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Forest County Wisconsin

# Shoreland Zoning

Forest County Board of Supervisors

4/16/2019

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123 **SECTION 1 – STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE**

124 **1.1 Statutory Authorization.**

125 Wisconsin state law requires that counties zone, by ordinance, all shorelands in their unincorporated  
126 areas to meet legislative intent. This ordinance is adopted pursuant to Wis. Stats. Sections 59.692, 59.69,  
127 59.694, 236.45 and 281.31, which authorize the local Land and Water Resources committee and the  
128 Zoning Administrator to plan for the development and zoning of land and resources within Forest County.

129 **1.2 Findings of Fact.**

130 **A.** Forest County has an abundance of lakes totaling 21,882 acres, a network of 850 miles of unique  
131 waterways and wetlands of far more than 161,000 acres. A vast majority of these unique  
132 landscapes, water bodies, water ways and wetlands are perpetually protected by the State and  
133 Federal government.

134 **B.** Uncontrolled use of the shorelands and impairment of the navigable waters of Forest County  
135 would adversely affect the public health, safety, convenience, general welfare and impair the  
136 remaining tax base.

137 **1.3 Purpose and Intent**

138 For the purpose of promoting the public health, safety, convenience and welfare, and promoting and  
139 protecting the public trust in navigable waters, this ordinance has been established to:

- 140 **A.** Further the maintenance of safe and healthful conditions and prevent and control water  
141 pollution through:
- 142 **1.** Limiting structures to those areas where soil and geological conditions will provide a  
143 safe foundation.
  - 144 **2.** Establishing minimum lot sizes to provide adequate area for private on-site waste  
145 treatment systems.
  - 146 **3.** Controlling filling and grading to prevent soil erosion problems.
  - 147 **4.** Limiting impervious surfaces to control runoff which carries pollutants.
- 148 **B.** Protect spawning grounds, fish and aquatic life through:
- 149 **1.** Preserving wetlands and other fish and aquatic habitat.
  - 150 **2.** Regulating pollution sources.
  - 151 **3.** Controlling shoreline alterations, dredging and lagooning.
- 152 **C.** Control building sites, placement of structures and land uses through:
- 153 **1.** Prohibiting certain uses detrimental to the shoreland-wetlands.
  - 154 **2.** Setting minimum lot sizes and widths.
  - 155 **3.** Setting minimum building setbacks from waterways.
  - 156 **4.** Setting the maximum height of near shore structures.
- 157 **D.** Preserve and restore shoreland vegetation and natural scenic beauty through:
- 158 **1.** Restricting the removal of natural shoreland cover.
  - 159 **2.** Preventing shoreline encroachment by structures.
  - 160 **3.** Controlling shoreland excavation and other earth moving activities.
  - 161 **4.** Regulating the use and placement of boathouses and other structures.

162 **1.4 Title**  
163 This ordinance is known as the Forest County Shoreland Zoning Ordinance

164 **SECTION 2 – GENERAL PROVISIONS**

165 **2.1 Regulated Areas**

166 **A. Applicability.**

167 The provisions of this ordinance apply to the shorelands of all navigable waters in the  
168 unincorporated areas of Forest County. Shorelands include the following.

- 169 1. Land located within 1000 feet of the OHWM of navigable lakes, ponds or flowages; and
- 170 2. Land located within 300 feet of the OHWM of navigable rivers or streams, or to the  
171 landward side of the floodplain, whichever distance is greater.

172 **B. Exemptions.**

- 173 1. Under Wis. Stat. §281.31(2m), notwithstanding any other provision of law or administrative  
174 rule, this ordinance does not apply to:
- 175 2. Lands adjacent to farm drainage ditches if such lands are not adjacent to a natural navigable  
176 stream or river, Those parts of such drainage ditches adjacent to such lands were not  
177 navigable streams before ditching; and
- 178 3. Lands adjacent to artificially constructed drainage ditches, ponds or storm water retention  
179 basins that are not hydrologically connected to natural navigable water body.

180 **2.2 Incorporated Maps and Studies**

181 The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural  
182 Resources Surface Water Data Viewer is made part of this ordinance. The maps can be viewed at:  
183 <http://dnrmaps.wi.gov/H5/?Viewer=SWDV> The staff of the Forest County Land and Water Resources will  
184 consult the following maps and written material when administering these ordinances (The maps  
185 designated below are hereby adopted and made part of this ordinance. They are on file in the office of  
186 the Zoning Administrator for Forest County and there is a digital copy at the office of the North Central  
187 Regional Planning Commission):

- 188 **A.** The most recent United States Geological survey quadrangle maps for Forest County;
- 189 **B.** All maps and related information by United States Geological Survey and UW Geological and  
190 Natural History Surveys relating to Forest County;
- 191 **C.** Comprehensive Plan Land Use/Zoning Maps and the supporting data file depicting use as adopted  
192 by the Forest County Board of Supervisors;
- 193 **D.** USACE Regional Supplement to the Corps of Engineers Wetland Delineation Manual: North central  
194 and Northeast Region;
- 195 **E.** Flood Insurance Rate Maps effective December 11th, 2011 and all future amendments;
- 196 **F.** Special Area Management Plans with mapping as adopted on (to be determined);
- 197 **G.** NCWRPC digitized parcel maps to be used as a preliminary guide for administration;
- 198 **H.** The Forest County Surface Water Resources publication dated 1977;
- 199 **I.** The Forest County Land and Water Plan;

- 200 J. At all times Forest County shall utilize the most current, pertinent, peer reviewed scientific
- 201 information and engineering practices available when considering land, soil and water use
- 202 decisions;
- 203 K. Guidance for native habitats and landscapes in the transitional forest from the USDA “Watchers
- 204 Guide to Habitats;”
- 205 L. WDNR Conservation Practice Standard no. 1002, site Evaluation for Storm water Infiltration;
- 206 M. WI Forestry Best Management Practices for Water Quality (WDNR Publication).

## 207 **2.3 Force and Effect**

### 208 **A. General**

209 The use of any shoreland area; the size and shape of shoreland lots; the use; size, type and location

210 of structures on shoreland lots; the installation and maintenance of waste disposal facilities; the

211 filling and grading of any shorelands; the removal of shoreland vegetation; and the division of lots in

212 shoreland areas, shall be in full compliance with the terms of this ordinance. All development

213 requires a permit unless otherwise excluded by this ordinance.

### 214 **B. Property Owners and Agents**

215 It is the responsibility of the property owners or their agent(s) acting on their behalf, including

216 builders and contractors, to comply with the terms of this ordinance. Any landowner or agent thereof

217 failing to comply with this ordinance is subject to enforcement under Section 19 of this ordinance.

### 218 **C. Governmental Bodies**

- 219 1. Unless specifically exempted by law, all governmental entities shall comply with this
- 220 ordinance and obtain all necessary permits.
- 221 2. Towns and non-profit organizations may apply to the Land and Water Resource Committee
- 222 for permit fee reductions or assistance on recreation or other public projects. All work shall
- 223 be in compliance with the terms of the ordinance.

## 224 **2.4 Relationship to Other Zoning and Property Restrictions**

### 225 **A. Town Regulation**

226 Pursuant to Wis. Stat. 59.692(2), this ordinance does not require approval or be subject to disapproval

227 by any town or town board.

### 228 **B. Floodplain Restrictions**

229 Building or structures that are, or to be, located in a mapped floodplain shall be required to comply

230 with the Forest County Floodplain Ordinance dated 11-2011 and this ordinance.

### 231 **C. Property Restrictions, Public and Private**

232 This ordinance is not intended to enforce, repeal, abrogate or impair any existing deed restrictions,

233 covenants or easements. However, provisions of this ordinance which impose stricter restrictions

234 shall prevail.

## 235 **2.5 Interpretation**

- 236 A. Unless specifically exempted by law, all cities, villages, towns and counties are required to comply
- 237 with this ordinance and obtain all necessary permits. State agencies are required to comply when
- 238 Wis. Stat. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of state

239 highways and bridges by the Wisconsin Department of Transportation are exempt when Wis. Stat.  
240 § 30.2022(1) applies.

241 **B.** The provisions of this ordinance are not to be deemed a limitation or repeal of any other powers  
242 granted by Wisconsin Statutes. Where a provision of this ordinance is required by statute or a  
243 standard in Ch. NR 115, Wis. Adm. Code, and where the ordinance provision is unclear, the  
244 provision will be interpreted in light of the statute and Ch. NR 115 standards in effect on the date  
245 of the adoption of this ordinance or in effect on the date of the most recent text amendment to  
246 this ordinance.

## 247 **2.6 Severability**

248 If any portion of this ordinance is superseded by state law, adjudged unconstitutional or invalid by a court  
249 of competent jurisdiction, the remainder of this ordinance will remain in effect.

## 250 **SECTION 3 – DEFINITIONS**

### 251 **3.1 Incorporated Definitions:**

252 Except as set forth in this Section, all terms have meanings as contained in Black’s Law Dictionary.

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

255 **Access Site or Lot:** A parcel of land that is contiguous to a body of water (lake or river) which provides a  
256 means for waterfront access.

257 **Administrator:** The Forest County Zoning Administrator or the Deputy Zoning Administrator under the  
258 direction of the Land and Water Resources Committee.

259 **Back Lot:** A parcel of any size, whether improved, subdivided or platted, located within 1000 feet of any  
260 lake or within 300 feet of any river that does not abutt the shoreline or OHWM of a lake or river.

261 **Blight:** Blight refers to the deterioration or decay of a premises or exterior of a building or condition of a  
262 property, that when viewed at ground level from the public right-of-way or from neighboring premises, is  
263 detrimental to the property of others or to the value of the property of others.

264 **Boathouse:** A permanent structure located on land and used for the storage of watercraft and associated  
265 materials, including all structures which are totally enclosed, have a roof or walls or any combination of  
266 these structural parts.

267 **Boat Shelter:** A structure in navigable waters designed and constructed for the purpose of providing cover  
268 for a berth place for watercraft, which may have a roof, but may not have walls or sides. Such a structure  
269 may include a boat hoist, Wis. Stat. § 30.01 (1) (c).

270 **Buffer Area or Vegetated Buffer Zone:** A buffer area abutting a stream, lake or other water body, which  
271 includes the first 35 feet landward from the OHWM, and shall remain un-mowed except for areas that are  
272 allowed as viewing corridors.

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

274 **Building Line:** A point of which all setback requirements can be met.

275 **Bulkhead Line:** A geographic line along a reach of navigable water that has been adopted by a municipal  
276 ordinance and approved by the Department of Natural Resources pursuant to Wis. Stat. § 30.11 and which  
277 allows limited filling between the line and the original OHWM, except where such filling is prohibited by  
278 the flood way provisions of that ordinance.

279 **Campground:** An area of land licensed to accommodate overnight camping by 3 or more vehicles or  
280 trailers designed for human habitation.

281 **Camper Trailer:** A vehicle or trailer designed for recreational, human habitation.

282 **Chicken:** The common fowl (gallus gallus), whose flesh and eggs are used for food.

283 **Conditional Use:** Means a use permitted, with conditions as approved by the Forest County Land and  
284 Water committee

285 **Conforming Structure:** A structure legally placed by law, variance, conditional use or permit.

286 **Committee:** An oversight committee comprised of County Board of Supervisors.

287 **Coop:** A structure for the sheltering of chickens and /or ducks. An existing shed or garage can be used for  
288 this purpose if it meets the standards contained in this ordinance including the required setback from  
289 property lines.

290 **County Zoning Agency:** The committee created or designated by the county board under Wis. Stat. §  
291 59.692 (2)(a) that acts in all matters pertaining to county planning and zoning. In Forest County, this  
292 committee is the Forest County Land and Water Resources Committee whose directional jurisdiction  
293 includes the Zoning Administrator and Deputy Zoning Administrator.

294 **Cut-And-Fill:** Earthmoving process that entails excavating part of an area and using the excavated material  
295 for adjacent embankments or fill areas.

296 **Development:** Any man made change to improved or unimproved real estate.

297 **Department:** The Department of Natural Resources.

298 **Duck:** Any of a variety of swimming birds (family anatidae), in which the neck and legs are short, the feet  
299 typically webbed, the bill often broad and flat, and the sexes usually different from each other in plumage.

300 **Dwelling Unit:** A structure, or that part of a structure, which is used or intended to be used as a home,  
301 residence or sleeping place by one or more individuals, to the exclusion of all others.

