. Such lands are not adjacent to a natural navigable stream or river.
 2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
 3. Such lands are maintained in nonstructural agricultural use.
- NOTE:** “Wisconsin’s Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench v. Public Service Dept. of Natural Resources, 70 Wis. 2d 936 (1975)]. For example, a stream which is navigable by a skiff or canoe during normal spring high-water is navigable, in fact, under the laws of this state though it may be dry during other seasons.”
- (X) NUISANCE.
1. An unreasonable activity or use of property that interferes substantially with the comfortable enjoyment of life, health, or safety of others.
 2. A substance or condition that is known to have the potential to cause acute or chronic illness or death if exposure to the substance, activity or condition is not abated.
- (Y) ORDINARY HIGHWATER MARK. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.
- (Z) PATIO. A flat exterior-constructed surface, no higher than six (6) inches above original grade, made of concrete, wood, brick or a combination thereof. A patio shall not include affixed

appendages such as benches, tables, walls, roofs or any other structural component, which extend above the six (6) inch height limitation. Railings are permitted only where required by safety concerns.

- (AA) PLANNING AND ZONING COMMITTEE. The committee created by the county board under s. 59.69(2)(a), Wis. Stats, to act in all matters pertaining to county planning and zoning.
- (BB) RECREATIONAL VEHICLE. A vehicle having an overall length of forty-five (45) feet or less and a body width of eight (8) feet or less primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.
- (CC) REGIONAL FLOOD. A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.
- (DD) ROUTINE MAINTENANCE OF GRASSES. Normally accepted horticultural practices including mowing, that do not result in the loss of any existing vegetation and do not require earth disturbance.
- (EE) RETAINING WALL. Any material intended to stabilize the soil and placed at a slope steeper than 2:1.
- (FF) SAFETY CONCERNS. Circumstances or conditions presenting significant risk to human welfare.
- (GG) SELF-CONTAINED RECREATIONAL VEHICLE. A recreational vehicle manufactured with water supply and sewage holding tanks, which are an integral part of the recreational vehicle.
- (HH) SETBACKS. The minimum horizontal distance from the centerline of a highway or its right-of-way line, the ordinary high-water mark of a navigable water or a lot line to the nearest part of a structure, measured at right angles to the centerline, right-of-way line, ordinary high-water mark or lot line.
- (II) SHORELANDS. Lands within the following distances from the ordinary high-water mark of navigable waters: one thousand (1,000) feet from a lake, pond or flowage; and three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever is greater.
- (JJ) SHORELAND ORDINANCE / SHORELAND ZONING ORDINANCE. The Adams County Shoreland, Wetland and Habitat Protection Ordinance.
- (KK) SHORELAND SETBACK. An area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of buildings or structures has been limited or prohibited under an ordinance enacted under section 59.692, Wis. Stats.
- (LL) SHORELAND-WETLAND DISTRICT. The zoning district, created as a part of this shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made a part of this Ordinance.

(MM) SIGNS:

1. **AWNING SIGN:** A sign affixed flat to the surface of an awning and not extending beyond the limits of the awning.
2. **GROUND SIGN:** A sign attached to the ground independent of any buildings.
3. **PORTABLE SIGN:** A sign which is not designed to be permanently attached to the ground or a building.
4. **PROJECTING SIGN:** A sign other than a wall a wall or roof sign, attached to or supported by a building or structure and projecting more than twelve (12) inches from the face of the building or structure.
5. **ROOF SIGN:** A sign erected on or over the roof of a building.
6. **WALL SIGN:** A sign which is attached to a wall of a building and projects not more than twelve (12) inches from such wall and does not extend above the ceiling line of the top floor of the building.
7. **WINDOW SIGN:** A sign painted or affixed to a window.

(NN) SILVICULTURE. The art by which forests are tended, developed, harvested and regenerated using various management options.

(OO) 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 Zoning Committee or the County Board.

(PP) SPECIAL ZONING PERMISSION. The issuance of a conditional Zoning Permit; other permits may also be required.

(QQ) STRUCTURAL ALTERATION. The altering or modifying of any structural support system or component.

(RR) STRUCTURE. Any man-made object with form, shape and utility, either permanently or temporarily placed upon the ground. The term “structure” does not include objects that are easily moved by hand.