302 **Existing Pattern of Development:** Means that structures exist, and are built to less than the required  
303 setback, within 250 feet of a proposed principal built to a setback that is less than required by this  
304 ordinance.

305 **Existing Structure:** A structure existing at the time this ordinance is adopted.

306 **Footprint:** The land area covered by a structure at ground level measured on a horizontal plane. The  
307 footprint of a residence or building includes the horizontal plane bounded by the furthest exterior wall  
308 and eave if present, projected to natural grade. For structures without walls (decks, stairways, patios,  
309 carports) – a single horizontal plane bounded by the furthest portion of the structure projected to natural  
310 grade. Note: For the purposes of replacing or reconstruction a nonconforming building with walls, the  
311 footprint shall not be expanded by enclosing the area that is located within the horizontal plane from the  
312 exterior wall to the eaves projected to natural grade. This constitutes a lateral expansion under NR 115  
313 and would need to follow NR 115.5 (1)(g)5.

314 **Fire Break:** Naturally occurring or human-made barrier to stop the spread of fire.

315 **Flood Plain:** The land that has been, or may be, covered by flood water during the regional flood. The  
316 floodplain includes the floodway and the flood fringe as those terms are defined in Ch. NR 116. Properties  
317 where development is located in a mapped floodplain or the flood shadow of a dam shall be administered  
318 under the Forest County Floodplain Ordinance of November 11, 2011, or this ordinance where applicable.

319 **Forestry Best Management Practices (BMPs):** Practices set forth in the manual titled “Wisconsin’s  
320 Forestry Best Management Practices for Water Quality” (March 1995). BMPs are considered minimum  
321 standards in forest management and similar activities of a smaller scale in shoreland setback areas in  
322 Forest County of at least 10 acres.

323 **Forestry:** The production, management and maintenance of trees as a crop or resource.

324 **Frontage Width (Water Frontage):** The amount of linear water frontage of a lot measured at the OHWM.  
325 The frontage width shall be measured perpendicular to the mean bearing of a side lot line.

326 **Geotextile:** A product used as a soil reinforcement agent and as a filter medium, which is made of  
327 synthetic fibers manufactured in a woven or loose non-woven manner to form a blanket-like product.

328 **Grade (gradient):** The slope of a road, trail or lot expressed as a percentage of change in elevation per  
329 unit of distance traveled.

330 **Gross Floor Area:** The floor area is the sum of the gross horizontal areas of the several floors of the  
331 structure, or portion thereof, devoted to such use; including accessory storage areas.

332 **Structure Height:** The vertical distance measured from the lowest exposed element of the structure at  
333 ground level to the highest point of the roof

334 **Home Occupation:** An activity where there are less than 3 employees, including family members, and less  
335 than 50% of the total footprint of the primary or secondary structures are involved. No heavy equipment,  
336 loud noises or noxious odors may be generated.

337 **Hunting or Fishing Shelter:** A nonpermanent, seasonal or temporal structure of 200 square feet or less  
338 intended solely for fishing, hunting, or trapping, and only for temporary occupancy.

339 **In-Situ Soil:** Soil in its natural location.

340 **Impervious Surface:** means an area that releases as runoff all or a majority of the precipitation that falls  
341 on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots,  
342 and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined  
343 in s. 340.01(54), Wid. Adm. Code, are not considered impervious surfaces.

344 **Island Access Lot:** Any lot abutting a navigable water body that provides a deeded access for one or more  
345 island lots.

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

347 **Land Disturbance Activities:** Construction, grading, filling, excavating, or any other activities that result in  
348 the temporary or permanent removal of vegetative cover, increased potential for soil erosion, increased  
349 storm water runoff volumes or velocities, or increased total area of impervious surfaces.

350 **Land Use:** (See development)

351 **Lot:** Any portion of land defined by metes and bounds, certified survey, recorded land subdivision plat or  
352 other means, and separated from other lots, parcels, or similar units by such description.

353 **Lot Area:** The area of contiguous land bounded by lot lines, exclusive of land provided for public  
354 thoroughfares; not including land below the OHWM.

355 **Lot Coverage:** The maximum amount of land area that may be covered with impervious surface as defined  
356 by this ordinance.

357 **Lot Frontage:** That side of a lot abutting on a street or way that establishes the address of the lot.

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

361 **Lot of Record:** means any lot, the description of which is properly recorded with the Register of Deeds,  
362 which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

363 **Minimum Lot Width:** The minimum lot width shall be measured at the OHWM.

364 **Mitigation:** means balancing measure that are designed, implemented and function to restore natural  
365 function and values that are otherwise lost through development and human activities.

366 **Motor Home:** Means a motor vehicle designed to be operated upon a highway for use as a temporary or  
367 recreational dwelling and having similar characteristics and equipment as a mobile home.

368 **Mulch:** A natural or artificial layer of plant residue or other materials covering the land surface that  
369 conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature  
370 fluctuations.

371 **Multi-Family Unit Or Dwelling:** A group of more than 2 physically attached dwelling units.

372 **Native Vegetation:** Plants indigenous to a given area in geologic time, including plants that have  
373 developed, occur naturally, or existed for many years in an area.

374 **Navigable Waters:** Means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all  
375 streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the  
376 Wisconsin portion of boundary waters, which are navigable under the laws of this state. This ordinance  
377 does not apply if:

- 378 1. Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and  
379 such lands were not navigable streams before ditching; and
- 380 2. Artificially constructed drainage ditches, ponds or stormwater retention basins that are not  
381 hydrologically connected to a natural navigable water body.
- 382 3. The water body has been declared non-navigable by the appropriate authority.

383 **Nonconforming Lot:** A parcel or lot legally created that does not conform in size to the regulations of this  
384 ordinance.

385 **Nonconforming Structure:** An existing structure that is not in conformity with elements of development  
386 regulations such as OHWM setback, height, lot coverage or sideyard setbacks.

387 **Nonconforming Use:** An existing use of a structure or development that is not in conformity with the  
388 provisions of its designated zone.

389 **No Mow Zone:** An area 35 feet from the OHWM that is allowed to grow naturally. No mow zones may be  
390 used to satisfy buffer restoration requirements.

391 **Ordinary High-Water Mark (OHWM):** The point on the bank, or shore, up to which the presence and  
392 action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction,  
393 prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized  
394 characteristics.

395 **Ordinary Maintenance and Repair:** Not considered structural repairs, modifications, or additions. Such  
396 ordinary maintenance repairs include: internal and external painting, decorating, paneling, and the

397 replacement of doors, windows, and other nonstructural components. Ordinary maintenance and repair  
398 does not alter the building envelope in any direction.

399 **Overflow Accommodations:** Structures not intended to be used as residences but are capable of  
400 accommodating visitors and guests.

401 **Path:** Unimproved access to the shore that consists of well-trodden, insitu soil.

402 **Pen:** A wire enclosure connected to a coop for the purpose of allowing chickens and/or ducks to leave the  
403 coop while remaining in an enclosed, predator-safe environment.

404 **Person:** an individual, owner, operator, corporation, limited liability company, partnership, association,  
405 municipality, interstate agency, state agency or federal agency.

406 **Personal Storage Facility (Mini Warehouse):** A single story structure containing individual locked spaces  
407 or an existing structure not originally intended for storage rental such as a barn or equipment shed, to  
408 rent for storage of personal or private property.

409 **Pier:** Any structure extending into navigable waters from the shore built or maintained for the purpose of  
410 providing a berthing or mooring place for watercraft or for loading or unloading cargo or passengers onto  
411 or from watercraft. It may include a temporary boat hoist without roof or walls. Such a structure may  
412 include a boat shelter that is removed seasonally. (See Wis. Stat. § 30.01(5))

413 **POWTS:** Means Private Onsite Waste Treatment Systems

414 **Principal Structure and Use:** Principal structures include dwelling units, commercial buildings or other  
415 non-accessory structures in which the principal use of the lot is being conducted.

416 **Private Road:** An area designated as a right-of-way available for use by one or more landowners whose  
417 property may or may not abut upon said right-of-way, but which right-of-way has not been dedicated to  
418 the public and is not intended to be used by the public. Private roads abutting more than one parcel or  
419 providing access to more than one dwelling, shall be named, signed legibly and registered with the Forest  
420 County Department of Emergency Services.

421 **Private Sewage System:** A sewage treatment and disposal system serving one or two structures with a  
422 septic tank and soil absorption field located on the same or adjacent parcel as the structure. This term  
423 also means an alternative sewage systems approved by the Department of Safety and Public Service  
424 including substitutes or experimental systems.

425 **Public Nuisance:** A nuisance which affects numerous members of the public or the public at large, as  
426 distinguished from a nuisance which only does harm to a neighbor or a few private individuals.

427 **Public Sewage Disposal System:** Sewers and sewage treatment facilities which are maintained and  
428 operated by a municipality or sanitary district.

429 **Public Utilities:** Utilities using underground or overhead transmission lines such as electric, telephone,  
430 telegraph, and distribution and collection systems such as water, sanitary sewer, natural gas, and storm  
431 sewer owned and operated by a municipal entity.

432 **Pyramiding:** The act of obtaining or legally providing access (easement) to public bodies of water across  
433 private lots or lands in a manner that increases the number of families that have access to that water to  
434 a degree greater than what would occur with individual riparian owners having individual lots fronting on  
435 the water. Publicly owned access points may not fall within this definition. See Wis. Stat. § 30.131 for  
436 limitations on such access.

437 **Recreational Vehicle:** Means a vehicle that is designed to be towed upon a highway by a motor vehicle,  
438 that is equipped and used, or intended to be used, primarily for temporary or recreational human  
439 habitation, that has walls of rigid construction, and that does not exceed 45 feet in length.

440 **Recreational Structure:** Means a structure less than 100 square feet used for recreational activities used  
441 intermittently as sleeping quarters or shelter, e.g. Children’s play houses, tree houses or other structures  
442 of like character or use.

443 **Regional Flood:** means a flood determined to be representative of large floods known to have generally  
444 occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical  
445 characteristics, once in every 100 years.

446 **Residential:** (See dwelling unit)

447 **Retail Business:** A commercial establishment that sells products in relatively small quantities, not in bulk,  
448 directly to the ultimate customer.

449 **Riparian Management Zone (RMZ):** Land and vegetated areas within 300 feet of the OHWM of lakes and  
450 streams where management practices are modified to protect water quality, fish and other aquatic  
451 resources.

452 **Routine Maintenance of Vegetation:** Normally accepted horticultural practices that do not result in the  
453 loss of any layer of existing vegetation and do not require earth disturbance.

454 **Service Business:** Commercial establishment devoted to the performance of work for others, not the  
455 production of a tangible commodity.

456 **Setback:** The minimum allowable horizontal distance from a given point or line of reference, such as a  
457 thoroughfare right-of-way, OHWM, or perspective line to the nearest vertical wall or other element of a  
458 structure or structure as indicated in the text of this ordinance.

459 **Shoreland:** Land within the following distances from the OHWM of navigable waters: 1,000 feet from a  
460 lake, pond or flowage or 300 feet from a river or stream or to the landward side of the flood plain,  
461 whichever distance is greater.

462 **Shoreland Alteration:** The intentional, artificial change to the land located between the OHWM and 300  
463 feet landward.

464 **Shoreland Setback:** An area that is within 75 feet of the OHWM in which the construction or placement  
465 of structures has been limited or prohibited under an ordinance enacted under this Section.

466 **Short Term Rentals:** Residents used as domiciles for periods of less than 7 days by anyone other than the  
467 owner, for compensation.

468 **Side Yard:** A yard extending along a side lot line that does not front on a public street, road, or body of  
469 water.

470 **Silt Fence:** A temporary barrier used to intercept sediment-laden runoff from an area.

471 **Special Exception:** In this ordinance a special exception is considered a conditional use. See conditional  
472 use.

473 **Special Area Management Plan (SAMP):** A plan which provides for increased specificity in protecting  
474 significant natural resources, reasonable economic growth, improved protection of life and property and  
475 improved predictability in governmental decision making.

476 **Special Zoning Permission:** A permit received to erect the structure described in Wis. Stat. § 59.692(1v)  
477 that requires the preservation or restoration of the shoreland buffer area.

478 **Structure:** A principal structure or any accessory structure including a garage, shed, boathouse, sidewalk,  
479 stairway, walkway, patio, deck, retaining wall, porch or fire pit.

480 **Substantial Evidence:** means facts and information, other than merely personal preferences or  
481 speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a  
482 conditional use permit and that reasonable persons would accept in support of a conclusion.

483 **Temporary Structure:** A structure which is permitted within a land use district without any foundation or  
484 footing and which is removed when the designated time period, activity, or use for which the temporary  
485 structure was erected has ceased. Such structures may include, but are not be limited to, mobile or  
486 recreation vehicles used in conjunction with construction, event shelters/tents or other structures of like  
487 character, nature or use.

488 **Unnecessary Hardship:** A circumstance where special conditions, which were not self-created, affect a  
489 particular property and make strict conformity with restrictions governing area, setbacks, frontage, height  
490 or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

491 **Variance:** An authorization granted by the Board of Adjustment to construct, or alter a building that  
492 deviates from the standards of this ordinance.

493 **Area Variance:** A modification to a dimensional, physical, or locational requirement such as the setbacks,  
494 frontage, height, bulk or density restriction for a structure that is granted by the Board of Adjustment.

495 **Walkway:** A structure, no more than 60 inches wide, consisting of materials placed specifically to provide  
496 safe access to the shore. Any type of walkway installation, elevated or in-ground, flat or stepped, may not  
497 further or cause erosion.

498 **Wellhead Protection:** Measures taken by a town sanitary district to protect the water quality of their  
499 municipal well.

500 **Waterfront Lot:** any lot that abuts navigable water.

501 **Wetland:** An area where water is at, near, or above the land surface long enough to be capable of  
502 supporting aquatic or hydrophytic (water-loving) vegetation and contains soils indicative of wet  
503 conditions.

504 **Wetland Zoning Districts:** a zoning district, created as a part of a county zoning ordinance, comprised of  
505 shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the  
506 department.

507 **Wholesale Business:** A commercial establishment that sells products for further sale or processing.  
508 Wholesale businesses sell to retail businesses, not the ultimate customers.

## 509 **SECTION 4. DETERMINATIONS, ENCROACHMENTS, COMPLAINTS AND CONVENANTS.**

510

### 511 **4.1 General**

512 **A.** Determinations of navigability and OHWM location shall initially be made by the zoning  
513 administrator. When questions arise, the zoning administrator shall contact the appropriate office  
514 of the Department of Natural Resources for a final determination of navigability or OHWM. The  
515 county may work with surveyors with regard to s. 59.692(1h)

516 **B.** Encroachments and property line disputes are a civil matter and shall first be handled in court to  
517 determine proof of property lines.

518 **C.** Zoning complaints shall be filed in writing and signed on forms provided in the Land and Water  
519 Resource Office.

520 **D.** Public Nuisance and blight complaints in the shoreland area shall be filed in writing and signed on  
521 forms provided in the Land and Water Resource Office.

522 **E.** Restrictive covenants or deed restrictions are private contractual covenants that limit land use.  
523 Restrictions are placed on the property by affirmative action of the owner of the property, usually  
524 by the initial developer. Enforcement of restrictive covenants, on property covered by the  
525 restrictions, is the landowner's responsibility. Seek legal advice to enhance, alter or amend  
526 restrictive covenants.

## 527 **SECTION 5 – SHORELAND-WETLAND DISTRICT**

528

### 529 **5.1 Designation**

530 This district shall include all shorelands within the jurisdiction of this ordinance which are designated as  
531 wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department  
532 of Natural Resources Surface Water Data Viewer.

533 **A.** Locating Shoreland-Wetland Boundaries. (NR 115.04(b)2.note) Where an apparent discrepancy  
534 exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland  
535 Inventory and actual field conditions, the county shall contact the Department to determine if the  
536 map is in error. If the Department determines that a particular area was incorrectly mapped as  
537 wetland or meets the wetland definition but was not shown as wetland on the map, the county  
538 shall have the authority to immediately grant or deny a shoreland zoning permit in accordance  
539 with the applicable regulations based on the Department determination as to whether the area  
540 is wetland. In order to correct wetland mapping errors on the official zoning map, an official  
541 zoning map amendment must be initiated within a reasonable period of time.

## 542 **5.2 Purpose**

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

547

## 548 **5.3 Permitted Uses**

549 The following uses are allowed, subject to general shoreland zoning regulations contained in this  
550 ordinance and the provisions of other applicable local, state and federal laws.

551 **A.** Activities and uses which do not require the issuance of a zoning permit, but which shall be  
552 carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating  
553 except as allowed under these rules;

554 **1.** Hiking, fishing, trapping, hunting, swimming, and boating;

555 **2.** The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree  
556 fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of  
557 such crops;

558 **3.** The pasturing of livestock;

559 **4.** The cultivation of agricultural crops;

560 **5.** The practice of silviculture, including the planting, thinning, and harvesting of timber;  
561 and

562 **6.** The construction or maintenance of duck blinds.

563 **B.** Uses which do not require the issuance of a zoning permit which may include limited filling,  
564 flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically  
565 provided below:

566 **1.** Temporary water level stabilization measures necessary to alleviate abnormally wet or  
567 dry conditions that would have an adverse impact on silvicultural activities if not  
568 corrected.

569 **2.** The cultivation of cranberries including flooding, dike and dam construction or ditching  
570 necessary for the growing and harvesting of cranberries,



- 610                   2. Filling or excavating necessary for the construction or maintenance of public boat  
611                   launching ramps or attendant access roads is allowed only where such construction or  
612                   maintenance meets the criteria in Section 5.3 (C) (1).  
613                   3. Ditching, excavating, dredging, or dike and dam construction in public and private parks  
614                   and recreation areas, natural and outdoor education areas, historic and scientific areas,  
615                   wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is  
616                   allowed only for the purpose of improving wildlife habitat and to otherwise enhance  
617                   wetland values.
- 618           E. The construction and maintenance of electric, gas, telephone, water and sewer transmission  
619           and distribution lines, and related facilities, by public utilities and cooperative associations  
620           organized for the purpose of producing or furnishing heat, light, power or water to their  
621           members and the construction or maintenance of railroad lines provide that:
- 622                   1. The transmission and distribution facilities and railroad lines cannot, as a practical  
623                   matter, be located outside the wetlands:  
624                   2. Such construction or maintenance is done in a manner designed to minimize adverse  
625                   impact upon the natural functions of the wetland enumerated in Section 5.6 B.  
626

627 **5.4 Prohibited Uses**

628 Any use not listed in the previous Sections are prohibited, unless the wetland or portion of the wetland  
629 has been rezoned by amendment of this ordinance in accordance with Wis. Stat. § 59.69(5)(e).

630 **5.5 Rezoning of Lands in the Shoreland-Wetland District**

- 631           A. For all proposed text or map amendments to the shoreland-wetland provisions of this  
632           ordinance, the appropriate office within the department shall be provided with the following:
- 633                   1. A copy of every petition for a text or map amendment to the shoreland-wetland  
634                   provisions of this ordinance, within 5 days of the filing of such petition with the county  
635                   clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map  
636                   describing any proposed rezoning of a shoreland or wetland;  
637                   2. Written notice of the public hearing to be held on a proposed amendment at least 10  
638                   days prior to such hearing;  
639                   3. A copy of the County Land and Water Resource agency’s findings and recommendations  
640                   on each proposed amendment within 10 days after the submission of those findings and  
641                   recommendations to the county board; and  
642                   4. Written notice of the county board’s decision on the proposed amendment within 10  
643                   days after it is issued.
- 644           B. Wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the  
645           proposed rezoning may result in a significant adverse impact upon any of the following:
- 646                   1. Storm and flood water storage capacity;  
647                   2. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the  
648                   recharge of groundwater from a wetland to another area, or the flow of groundwater  
649                   through a wetland;

- 650           3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that
- 651           would otherwise drain into navigable waters;
- 652           4. Shoreline protection against soil erosion;
- 653           5. Fish spawning, breeding, nursery or feeding grounds;
- 654           6. Wildlife habitat; or
- 655           7. Wetlands both within the boundary of designated areas of special natural resource
- 656           interest and those wetlands which are in proximity to or have a direct hydrologic
- 657           connection to such designated areas as defined in NR 103.04, Wis. Adm. Code, which
- 658           can be accessed at the following web site:
- 659           <http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.
- 660

661 **5.6 Department Response to a Proposed Text or Map Amendment**

- 662       A. If the department notifies the county zoning agency that a proposed text or map amendment to
- 663       the shoreland-wetland provisions of this ordinance may have significant adverse impact upon any
- 664       of the criteria listed in Section 5.6(B), the proposed amendment shall contain the following
- 665       provision:
- 666       “This amendment shall not take effect until more than 30 days have elapsed after written notice
- 667       of the county board’s approval of this amendment is mailed to the Department of Natural
- 668       Resources. During that 30-day period the Department of natural Resources may notify the county
- 669       board that it will adopt a superseding shoreland ordinance for the county under Wis. Stat. §
- 670       59.692(6). If the department does so notify the county board, the effect of this amendment shall
- 671       be stayed until the adoption procedure is completed or otherwise terminated.

672 **SECTION 6 – LAND DIVISION REVIEW**

673

674 **6.1 Land Division Review**

- 675       A. The county shall review, pursuant to Wis. Stat. § 236.45, all land divisions in shoreland areas which
- 676       create any parcels of five acres or less, and shall require a certified survey or plat. All subdivisions
- 677       fronting on State or Federal Highways require State approval. Land divisions requiring access to
- 678       county highways require Forest County Highway Department approval. In such review, the
- 679       following factors shall be considered:
- 680       1. Hazards to health, safety or welfare of future residents;
- 681       2. Proper relationship to adjoining areas;
- 682       3. Public access to streets and navigable waters, as required by law and this ordinance;
- 683       4. Adequate storm drainage facilities; and
- 684       5. Conformity to state law, this ordinance, Forest County Subdivision Ordinance, and
- 685       administrative code provisions.

686

687 **6.2 Minimum Lot Size**

- 688       A. Minimum lot size shall be established in the shoreland areas to afford protection against danger
- 689       to health, safety, welfare, and protection against pollution of the adjacent body of water.

- 690 1. Lots served by public sanitary sewer shall have a minimum width of 65 feet and a minimum  
691 area of 10,000 square feet. Lots shall be measured at the OHWM.  
692 2. Lots not served by public sanitary sewer shall have a minimum lot width of 100 feet and a  
693 minimum lot area of 20,000 square feet. Lots shall be measured at the OHWM.

694 **6.3 Planned Unit Development**

695 A. A non-riparian lot may be created which does not meet the requirements of Section 6.2 if the  
696 Land and Water Resources Committee has approved and recorded a plat or certified survey map  
697 including that lot within a planned unit development, but only if the planned unit development  
698 contains at least 2 acres or 200 feet of frontage, and if the reduced non-riparian lot sizes are  
699 allowed in exchange for larger shoreland buffers and setbacks on those lots adjacent to  
700 navigable waters that are proportional to and offset the impacts of the reduced lots on habitat,  
701 water quality and natural scenic beauty.

- 702 1. Planned unit development within districts shall meet the regulations of Section 22  
703 (Conditional Use Permits). They shall constitute conditional uses in all districts.  
704 2. Structures and uses in a PUD shall conform to the requirements of the respective zoning  
705 district.  
706 3. Land to be set aside as open space or common area shall be clearly indicated on the plan.  
707 Provisions for the continued maintenance of common space, recreational facilities, parking  
708 facilities, or other common property, shall be guaranteed by the owner's association articles  
709 of incorporation, covenants, and /or deed restrictions in a form acceptable to the county  
710 board. Such guaranteeing instruments shall be recorded with the plat.