(SS) TEMPORARY RENT OR LEASE. The renting or leasing of residential property for a period of thirty (30) continuous days or less.

(TT) UNNECESSARY HARDSHIP. Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome- [See also Section 13-5.01(D) of this Ordinance]

(UU) VARIANCE. An authorization granted by the Board of Adjustment to construct, alter or use a building or structure in a manner that deviates from the requirements of this Ordinance.

- (VV) WATERFRONT MINIMUM WIDTH. Lot width as measured in a straight line from the points of intersection of the ordinary high water mark and the lot lines.
- (WW) 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.



Planning & Zoning Department

P. O. Box 187
Friendship, WI 53934
Phone: (608) 339 - 4222
Fax: (608) 339 - 4504

www.co.adams.wi.gov

OFFICE USE ONLY:
File #:
Date:
Computer #:
Parcel #:
County Zoning District:
Shoreland Zoning District:
Critical Habit Area:
FIRM / Flood Study Zone:
Airport Height Zoning:

INVENTORY CHECKLIST

Greater Than Two (2) Acre Conservancy or Shoreland/Wetland Rezone Request

Property Description:

Gov. Lot: or 1/4, 1/4, Sec. T N, R E
Lot: ; Block: ; Addition: ; Subdivision:
Town of: Property Address (if any)
Lot / Parcel Size: Width: Length: Acres / Sq. Ft.:

Required Submittals:

- A Soil Test performed by a licensed Soil Tester is required for any proposal involving human occupancy of the property.
Maps: Location, Parcel, Topography, Proposed Land Divisions, Soils, Floodplain, Critical Habitat Area.
Proposed activity (Residential, Commercial)
Location of wetlands delineated on orthophoto map.
Location of all surface waters on orthophoto map.
Location of all man-made features onsite on orthophoto map.
Narrative describing existing vegetation within proposed rezone area.
A map locating and a narrative describing existing Cultural Resources within proposed rezone area.
A map locating and a narrative describing existing Historical Resources within proposed rezone area.
A map locating and a narrative describing existing Threatened/Endangered/Special Interest Species and Sites/critical habitat areas within proposed rezone area.
A narrative describing the elevation of groundwater within proposed rezone area.
Copy of all Deeds, other Recorded Documents describing the location of Easements, Utilities.
If applicable, a narrative describing potential impacts to the area due to wastewater treatment system(s).
If applicable, a narrative and pictures describing current Storm-water/Erosion Control Concerns.

Applicant comments:



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OFFICE USE ONLY:	
File #:	_____
Date:	_____
Computer #:	_____
Parcel #:	_____
County Zoning District:	_____
Shoreland Zoning District:	_____
Critical Habitat Area:	_____
FIRM / Flood Study Zone:	_____
Airport Height Zoning:	_____

INVENTORY CHECKLIST

Up To & Including Two (2) Acre Conservancy or Shoreland/Wetland Rezone Request

Property Description:

Gov. Lot: _____ or _____ 1/4, _____ 1/4, Sec. _____, T _____ N, R _____ E
 Lot: _____; Block: _____; Addition: _____; Subdivision: _____
 Town of: _____ Property Address (if any) _____
 Lot / Parcel Size: Width: _____ Length: _____ Acres / Sq. Ft.: _____

Required Submittals:

- A Soil Test performed by a licensed Soil Tester is required for any proposal involving human occupancy of the property. Soil Test must demonstrate that the site will support a Private Onsite Waste Treatment System. Holding tanks are prohibited for new construction.
- Map of parcel, proposed land divisions.
- Proposed activity (Residential, Commercial)
- Location of wetlands on orthophoto map.
- Location of all surface waters on orthophoto map (Lakes, streams, ponds, rivers, ditches, intermittent flows, springs etc.)
- Location of all man-made features onsite on orthophoto map (Buildings, roads, driveways, parking lots, etc.)
- Narrative describing existing vegetation within proposed rezone area (Classify percent ground cover, species, density, invasive species present, and season of inventory)
- Copy of all deeds and other documents describing the location of easements, utilities.
- If applicable, a narrative and pictures describing current storm-water & erosion control concerns.

Applicant comments: _____