711 **SECTION 7 – SUBSTANDARD LOTS**

712

713 **7.1 Substandard Lots**

- 714 A. Within the districts established by this ordinance, or amendments that may later be adopted,  
715 there exist lots and parcels created prior to the Forest County Shoreland Zoning Ordinance.  
716 Impervious surface restrictions apply.  
717 1. A legally created lot or parcel that met the minimum requirements when it was created, but  
718 does not meet current lot size requirements, may be used as a building site if all the  
719 following apply:  
720 2. The substandard lot or parcel was never reconfigured or combined with another lot or  
721 parcel by plat, survey, or consolidation by the owner into one property tax parcel;  
722 3. The substandard lot or parcel has never been developed with one or more of its structures  
723 placed partly upon an adjacent lot or parcel;  
724 4. The substandard lot or parcel is developed to comply with all other ordinance requirements.  
725 5. Except for lots that meet the requirements of 1, 2 and 3, a building permit for the  
726 improvement of a lot having lesser dimensions than those stated in Section 6.2 shall be  
727 issued only if a variance is granted by the Board of Adjustment.  
728

729 **SECTION 8 - REQUIRED SETBACKS AND FRONTAGES TO ROADS**

730

731 **8.1 General**

- 732 **A.** Unless otherwise stated in the district regulations, no principal or accessory structure may be  
733 closer to the centerline of any public road than the setback as follows:
- 734 **1.** State and Federal Highways: the minimum setback shall be 110 feet from the centerline of  
735 the highway or 50 from the edge of the right of way, whichever is less.
  - 736 **2.** County Road: the minimum setback shall be 63 feet from the centerline of the highway.
  - 737 **3.** All Town roads and Forest Service Roads: the setback shall be 43 feet from the centerline of  
738 the highway.
  - 739 **4.** Private easements or access roads will have a setback of 20 feet from the edge of easement  
740 or access road.
- 741 **B.** Reduced Highway Setbacks:  
742 A variance issued by the Board of Adjustments is necessary to reduce highway set-back  
743 requirements.
- 744 **C.** Minimum Road Frontages for Lots and Subdivisions:  
745 The Land and Water Resource Committee shall have the right to approve lesser dimensions than  
746 those stated below, during preliminary land division reviews with respect to Town, County and  
747 Forest Service roads. Lesser dimensions approved fronting county highways shall first be  
748 approved by the Forest County Highway Department.
- 749 **1.** State and Federal Highways: 300 feet.
  - 750 **2.** County Highway: 250 feet.
  - 751 **3.** Town and Forest Service Roads, 200 feet
  - 752 **4.** Easement roads, 100 feet

753 **SECTION 9 – DISTRICT SETBACKS**

754  
755 **9.1 Setback Purpose**

756 Permitted building setbacks shall be established to conform to health, safety and welfare requirements,  
757 preserve natural beauty, reduce flood hazards and avoid water pollution

758 **9.2 Shoreland Setback**

759 Unless exempt under section 9.3, or reduced under section 9.4. A setback of 75 feet from the ordinary  
760 high-water mark of any navigable water to the nearest point of the building or structure shall be required  
761 for all buildings and structures.

762 **9.3 Exempt Structures**

- 763 **A.** All of the following structures are exempt from the shoreland setback standards:
- 764 **1.** Boathouses located entirely above the OHWM and entirely within the access and viewing  
765 corridor that do not contain plumbing and are not used for human habitation.
    - 766 **a.** New boathouses shall have a maximum sidewall height of 10 feet, and a minimum  
767 sidewall height of 6 ft. The overhangs shall not exceed 18". The total square footage of  
768 the boathouse shall not exceed 360 sq. feet.

- 769                   **b.** Unless replacing an existing boathouse, all new boathouses must be 15 feet from the  
770                   OHWL.
- 771                   **c.** Existing boathouse located further than 15 feet from the OHWM may be expanded  
772                   towards to the shore but no closer than 15 feet from the OHWM
- 773                   **d.** Existing boathouse may be increased in size subject to limitations in (a), but if the  
774                   existing boathouse is less than 15 feet from the OHWM, no expansion may be made  
775                   towards the shore.
- 776                   **e.** The roof of a boathouse may be used as a deck provided that the boathouse has a flat  
777                   roof and the roof has no sidewalls or screens. The roof may have a railing that meets  
778                   the Department of Safety and Professional Services standards.
- 779                   **f.** Patio doors, fireplaces and other features inconsistent with the use of the structure  
780                   exclusively as a boathouse are not permitted.
- 781                   **g.** Vegetation removal shall be minimized when located a new boathouse.
- 782                   **h.** All boathouses shall be one story.
- 783                   **2.** Open sided and screened structures such as gazebos, decks, patios, and screen houses in the  
784                   shoreland setback area that satisfy the requirements in Wis. Stat. § 59.692(1v).
- 785                   **a.** The part of the structure that is nearest to the water shall be located at least 35 feet  
786                   landward from the OHWM.
- 787                   **b.** The floor area of all of the structures in the shoreland setback area of the property will  
788                   not exceed 200 square feet. Boathouses shall be excluded from the calculation.
- 789                   **c.** The structure that is the subject of the request for special zoning permission has no  
790                   sides or has open or screened sides.
- 791                   **d.** The county must approve a plan that will be implemented by the owner of the property  
792                   to preserve or establish a vegetative buffer zone that covers at least 70% of the 1/2 of  
793                   the shoreland setback area that is nearest to the water.
- 794                   **3.** Fishing rafts that are authorized on the Wolf River and Mississippi River under Wis. Stat. §  
795                   30.126.
- 796                   **4.** Broadcast signal receivers, including satellite dishes or antennas that are one meter or less  
797                   in diameter and satellite earth station antennas that are 2 meters or less in diameter. (1  
798                   meter equals 3.28 feet)
- 799                   **5.** Utility transmission and distribution lines, poles, towers, water towers, pumping stations,  
800                   well pump house covers, private on-site wastewater treatment systems that comply with  
801                   Ch. SPS Comm. 383, and other utility structures that have no feasible alternative location  
802                   outside of the minimum setback and that employ best management practices to infiltrate or  
803                   otherwise control storm water runoff from the structure.
- 804                   **6.** Walkways, stairways or rail systems that are necessary to provide safe pedestrian access to  
805                   the shoreline and are a maximum of 60-inches in width.
- 806                   **7.** Devices or systems used to treat runoff from impervious surfaces.
- 807                   **B.** Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and  
808                   remodeled provided the activity does not expand the footprint and does not go beyond the  
809                   three-dimensional building envelope of the existing structure. Counties may allow expansion of

810 a structure beyond the existing footprint if the expansion is necessary to comply with applicable  
811 state or federal requirements.

812 **9.4 Reduced Setback for a Principal Structure to the OHWM**

813 If the closest principal structure in each direction along the shoreline to a proposed principle structure  
814 exists on an adjacent lot and within 250 feet of the proposed principal structure and both of the existing  
815 principal structures are set back less than 75 feet from the OHWM, the setback shall be equal to the  
816 average of the distances that those structures are set back from the OHWM but no less than 35 feet. If  
817 an adjacent principal structure within 250 feet and a setback of less than 75 feet from the OHWM exists  
818 on only one side the setback shall be equal to the average of the setback of the adjacent structure and 75  
819 feet but no less than 35 feet.

820

821 **9.5 Required Minimum Setbacks to Side Lot Lines by District**

822 **A.** Shoreland Lots with Municipal Sanitary, either Residential or Recreational Residential

823 1. Primary structures shall be 7.5 feet from the side lot line.

824 2. Accessory structures shall be 5 feet from the side lot line.

825 **B.** Shoreland Residential and Shoreland Recreational Residential with POWTS

826 1. Primary structures shall be 15 feet from the side lot line.

827 2. Accessory structures shall be 7.5 feet from the side lot line.

828 **C.** Shoreland Commercial

829 1. 6 feet from the side lot line if utilizing a municipal sewer

830 2. 15 feet from the side lot line if without municipal sewer

831 **D.** Shoreland Industrial

832 1. 25 feet from the side lot line if utilizing municipal sewer

833 2. 50 feet from the side lot line if without municipal sewer

834 **E.** Shoreland Forestry or Agricultural

835 1. 5 feet from the side lot line for any forestry or agricultural use

836 2. 15 feet from the side lot line for primary structures with a habitable use.

837 **F.** Shoreland Mixed Use

838 1. Habitable dwellings or accessory structures as in 9.5.A or B.

839 2. Commercial buildings as in 9.5.C.

840 **G.** Shoreland Government/Public, Institutional

841 1. 10 feet from the side lot line for structures

842 2. No setback required for nonstructural paths and trails

843 **H.** Shoreland Wetland

844 1. 50 feet from the side lot line for hunting blinds

845 2. 15 feet from the side lot line for other wetland structures

846 **SECTION 10 – VEGETATION**

847

848 **10.1 Purpose**

849 To protect scenic beauty, fish and wildlife habitat, and water quality, a county shall regulate removal of  
850 vegetation in shoreland areas, consistent with the following: The County shall establish ordinance  
851 standards that consider sound forestry and soil conservation practices, as well as the effect of vegetation  
852 removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.

853 **10.2 Activities Allowed Within a Vegetative Buffer Zone**

- 854 **A.** The removal of vegetation on the land that extends from the OHWM to 35 feet inland is  
855 prohibited except as follows:
- 856 **1.** The county may allow routine maintenance of vegetation.
  - 857 **2.** The county may permit the removal of trees and shrubs in the vegetative buffer zone to  
858 create access and viewing corridors. The viewing corridor may be 35 wide for every 100 feet  
859 of shoreline frontage in the parcel. The viewing corridor may run contiguously for the entire  
860 maximum width allowed;
  - 861 **3.** The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel  
862 with 10 or more acres of forested land consistent with “generally accepted best forestry  
863 management practices” as defined in s. NR1.25(2)(b), and described in Department  
864 publication “Wisconsin Forest Management Guidelines” (publication FR-226), provided that  
865 vegetation removal be consistent with these practices and a cutting permit has been issued  
866 by the county;
  - 867 **4.** The county may allow the removal of vegetation within the vegetative buffer zone to  
868 manage exotic or invasive species, damaged vegetation, vegetation that shall be removed to  
869 control disease, or vegetation creating an imminent safety hazard, provided that any  
870 vegetation removed is replaced by replanting in the same area as soon as practicable;
  - 871 **5.** The county may allow by permit, with enforceable restrictions, additional vegetation  
872 management activities in the vegetative buffer zone. The permit issued under this  
873 paragraph shall require that all management activities comply with detailed plans approved  
874 by the county and shall be designed to control erosion by limiting sedimentation into the  
875 water, to improve the plant community by replanting native species in the same area and to  
876 maintain and monitor the newly restored areas. Enforceable restrictions will be filed with  
877 the register of deeds; and
  - 878 **6.** The county may not specifically require a property owner to establish a vegetative buffer  
879 zone on previously developed land or expand an existing vegetative buffer zone. However,  
880 mitigation may and can be required as part of a variance, a conditional use or as required in  
881 Wis. Stat. § 59.692(1v) for structures that need special zoning permission that includes  
882 mitigation as defined in Section 16 of this ordinance.
  - 883 **7.** Cutting from the inland edge of the vegetated buffer zone 35 feet from the OHWM), to the  
884 outer limits of the shorelands shall be allowed when using accepted forest management and  
885 soil conservation practices to protect water quality.

886 **SECTION 11 REGULATIONS APPLICABLE WITHIN 300 FEET OF THE OHWM OR THE RMZ (RIPARIAN**  
887 **MANAGEMENT ZONE)**

888 **11.1 Impervious Surface Standards:**

889 **Purpose**

890 To establish impervious surface standards to protect water quality and fish and wildlife habitat and to  
891 protect against pollution of navigable waters.

892 **11.2 Calculating of Percentage of Impervious Surface**

893 Percentage of impervious surface shall be calculated by dividing the surface area of the existing and  
894 proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-  
895 water mark by the total surface area of the lot or parcel, and multiplied by 100. Impervious surfaces as  
896 described in Section E shall be excluded from the calculating of impervious surfaces on the lot or parcel.  
897 If an out lot lies between the ordinary high water mark and the developable lot or parcel and both are in  
898 common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes  
899 of calculating the percentage of impervious surface.

- 900 **A.** Up to 15% of impervious surfaces but no more than 30% shall apply to the construction,  
901 reconstruction, expansion, replacement or relocation of any impervious surfaces that is or will  
902 be located within 300 feet of the OHWM of any navigable waterway on any of the following:  
903 **1.** A riparian lot or parcel; and  
904 **2.** A nonriparian lot or parcel that is located entirely within 300 feet of the OHWM of any  
905 navigable waterway.
- 906 **B.** For properties that exceed the standard of 15% under A. but do not exceed the maximum  
907 standard of 30%, a permit can be issued for development with a mitigation plan that meets the  
908 standards found in Section 15.
- 909 **C.** For impervious surfaces, existing prior to this ordinance, the property owner may do any of the  
910 following as long as the property owner does not increase the percentage of impervious surface  
911 that existed on the effective date of the previous shoreland ordinance:  
912 **1.** Maintain and repair all impervious surfaces;  
913 **2.** Replace existing impervious surfaces with similar surfaces within the existing building  
914 envelope; or  
915 **3.** Relocate or modify an existing impervious surface with similar or different impervious  
916 surface, provided that the relocation or modification does not result in an increase in the  
917 percentage of impervious surface that existed on the effective date of the county shoreland  
918 ordinance, and the impervious surface meets the applicable setback requirements in Section  
919 9.2.
- 920 **D.** Lots that have been placed in a condominium form of ownership shall be administered as an  
921 entire property when calculating impervious surface restrictions.
- 922 **E.** To qualify for the statutory exemption, property owners shall submit a complete permit  
923 application that is reviewed and approved by the county. The application shall include the  
924 following:  
925 **1.** Calculations showing how much runoff is coming from the impervious surface area.  
926 **2.** Documentation that the runoff from the impervious surface is being treated by a proposed  
927 treatment system, treatment device or internally drained area.

- 928           **3.** An implementation schedule and enforceable obligation on the property owner to establish  
929           and maintain the treatment system, treatment devices or internally drained area.  
930           **a.** The enforceable obligations shall be evidenced by an instrument recorded in the office  
931           of the Register of Deeds prior to the issuance of the permit.

932   **11.3 Filling and Grading, Lagooning, Dredging, Ditching and Excavating**

933   Filling, grading, ditching, and excavating may be permitted only in accordance with the provisions in s. NR  
934   115.04, the requirements of Wis. Stat. § ch.30, and other state and federal laws where applicable, and  
935   only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife  
936   habitat and natural scenic beauty.

937   **11.4 Permits Required**

- 938       **A.** A permit is required for any filling or grading, ditching, and excavating of any area which is  
939       within 300 feet of the OHWM of navigable water and all other shorelands that have surface  
940       drainage toward the water.
- 941       **B.** Filling, grading, ditching and excavating on lands more than 300 feet from the shore that do not  
942       have surface drainage toward the water may need a permit in the following areas;
- 943           **1.** on all slopes of more than 20%;
- 944           **2.** Disturbance of more than 1,000 sq. ft. on slopes 12%-20%;
- 945           **3.** Disturbance of more than 2,000 sq. ft. on slopes less than 12%;
- 946       **C.** A permit is required for any construction or dredging commenced on any artificial waterway,  
947       canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet of the OHWM of a  
948       navigable body of water or where the purpose is the ultimate connection with a navigable body  
949       of water.

950   **11.5 Permit Conditions**

- 951       **A.** In granting a permit under this Section, the county shall attach conditions, where appropriate, in  
952       addition to those specified in Section 12.6, or a variance that has been issued by the Board of  
953       Adjustment.
- 954       **B.** No fill permit will be issued until all applicable permits have been received from state and  
955       federal agencies if required. Applications can be concurrent.

956   **11.6 Standards for Filling and Grading**

- 957       **A. Filling:** Filling may be permitted provided the fill material:
- 958           **1.** Shall be suitable for its intended use, no fill intended for supporting structures shall consist  
959           of junk, wood, sawdust, paper, tires, solid waste, muck, peat, or any similar materials which  
960           could cause subsidence.
- 961           **2.** Fill material is protected from erosion so as not to cause siltation of adjacent lands or  
962           navigable waters. The use of a temporary ground cover or other conservation practices  
963           such as sediment catch basin or diversion terrace may be required in order to prevent  
964           erosion.
- 965           **3.** Shall rest on a firm bottom and be stabilized according to accepted engineering standards.
- 966           **4.** Shall not alter the drainage from and onto adjacent lands so as to create significant harm.

- 967 5. Shall not, in any manner, alter the course of a waterway on property belonging to other  
968 than the applicant.
- 969 6. Shall, where applicable, meet the requirements of state or federal agencies also having  
970 jurisdiction, such as the Wisconsin Department of Natural Resources and the U.S. Army  
971 Corps of Engineers.
- 972 7. No fill permit will be issued until all applicable permits have been received from state and  
973 federal agencies if required.
- 974 **B. Grading:** Grading of an area may be permitted provided that:
- 975 1. The smallest amount of bare ground shall be exposed for the shortest time feasible and  
976 permanent ground cover shall be established as soon as practical; and
- 977 2. Precautions are taken to prevent erosion and sedimentation through the use of silting  
978 basins, diversion, terraces, or similar practices used individually or in combination where  
979 circumstances warrant such. "Silt fences" consisting of silt retaining fabric staked vertically  
980 to the ground and around the down gradient perimeter of the grading activity shall be  
981 installed as required and be presumed necessary in all cases unless specifically exempted in  
982 writing by land conservation staff and only if relatively flat conditions exist. Bales of hay or  
983 straw placed behind silt fences for maximum protection are recommended.
- 984 **C.** Excess fill, rock or materials associated with construction, reconstruction or repair of a structure  
985 shall be removed from the site unless its placement is addressed in the applicable permit issued  
986 for the construction activity. See "cut and fill definition."
- 987 **D.** Filling/grading may not occur in the vegetative buffer zone unless for the creation of the  
988 viewing/access corridor, the establishment of a vegetative buffer or for the construction of a  
989 boathouse.

## 990 **SECTION 12 – NONCONFORMING STRUCTURES AND USES**

### 991 **12.1 Discontinued Uses**

992 If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure  
993 or property shall conform to the ordinance.

### 994 **12.2 Maintenance, Repair, Replacement or Vertical Expansion of nonconforming Structures**

995 An existing structure that was lawfully placed when constructed but that does not comply with the  
996 required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the  
997 activity does not expand the footprint of the nonconforming structure. Further, an existing structure that  
998 was lawfully placed when constructed but that does not comply with the required shoreland setback may  
999 be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level.  
1000 Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary  
1001 to comply with applicable state or federal requirements. Note: Section 59.692(1k)(a)2. prohibits counties  
1002 from requiring any approval or imposing any fee or mitigation requirement for the activities specified in  
1003 section 12. However, it is important to note that property owners may be required to obtain permits or  
1004 approvals and counties may impose fees under ordinances adopted pursuant to other statutory

1005 requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even  
1006 stormwater erosion control

1007 **12.3 Lateral Expansion of nonconforming Principal Structures within the Setback**

- 1008 **A.** An existing principal structure that was lawfully placed when constructed but that does not  
1009 comply with the required building setback under Section 10 may be expanded laterally or  
1010 vertically, provided that all of the following requirements are met:
- 1011 **B.** The use of the structure has not been discontinued for a period of 12 months or more if a  
1012 nonconforming use;
- 1013 **C.** The existing principal structure is at least 35 feet from the OHWM;
- 1014 **D.** Vertical expansion is limited to 35 feet, the height allowed in s. NR 115.05 (1) (f) and lateral  
1015 expansions are limited to a maximum of 200 square feet over the life of the structure. No  
1016 portion of the expansion may be any closer to the OHWM than the closest point of the existing  
1017 principal structure;
- 1018 **E.** The county shall issue a permit that requires a mitigation plan as required in Section 15 that  
1019 shall be approved by the county and implemented by the property owner by the date specified  
1020 in the permit. The mitigation plan shall include enforceable obligations of the property owner to  
1021 establish or maintain measures that the county determines adequate to offset the impacts of  
1022 the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat  
1023 and natural scenic beauty. The mitigation measures shall be proportional to the amount and  
1024 impacts of the expansion being permitted. The obligations of the property owner under the  
1025 mitigation plan shall be evidenced by an instrument recorded in the office of the county register  
1026 of deeds; and
- 1027 **F.** All other provisions of the shoreland ordinance shall be met.

1028 **12.4 Expansion of nonconforming structure beyond Setback**

1029 An existing principal structure that was lawfully placed when constructed but does not comply with the  
1030 required building setback under Section 9 may be expanded horizontally landward or vertically provided  
1031 that the expanded area meets the building setback requirements in Section 9 and that all other provisions  
1032 of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this  
1033 paragraph, but may be required under Section 16.

1034 **12.5 Relocation**

- 1035 **A.** An existing principal structure that was lawfully placed when constructed but that does not  
1036 comply with the required building setback under Section 9 may be relocated on the property,  
1037 provided that all of the following requirements are met:
  - 1038 **1.** The use of the structure has not been discontinued for a period of 12 months or more if a  
1039 nonconforming use;
  - 1040 **2.** The existing principal structure is at least 35 feet from the OHWM;
  - 1041 **3.** No portion of the relocated structure is located any closer to the ordinary high-watermark  
1042 than the closest point of the existing principal structure.

- 1043 4. The county determines that no other location is available on the property to build a
- 1044 principal structure of a comparable size to the structure proposed for relocation that will
- 1045 result in compliance with the shoreland setback requirement per Section 10.
- 1046 5. The county shall issue a permit that requires a mitigation plan that shall be approved by the
- 1047 county and implemented by the property owner by the date specified in the permit. The
- 1048 mitigation plan, as required and described in Section 16 of this ordinance, shall include
- 1049 enforceable obligations of the property owner to establish or maintain measures that the
- 1050 county determines adequate to offset the impacts of the permitted expansion on water
- 1051 quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The
- 1052 mitigation measures shall be proportional, as stated in Section 12.2, to the amount and
- 1053 impacts of the expansion being permitted. The obligations of the property owner under the
- 1054 mitigation plan shall be evidenced by an instrument recorded in the office of the county
- 1055 register of deeds; and
- 1056 6. All other provisions of the shoreland ordinance shall be met.

1057 **SECTION 13 – MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION**

1058

1059 **13.1 Structures that were authorized by variance. (s.59.692(1k)(a)2 and (a)4.**

1060 A structure of which any part has been authorized to be located within the shoreland setback area by a

1061 variance granted before July 13, 2015 may be maintained, repaired, replaced, restored, rebuilt or

1062 remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the

1063 structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above

1064 grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is

1065 necessary to comply with applicable state or federal requirements.

1066 **13.2 Maintenance, Repair, Replacement of Illegal Structures. (s.59.692(1k)(a)2c, Stats)**

1067 A structure that was illegally constructed, which is older than ten years and may not be enforced under

1068 the shoreland ordinance (s29.692(1t) Stats) may be maintained, repaired, replaced, restored, rebuilt or

1069 remodeled if the activity does not expand the footprint of the structure. (No vertical or lateral expansion

1070 allowed for structures in violation.)

1071 **SECTION 14 - RESIDENTIAL CONSTRUCTION STANDARDS**

1072

1073 **14.1 Construction Standards for Residences**

- 1074 A. All habitable dwellings, including those considered overflow accommodations, shall be
- 1075 constructed utilizing Uniform Dwelling Code requirements and permitting.
- 1076 B. All manufactured, modular or constructed homes shall have a pitched roof of not less than 3
- 1077 feet over a length of 12 feet and be constructed to withstand the snow load as required by the
- 1078 WI Uniform Dwelling code.
- 1079 C. All foundations upon which the manufactured or modular homes rest shall be permanent and
- 1080 fully enclosed and comply with current Uniform Dwelling Code Requirements.

1081 D. All single-width manufactured homes qualified as HUD-certified shall not have less than 14 feet  
1082 of width as shipped from the factory.

1083 **14.2 Erection of More Than One Principal Structure on a Lot**

1084 In any district, no more than one principal structure may be erected on a lot. Accessory structures may be  
1085 used as overflow accommodations if built to UDC (Uniform dwelling code) standards.

1086 **14.3 Sanitary Regulations**

1087 A. Where public water supply systems are not available, private well construction shall be conform  
1088 to Ch. NR 812.

1089 B. Where a public sewage collection and treatment system is not available, design and  
1090 construction of private sewage disposal systems shall, prior to July 1, 1980, be required to  
1091 comply with Ch. SPS 383, and after June 30, 1980, be governed by a private sewage system  
1092 ordinance adopted by the county under Wis. Stat. § 59.70

1093 **14.4 Height Restrictions**

1094 A. Primary structures shall be 35 feet or less in height when measured from the highest peak to the  
1095 lowest exposed point of a building

1096 B. Accessory structures more than 75 feet from the OHWM shall not be greater than 28 feet in  
1097 height measured from the highest point to lowest part of the building.

1098 **SECTION 15 – MITIGATION**

1099

1100 **15.1 MITIGATION REQUIRED**

1101 A. When the county issues a variance, planned unit development, or conditional use permit requiring  
1102 mitigation under portions of this ordinance, the property owner must submit a complete permit  
1103 application that is reviewed and approved by county personnel. The application shall include the  
1104 following:

1105 1. A site plan that describes the proposed mitigation measures.

1106 a. The site plan shall be designed and implemented to restore natural functions lost  
1107 through development and human activities

1108 2. The mitigation measures shall be proportional, as in Section 12.2, in scope to the impacts on  
1109 water quality, near shore aquatic habitat, upland wildlife habitat and natural beauty.

1110 3. The mitigation measures shall be proportional to the amount and impacts of the expansion  
1111 being permitted. Mitigation measures may include:

1112 a. Elimination or reduction of impervious surfaces

1113 b. Elimination of nonconforming accessory structures

1114 c. Shoreland, native vegetation buffer increase or restoration

1115 1. Rain gardens

1116 2. Infiltration structures

1117 3. Directing roof runoff into pervious areas

1118 4. Retention/detention basins

- 1119                   5. Diverting overland flows to infiltration areas within the property or an adjacent  
1120                   property, providing it is acceptable to the adjacent owner and does not cause harm  
1121                   to that property.  
1122                   6. Pervious paver or structures in place of impervious surfaces  
1123                   7. Wetland protection or restoration  
1124                   8. Removal of shoreland modifications such as seawalls, retaining walls, beaches, or  
1125                   excessive paver covered areas.  
1126            B. An implementation schedule and enforceable obligation on the property owner to establish and  
1127            maintain the mitigation measures shall be evidenced by an instrument recorded in the office of  
1128            the Register of Deeds.

1129   **SECTION 16 – WATERFRONT ACCESS, GENERAL RESTRICTIONS**

1130

1131   **16.1 General Restrictions**

- 1132            A. Water access lots are prohibited on lakes and ponds of less than 50 acres.  
1133            B. An access lot created may serve no more than 3 back lots.  
1134                1. Access lots shall be at a minimum of 20,000 sq. ft. as well as 100 feet width minimum at the  
1135                OHWM for each 3 back lots served, measured at its narrowest point.  
1136                2. Access lot shall have at a minimum 35 feet between the OHWM and any access road.  
1137                3. Each lot shall be legally deeded and inseparable from each back lot served.  
1138            C. A mainland access lot is required for every 2 lots developed on islands.  
1139            D. Improvements on a water access lot are limited to the following:  
1140                1. Driveway shall not be closer than 75 feet from the OHWM or greater than 20 feet in width.  
1141                2. In addition to the width of the driveway, parking spaces are allowed on the access lot but  
1142                only limited to the number of lots served plus one additional space.  
1143                3. A single opening 35 feet in width is permitted at the water’s edge. Lots having 200 feet of  
1144                frontage or more may have adjoining openings.  
1145                4. A path, up to 5 feet wide is allowed to the shoreline opening.  
1146                5. A single boathouse and boat hoist may be constructed for each 100 feet of frontage.  
1147                6. Accessory structures may be permitted subject to setbacks and impervious surface  
1148                limitations

1149   **16.2 Waterfront Access Easements**

- 1150            A. Except as provided in Wis. Stat. § [30.1335](#), no owner of riparian land that abuts a navigable water  
1151            may grant by an easement or by a similar conveyance any riparian right in the land to another  
1152            person, except for the right to cross the land in order to have access to the navigable water. This  
1153            right to cross the land may not include the right to place any structure or material, including a  
1154            boat docking facility, as defined in Wis. Stat. § [30.1335 \(1\) \(a\)](#), in the navigable water.  
1155            B. Existing easements are permitted to the extent allowed by state law.  
1156            *Note: Wis. Stat. § 30.133 prohibits the conveyance of any riparian land by easement or similar*  
1157            *conveyance after April 9, 1994, except for the right to cross the land in order to have access to the*  
1158            *navigable water. Wis. Stat. § 30.131 permits nonriparian land owners to place certain wharfs or*

1159            *piers into the water if, among other things, it is pursuant to an easement recorded before*  
1160            *December 31, 1986. Notwithstanding Wis. Stat. § 30.133, such easements may be conveyed with*  
1161            *the riparian land.*

1162    **16.3 Dock-o-minimums Prohibition**

1163    The sale of mooring sites and berths as a condominium or anything else separate from a dwelling unit on  
1164    the same shoreland lot is prohibited.

1165    **SECTION 17 – ADMINISTRATION**

1166

1167    **17.1 Designation of Administrator**

1168        **A.** The County Zoning and Personnel Committee will appoint a County Zoning Administrator for the  
1169        administration and enforcement of the provisions of this ordinance. The County Zoning  
1170        Committee may authorize the Town Board of each township to appoint a Deputy Zoning  
1171        Administrator to assist in the enforcement and administration of this ordinance. Compensation  
1172        for the Deputy Zoning Administrator will be the responsibility of the town unless a memorandum  
1173        of understanding between the town and the county exists to represent other arrangements.

1174        **B.** The Zoning Administrator may delegate to the Deputy Zoning Administrator any of the duties  
1175        listed in this Section. The Zoning Administrator shall have the power to cause, rescind, or alter any  
1176        action of a Deputy Zoning Administrator, and may also suspend his or her powers under this  
1177        ordinance until the next regular meeting of the Land and Water Resources Committee. Upon  
1178        appointment of a Deputy Zoning Administrator by a Town, the Zoning Committee shall, at its next  
1179        regular meeting, vote to approve or deny said appointment. The Zoning Committee shall have the  
1180        power to dismiss Deputy Zoning Administrators at any time, for cause.

1181    **17.2 Zoning Administrator**

1182        **A.** The zoning administrator shall have the following duties and powers:

- 1183            **1.** Develop and maintain a system of permits for new construction, development,  
1184            reconstruction, structural alteration or moving of buildings and structures. A copy of  
1185            application shall be required to be filed in the office of the county zoning administrator.
- 1186            **2.** Regularly inspect permitted work in progress to insure conformity of the finished structures  
1187            with the terms or the ordinance.
- 1188            **3.** Develop and maintain a variance procedure which authorizes the board of adjustment to  
1189            grant such variance for the terms of the ordinance as will not be contrary to the public  
1190            interest where, owing to special conditions and the adoption of the shoreland zoning  
1191            ordinance, a literal enforcement of the provision of the ordinance with result in unnecessary  
1192            hardship.
- 1193            **4.** Develop and maintain a conditional use procedure.
- 1194            **5.** Keep a complete record of all proceeds before the board of adjustments, zoning agency and  
1195            planning agency.
- 1196            **6.** Provide written notice to the appropriate office of the Department at least 10 days prior to  
1197            any hearing on a requested variance, special exception or conditional use permit, appeal for

- 1198 a map or text interpretation, map or text amendment, and copies of all proposed land  
1199 divisions submitted to the county for review under Section 6.0.
- 1200 7. Submit to the appropriate office the Department, within 10 days after grant or denial, any  
1201 decision on a variance, special exception or conditional use permit, or appeal for a map or  
1202 text interpretation, and any decision to amend a map or text of an ordinance.
- 1203 8. Develop and maintain an official map of all mapped zoning district boundaries,  
1204 amendments, and recordings.
- 1205 9. Established appropriate penalties for violations of various provisions of the ordinance,  
1206 including forfeitures. Compliance with the ordinance shall be enforceable by the use of  
1207 injunctions to prevent or abate a violation, as provided in s.59.69(11), Stats.
- 1208 10. Pursue the prosecution of violations of the shoreland ordinance.

1209 **17.3 Powers**

- 1210 A. The County Zoning Administrator and duly-appointed deputies have the powers and authority  
1211 including, but not limited to, the following:
- 1212 1. At any reasonable time, and for any proper purpose, to enter upon any public or private  
1213 premises and make inspection thereof. In absence of a permit or permission from the  
1214 landowner to inspect property, the procedure set forth in Wis. Stat. § 66.0119 will be used  
1215 to obtain information relating to conditions on the property or violations;
- 1216 2. Upon reasonable cause or question as to proper compliance, to revoke any land-use permit  
1217 and issue cease and desist orders requiring the cessation of development activity, moving,  
1218 alteration, or use which is in violation of the provisions of this ordinance, any variance or  
1219 conditional use
- 1220 3. Recommend prosecution and prosecute violators of this ordinance by issuing citations  
1221 pursuant to Wis. Stat. § 20.05.2 hereunder or action of the corporate counsel;
- 1222 4. Refer to town deputies, or to town boards, for investigation, report, or mediation,  
1223 complaints filed with the County Zoning Administrator, that by their nature, might best be  
1224 dealt with in initial stages at the town level; and
- 1225 5. Other duties as listed in the Administrators job description on file with the county clerk.

1226 **SECTION 18 – ZONING PERMITS**

1227  
1228 **18.1 When Required**

1229 Except where another provision of this ordinance specifically exempts certain types of development from  
1230 this requirement, a land use permit shall be obtained from the zoning office before any new development  
1231 or any change in the use of an existing structure is initiated.

1232 **18.2 Application**

1233 An application for all permits, land use, variance or conditional use shall be made to the Land and Water  
1234 Resource office upon forms furnished by the county. Landowners or agents will be required to complete  
1235 the forms and demonstrate the placement of their development by marking the footprint in a manner  
1236 county staff can easily identify and match the size and location to the permit application.

- 1237       **A. Required Submissions**  
1238       In addition to the written requirements of ownership and parcel identification on the  
1239       development application, drawings are required to indicate size and positioning of development  
1240       on the property. The site development plan may be drawn to any legible scale and submitted as  
1241       part of the permit application and shall indicate the following:  
1242       **1.** The location, dimension, area, and elevation of lot or parcel;  
1243       **2.** The location, dimension, area, and elevation of development;  
1244       **3.** The distance of all development to OHWM;  
1245       **4.** The sum total of all impervious surfaces existing and proposed;  
1246       **5.** The placement and size of infiltrative structures used to exempt impervious surfaces;  
1247       **6.** The distance of all development, existing and proposed, to lot lines and centerlines of all  
1248       abutting streets or highways or edges of easements; and  
1249       **7.** The location of any existing or proposed sanitary systems or private and public water  
1250       supplies.
- 1251       **B. Permit Approvals**  
1252       Permits will be granted or denied based on the paper application, the onsite inspection and the  
1253       requirements of the ordinance. An 8 1/2 by 11 inch cardboard placard will be issued to the  
1254       landowner or agent. The placard shall be placed conspicuously near the entrance of the property  
1255       before work begins and remain until permitted work is completed.  
1256       **1.** The administrator may defer any permit applications to the Committee for deliberation or  
1257       instructions.
- 1258       **C. Expiration of Permits**  
1259       **1.** Land Use permits expire 12 months from the date of issuance if no substantial work has  
1260       commenced. Where excavation or demolition shall be carried out before construction begins,  
1261       substantial work has commenced. If after 12 months of the date of issuance of any permit the  
1262       proposed construction or preparation of land for use has not commenced, said permit shall  
1263       expire, except where the zoning administrator may grant an extension of such permit for a  
1264       period not to exceed 12 months upon the showing of valid cause and payment of a renewal  
1265       permit fee.
- 1266       **D. After-the-fact**  
1267       **1.** Any application for permits or any other permission, received after the use change or  
1268       construction has been initiated, shall be subject to an additional late application fee. Payment  
1269       of a fee for late application shall not exempt the applicant from prosecution for violation of  
1270       this ordinance.
- 1271       **E. Fees Required**  
1272       **1.** The Forest County Land and Water Resource Office shall maintain a Master List of Fees for all  
1273       permits and activities required by this ordinance.

1274       **SECTION 19 – PENALTIES**

1275       **19.1 Penalty for Violations**

- 1276 A. Except as provided in (C) and (D), any person who violates this ordinance may be subject to a fine
- 1277 of \$500.00 plus costs of prosecution. A charge of \$50.00 will be added to the fine for everyday the
- 1278 fine is not paid after it becomes due. The county may also seek injunctive relief from the circuit
- 1279 court to cause violation to be ceased, moved or removed.
- 1280 B. Any unpaid fine under this ordinance may be placed on the tax roll against the property where
- 1281 the violation occurred, subjecting the owner of the property to forfeiture of the property through
- 1282 a tax deed if it remains unpaid.
- 1283 C. Failure to comply with a court order pursuant to this statute may result in a finding a contempt
- 1284 and may be subject the violator to confinement until the violation is cured.
- 1285 D. Failure to comply with or follow instructions or restrictions as directed by the Board of Adjustment
- 1286 after securing a variance or conditional use to any portion of this ordinance may be subject to the
- 1287 issuance of fine up to \$20,000, injunctive relief by order of the court or both.

1288 **19.2 Citation Enforcement**

- 1289 A. Enforcement of this will be through the Citation Enforcement Procedure authorized in Wis. Stat.
- 1290 § 66.0113.
- 1291 B. The adoption of the citation method under Section 20.2 does not preclude the county, or its
- 1292 officers authorized to issue citations, from proceeding under any other enforcement procedure
- 1293 that pertains to the subject matter addressed in the citation.
- 1294 C. Payment of the citation by a violator does not relieve the violator of the obligation to the
- 1295 ordinance nor to remove what has been illegally installed. A new citation may be issued within
- 1296 30 days from the time a previous citation for the same violation was paid
- 1297 D. Prior to issuing a citation under this Section, the zoning administrator or any delegated deputy
- 1298 administrators, shall attempt to gain compliance with the ordinance by issuing a correction letter.
- 1299 Upon failure to gain compliance, or a good faith start toward compliance, the administrator or
- 1300 delegate will issue the citation, delivered in person, by first-class mail, or by registered letter, as
- 1301 the administrator deems most effective.
- 1302 E. The format of any citation and procedures open to the violator, including procedure on default,
- 1303 will be consistent with Wis. Stats. §§ 66.1113, 66.0114 and 66.0115
- 1304 F. All citations issued under this ordinance have the legal effect specified in Wis. Stat. § 66.119 and
- 1305 provide the circuit court of the county with subject matter jurisdiction.
- 1306 G. Citations issued may be paid by either cash or a certified check or money order made out to the
- 1307 FOREST COUNTY TREASURER, Forest County Courthouse, Attention: Clerk of Court, 200 East
- 1308 Madison Street, Crandon, WI. 54520, by mail or in person.

1309 **SECTION 20 – POWERS OF THE FOREST COUNTY BOARD OF ADJUSTMENT**

1310 **20.1 Appealable Matters**

- 1311 A. The following decisions are appealable to the Board of Adjustment and shall be initiated as put
- 1312 forth under Forest County Ordinance No. 02-2010:
- 1313 1. Decisions by the Zoning Administrator which consist of interpretations of the terms of the
- 1314 Forest County Zoning Ordinance and which are made in the course of determining whether

- 1315 a permit or approval will be issued by said administrator are first Board of Adjustment as an  
1316 administrative appeal;
- 1317 2. Decisions by the Zoning Administrator to issue an enforcement demand or to commence  
1318 other ordinance enforcement activities, where the Administrator has determined that  
1319 violation of the ordinances exists, are appealable to the Board of Adjustment as an  
1320 administrative appeal; and
- 1321 3. Decisions by the Land and Water Resource Committee which consist of interpretations of  
1322 the terms of the Forest County Zoning Ordinance and which are made in the course of  
1323 determining whether a permit or approval will be issued by said committee are appealable  
1324 to the Board of Adjustment as administrative appeals.
- 1325 4. Decisions by the Land and Water Resource Committee regarding Conditional Use Permits  
1326 are appealable to the Board of Adjustment within 30 days after the decision is issued.

1327 **20.2 Variances**

- 1328 A. Variance Criteria to Be Met. The board of adjustment may grant upon appeal a variance from  
1329 the standard of this ordinance where an applicant convincingly demonstrates that:
- 1330 1. Literal enforcement of the provision of the ordinance will result in unnecessary hardship on  
1331 the applicant;
- 1332 2. The hardship is due to special conditions unique to the property;
- 1333 3. The request is not contrary to the public interest and;
- 1334 4. The request represents the minimum relief necessary to relieve unnecessary burdens.
- 1335 B. Notice, Public Hearing and Decision
- 1336 Before deciding on an application for a variance, the board of adjustments shall hold a public  
1337 hearing. Notice of such hearing specifying the time, place and matters of concern, shall be given  
1338 a Class 2 notice under Ch. 985, Stats. Such notice shall be provided to the appropriate office of  
1339 the Department at least 10 days prior to the hearing. The board shall state in writing the reasons  
1340 for granting or refusing a variance and shall provide a copy of such decision to the appropriate  
1341 office of the Department within 10 days of the decision.

1342 **20.3 Process for all Variances**

1343 Complete and submit a Variance application form attached to a land use permit and the required fee. The  
1344 following information is required on each application:

- 1345 A. The address of the property
- 1346 B. The name and contact information of the person(s) seeking a variance
- 1347 C. The type of variance requested, and the ordinance number the relief is requested from.
- 1348 1. A written description of the physical limitations of the property that prevent the property  
1349 owner from complying with the ordinance.
- 1350 2. A written description how the variance, if granted, would not harm public interest.
- 1351 3. A written description how strict compliance with the ordinance would create an  
1352 unnecessary hardship.

- 1353 4. A map depicting the property as it currently exists and as it would exist if the variance is  
1354 granted.  
1355 5. The requirements of Section 19.  
1356 6. Any other information pertinent to the proposed variance that would help the Board of  
1357 Adjustment render its decision.

1358 **20.4 Standards and Findings**

- 1359 A. The Board of Adjustment, in evaluating petitions for granting of an area variance shall consider  
1360 the unnecessary hardship due to unique property limitations and the potential harm to the public  
1361 interest.  
1362 B. The Board of Adjustment, in evaluating petitions for granting of a use Variance shall consider if  
1363 the landowner has any reasonable use of the property as it is zoned.

1364 **20.5 Process Followed by Applicant**

- 1365 A. Applicants shall abide by the following steps when applying for a variance:  
1366 1. Complete and submit a variance application form, including the information required in  
1367 Section 19, Section 21.3 and the required fee.  
1368 2. Applicant shall prepare and attach a written statement addressing the considerations in  
1369 Section 19.2(A)  
1370 B. After the application and permit fees have been delivered to the Land and Water Resource office,  
1371 the process as defined in Forest County Ordinance Number 02-2010, Board of Adjustment Rules  
1372 takes effect; A copy of the same shall be given to the applicant if requested.  
1373 C. Where the conditions of a variance are violated, the variance will be revoked by the Board of  
1374 Adjustment following the same steps of notice, hearing and decision as in granting the variance  
1375 upon notification by the zoning administrator of violation. Section 20 of this ordinance may apply.

1376 **20.6 Hearing**

1377 The Land and Water Resource office will cause to be published in the county's official newspaper a class  
1378 2 notice and at the same time notify, by regular mail, the applicant, the property owners within 300 of  
1379 the subject property and the town of the specific request. This notice shall include the location, date and  
1380 time of the hearing and location of application copies for examination by interested parties. The  
1381 administrator shall forward an agenda and copies of the application to each Board of Adjustment member  
1382 before the next regular meeting after the waiting period for the Class 2 notice, but in no case less than  
1383 seven days before the meeting. The committee shall make an onsite visit prior to the meeting as  
1384 noticed. After the committee's decision is final, the Administrator will either approve or deny the permit  
1385 application for the requested relief.

1386 **20.7 Recording**

1387 All decisions will be permanently recorded in the County Clerk's Office and the landowner's file.

1388 **20.8 Violating Terms of a Variance**

1389 Any violation to the terms of a variance as recorded shall be enforced by the Administrator as outlined in  
1390 Section 20 of this ordinance.

1391 **SECTION 21 – CONDITIONAL USE PERMITS**

1392

1393 **21.1 Application for a Conditional Use**

1394 Uses listed as permitted by conditional permit, as listed in Section 30, shall be authorized in a district after  
1395 application to the Land and Water Resource office, public hearing and the application of appropriate  
1396 conditions.

1397 **21.2 Process for Conditional Use Permit**

1398 A request for a conditional-use permit shall be submitted in writing to the county Land and Water  
1399 Administrator on forms provided. The Administrator will refer the application to the committee for  
1400 approval to proceed. The request shall be accompanied by scale or distance maps or drawings prepared  
1401 to the best of the applicant’s ability, showing legibly and accurately the location, size and shape of the  
1402 lot(s) involved and of any proposed structures, including the relation to abutting streets and any  
1403 abutting lakes or streams, and the existing and proposed use of each structure, the design of any required  
1404 parking areas, driveways, or internal roadways.

1405 **21.3 Hearing**

1406 The Land and Water Resource office will cause to be published in the county’s official newspaper a class  
1407 2 notice and at the same time notify, by regular mail, the applicant, the property owners within 500 feet  
1408 of the subject property and the town where the property is located of the specific request. The Land and  
1409 Water Resource Committee shall invite 2 members of the town board in which the property is located to  
1410 join the committee during the public hearing and deliberate on proposed conditions in a voting position.  
1411 This notice shall include the location, date and time of the hearing and location of application copies for  
1412 examination by interested parties. The zoning administrator shall forward an agenda and copies of the  
1413 application to each Land and Water Resource Committee member and the affected town before the next  
1414 regular meeting after the waiting period for the Class 2 notice, but in no case less than seven days before  
1415 the meeting.

1416 **21.4 Determinations**

1417 **A.** The land and Water Committee shall act on the application after hearing comments, and general  
1418 and specific requirements requested by the town, the public and committee members. The  
1419 Committee shall report its decision within 90 days after the filing of the application, except for  
1420 conditional use applications considered a Planned Unit Development Proposal. Its decision shall  
1421 include an accurate description of the use permitted, of the property on which it is permittee, and  
1422 any and all conditions made applicable.

- 1423 **1.** The requirement and conditions required must be reasonable, to the extent practicable,  
1424 measurable and may include conditions such as the permit’s duration, transfer, or renewal.  
1425 **2.** The applicant must demonstrate that the application and all requirements and conditions  
1426 established by the county relating to the conditional use are or shall be satisfied, and must  
1427 be supported by substantial evidence.  
1428 **3.** The county’s decision to approve or deny the permit must be supported by substantial  
1429 evidence.

1430 **21.5 Recording**

1431 When a conditional use is approved, an appropriate record shall be made at the zoning office and in the  
1432 public record consisting of the land use and structure permits and conditions specified by the land and  
1433 Water Committee. Such permits shall be applicable solely to the structures, use, and property so  
1434 described.

1435 **21.6 Termination**

1436 Where a permitted conditional use does not continue in conformity with conditions of original  
1437 approval, the conditional-use permit shall be terminated by action of the Land and Water Committee  
1438 and may be considered by committee as a violation of the ordinance. Procedure for termination shall be  
1439 the same as for approval, except it shall be proceeded by issuance of notice of violation, and of any  
1440 necessary citations, which if left unpaid and not corrected, provide the basis for the termination.

1441 **21.7 Standards Applicable for Conditional Uses**

- 1442 **A.** When deliberating about a Conditional Use request, in addition to any other factors it considers,  
1443 the committee shall also consider the following:
- 1444 **1.** The maintenance of safe and healthful conditions;
  - 1445 **2.** Sufficient property to adequately accommodate the proposed use;
  - 1446 **3.** The prevention and control of water pollution including sedimentation;
  - 1447 **4.** The prevention of damage to adjacent properties due to altered surface water drainage;
  - 1448 **5.** The avoidance of potential erosion based on the degree and direction of slope, soil type and  
1449 vegetative cover.
  - 1450 **6.** The location of the site with respect to existing or future access roads; and
  - 1451 **7.** The compatibility with placement of structures on adjacent land.
  - 1452 **8.** Traffic, noise and hours of operation.

1453 **21.8 Conditions Imposed**

- 1454 **A.** Upon consideration of the standards listed in Section 22.7 of this ordinance, the Land and Water  
1455 Resource Committee may attach such conditions as are necessary to further the purpose of this  
1456 ordinance. Violations of any of these conditions are cause for revoking the conditional use permit.  
1457 Citations may be issued to enforce compliance before revocation.
- 1458 **B.** If an applicant for a conditional use permit meets or agrees to meet all of the restrictions,  
1459 requirements and conditions specified in the county ordinance or those imposed by the county  
1460 Land and Water Resource Committee, the county shall grant the conditional use permit. Any  
1461 condition imposed must be related to the purpose of the ordinance and be based on substantial  
1462 evidence.
- 1463 **C.** All actions under this section are appealable to the circuit court under the procedures contained  
1464 in s. 59.694 (10)

1465 **SECTION 22 – MAP AND TEXT AMENDMENT PROCEDURES**

1466 The regulations imposed and the zoning districts created under authority of this ordinance may be  
1467 amended from time to time in accordance with Wis. Stats § 59.69 (5). An amendment may be granted by

1468 the County Board only after a public hearing before the Forest County Land and Water Resources  
1469 committee and a report of its findings and recommendations has been submitted to the county board for  
1470 final action.

1471 **22.1 Standards for Zoning/Land Use Map Amendments**

- 1472 **A.** A rezoning or land use change, except those listed in Section 5, shall conform or not otherwise be  
1473 in conflict with any adopted county plans. Rezoning may be enacted if:
- 1474 **B.** It can be shown that the current zoning places an unreasonable burden on the owner of the  
1475 property to be affected;
- 1476 **C.** The current zoning can be shown to have been a mistake based on incorrect knowledge or  
1477 assumptions about the land or existing uses in the area;
- 1478 **D.** The current zoning is no longer necessary to protect any public interest; or
- 1479 **E.** There has been a significant change in circumstances since the property was zoned under the  
1480 current district and the proposed rezoning action is shown to be appropriate for such new  
1481 circumstances.

1482 **22.2 Initiation of Text or Map Amendments**

- 1483 **A.** Amendments may be proposed by the County Board, the Land and Water Committee, any  
1484 property owner in the area to be affected by the amendment or by a town board.
- 1485 **B.** If filing for an amendment of the official zoning/land use map, the petitioner filing the amendment  
1486 shall submit with the application, a fee, if required, and a map showing the proposed change.  
1487 Land and Water Resource personnel will compile a list for purposes of notification to all  
1488 landowners within 300 feet of the property or properties proposed to be rezoned.

1489 **22.3 Processing**

1490 An application for a text or map amendment shall be filed with the zoning administrator and immediately  
1491 transmitted to the chairman of the Land and Water Resources Committee for approval to schedule a Class  
1492 2 public hearing. In conjunction with the public hearing, an individual written notice shall be sent to all  
1493 landowners within three-hundred feet of the proposed zoning action, the town clerk of the affected  
1494 township and all county board members no later than ten days before the public hearing. Failure to  
1495 receive such notice will not invalidate the hearing or the results.

1496 **22.4 Decisions**

1497 After public hearing, the Land and Water Resources Committee shall forward its recommendations to the  
1498 county board for further action. The county board, after receiving the report of the Land and Water  
1499 Resource Committee, and without further public hearing, may grant or deny any proposed amendment  
1500 in accordance with applicable standards. Alternatively, it may refer it back to the Land and Water Resource  
1501 Committee for further change or consideration.

1502 **SECTION 23 – SHORELAND DISTRICTS**

1503 **23.1 Official Zoning/Land Use Maps**

1504 Forest County shorelands are divided into district as shown on the Official Zoning/Land Use Map and data  
1505 base, which, together with all explanatory matter thereon is hereby adopted by reference and declared  
1506 to be part of this ordinance. If an atlas is used, each individual map included in the atlas shall be marked  
1507 and maintained in accordance with the provisions of this Section. If, in accordance with the provisions of  
1508 this ordinance, changes are made in district boundaries or other matter portrayed on the Official  
1509 Zoning/Land Use Map, such changes shall be entered on the map and data base promptly after the  
1510 amendment has been approved by the County Board of Supervisors. There is only one authentic Official  
1511 Zoning/Land Use Map and Data Base. It shall be on file in the office of the zoning administrator. It is the  
1512 final authority as to the current status of allowable land uses in Forest County.

1513 **23.2 Districts**

1514 All shorelands in Forest County are hereby categorized into the following districts:

1515 **A. Shoreland Residential (SR)**

1516 This district is comprised of land three-hundred feet from a river and one-thousand feet from a  
1517 lake where POWTS is utilized as a sanitary system or a municipal sanitary system is provided. This  
1518 district is used exclusively for residential activities.

1519 **B. Shoreland Recreational Residential (SRR)**

1520 This district is comprised of land that utilizes POWTS as a sanitary system or a municipal sanitary  
1521 system is provided. This district, in addition to residential uses, has permitted recreational uses  
1522 such as short term rental (less than 7 days), recreational vehicle, motor home and camper  
1523 placements.

1524 **C. Shoreland Commercial (SC)**

1525 This district's commercial designation relates to the buying and selling of goods and services and  
1526 its operation may be water dependent. There are patrons on premise and the business may or  
1527 may not be serviced by a municipal sanitary sewer or POWTS.

1528 **D. Shoreland Industrial (SI)**

1529 This district's industrial designation relates to the manufacturing of goods. The activities on these  
1530 parcels may need state regulation and may create nuisance conditions. There may be patrons on  
1531 premise.

1532 **E. Shoreland Forestry or Agricultural Zone (SFAG)**

1533 This district's designation depends on enrollment in the Managed Forest Land program and its  
1534 use is as defined by State law where applicable and county ordinance thereafter. This designation  
1535 also allows for all uses as listed in the Forest County Farmland Preservation Ordinance.

1536 **F. Shoreland Mixed Use (SMU)**

1537 These are areas with a variety of uses, or may be a small community with retail, commercial, and  
1538 residential uses in close proximity.

1539 **G. Shoreland Government/Public. Institutional (G)**

1540 This district is designated by a town for Government/Public/Institutional facilities and can include  
1541 public recreational uses.

1542 **H. Shoreland Wetland (SW)**

1543 This district is based on Wisconsin Wetland Inventory Maps. This designation knows no  
1544 boundaries unless a change of zoning is applied for and approved. Many of these wetlands may  
1545 not be mapped but are still considered in the Wetland District. See Section 5 for use clarification.

1546 **23.3 Wellhead Protection Overlay District**

1547 This district is comprised of lands designated by a town sanitary district for the protection of municipal  
1548 wells that intersect with areas of shoreland zoning jurisdiction. All wells shall be adequately separated  
1549 from potential sources of contamination. Unless a hydrogeological investigation indicates lesser  
1550 separation distances would provide adequate protection of a well from contamination or department  
1551 approved treatment is installed to address the potential contamination concerns, the minimum  
1552 separation distances shall conform with NR 811.11(5)(d).

1553 **SECTION 24 – SUPPLEMENTAL DISTRICT REGULATIONS**

1554 **24.1 PARKING, STORAGE, AND USE OF RECREATIONAL VEHICLES, MOTOR HOMES, AND CAMPER**  
1555 **TRAILERS.**

- 1556 **A.** All recreational vehicles, motor homes or camper trailers left on private property more than 30  
1557 days shall comply with the general requirements of Section 24.05 of the Forest County Sanitary  
1558 Ordinance.
- 1559 **B.** Recreational vehicles, motor homes or camper trailers in storage adjacent to the owner’s home  
1560 are exempt from these requirements.
- 1561 **C.** If allowed, all recreational vehicles, motor homes or camper trailers located on private property  
1562 for more than thirty days shall secure a permit/license from the Forest County Land and Water  
1563 Resources office demonstrating compliance with the Sanitary Ordinance and the terms of the  
1564 Forest County Shoreland Zoning Ordinance for placement.
- 1565 **D.** All recreational vehicles, motor homes or camper trailer sites shall be kept clean and free of  
1566 weeds, junk or discarded materials.
- 1567 **E.** Only one recreational vehicle, motor home or camper trailer is allowed permanent placement on  
1568 a single lot of record.
  - 1569 **1.** In order to have more than one recreational vehicle, motor home or camper trailer you shall  
1570 have a minimum, additional 20,000 square feet for each unit.
  - 1571 **2.** In no event shall there be more than 3 recreational vehicles, motor homes or camper  
1572 trailers (collectively) on any one parcel without a campground permit or variance
- 1573 **F.** Structures such as decks, porches, patios and car ports are allowed, if permitted, but in no case  
1574 may be attached permanently to any recreational vehicle, motor home or camper trailer. All  
1575 setbacks must be complied with.
- 1576 **G.** All parcels where recreational vehicles, motor homes, and camper trailers are parked, for any  
1577 length of time, shall obtain and display a fire number.
- 1578 **H.** All recreational vehicles, motor homes or camper trailers shall remained licensed by the  
1579 Wisconsin Department of Transportation.

1580 **24.2 Chickens and Ducks**

1581 The purpose of this Section is to provide standards for the keeping of domesticated chickens and ducks.  
1582 The intent is to place restrictions on residents keeping chickens and/or ducks on a non-commercial basis  
1583 in all districts except commercial or industrial areas.

1584 **A. Number and Type of Chickens and/or Ducks Allowed**

- 1585 1. The maximum number of chickens and /or ducks allowed is 8 per lot.
- 1586 2. Only female chickens are allowed, no roosters. Male or female ducks are allowed.
- 1587 3. There are no restrictions on chicken or duck species. No Guinea fowl are allowed.
- 1588 4. The chickens and /or ducks shall be provided with a covered coop and attached pen.
- 1589 5. Chicken and/or duck coops and pens shall not be located closer than 50 feet to any lot line.
- 1590 6. Chicken and/or duck coops and pens shall not be located closer than 75 feet from the  
1591 OHWM of any lake, river or stream.

1592 **SECTION 25 - PUBLIC NUISANCES AND BLIGHT**

1593 **25.1 General**

1594 A public nuisance is interferes with public use of property. Blight refers to the deterioration or decay of a  
1595 premises or exterior of a building or condition of a property, that when viewed at ground level from the  
1596 public right-of-way or from neighboring premises. The following are declared to be public nuisances or  
1597 blight, affecting health and property;

- 1598 **A.** Failure to keep waste, refuse or garbage in an enclosed building or properly contained in a closed  
1599 container designed for such purpose or the keeping of such waste, refuse, or garbage in such  
1600 manner as to create noxious fumes or odors affecting adjoining or public property.
- 1601 **B.** Failure to maintain the exterior or interior or any structure used for human habitation or storage  
1602 purposes so as to avoid health hazards.
- 1603 **C.** Allowing any discharge into the environment or toxic or noxious materials in such concentrations  
1604 as to endanger the public health.
- 1605 **D.** Causing or allowing the effluent from any cesspool, septic tank, drain field or sewage disposal  
1606 system to discharge upon the surface of the ground.
- 1607 **E.** Causing or allowing the contamination of any well, cistern, stream, or lake with any material or  
1608 substance.
- 1609 **F.** Failure to comply with any law or rule regarding sanitation and health including, but not limited  
1610 to:
  - 1611 1. Plumbing
  - 1612 2. water supplies, including wells and surface waters
  - 1613 3. waste disposal
  - 1614 4. storage of chemical pesticides or herbicides
- 1615 **G.** Any property that maintains two or more unlicensed, inoperable motor vehicles or two or more  
1616 unused and inoperable appliances within 50 feet of adjoining properties unless the offending  
1617 property is completely screened from view with fencing or vegetation.

- 1618 H. Failure to maintain vegetation, including, but not limited to, lawns exceeding the height of 12
- 1619 inches, weak, diseased or dying trees that threaten the property of others or obstructs the view
- 1620 or movement of vehicles and pedestrians.
- 1621 I. Allowing the proliferation of noxious, nuisance or invasive plants species or vegetation.
- 1622 J. Failure to prevent erosion from dust or the blowing or scattering of dust particles from
- 1623 unvegetated areas.
- 1624 K. Failure to prevent erosion where the movement of soil or water crosses a property line or into
- 1625 any legal setback.

1626 **SECTION 26 – STEEP SLOPE OVERLAY DISTRICT**

1627 **26.1 Steep Slopes**

- 1628 A. Steep Slopes Overlay: A Steep Slopes Overlay is established to assist in the identification of soils,
- 1629 land and areas that are likely to have slopes of 30 percent or greater. The overlay is recognized to
- 1630 be a general identification tool and filed verification of slopes will be performed by the Zoning
- 1631 Department or a licensed surveyor or certified soil tester.
- 1632 B. Development and Performance Standards
- 1633 1. Development on slopes of 30% is permitted use, which requires a zoning permit and a Steep
- 1634 Slopes Development Plan that is designed by a licensed professional engineer, landscape
- 1635 architect or other qualified professional as deemed acceptable by the Zoning Administrator.
- 1636 The development plan shall include a comprehensive written description and detailed site
- 1637 plans showing all measures to be installed to prevent erosion and limit sediment loss. The
- 1638 plan shall also include an effective stormwater management plan specifying all measures to
- 1639 be incorporated and installed to create a plan that meets or exceeds DNR stormwater
- 1640 Management Technical Standards. A zoning permit allowing development will not be issued
- 1641 by the Department prior to a Steep Slopes Development Plan being received. The
- 1642 Development Plan shall include all of the following:
- 1643 a. Grading plan showing two foot (2') intervals and grading limits
- 1644 b. Property boundaries
- 1645 c. Existing and proposed new structures
- 1646 d. Soil Types
- 1647 e. All water features including wetlands and wetlands indicator soils
- 1648 f. A sediment and erosion control plan which includes the locations of all Best
- 1649 Management Practices (BMP's)
- 1650 g. A stormwater management plan that includes all post construction waterways, drainage
- 1651 patterns and features such as sediment basins, etc.
- 1652 h. Existing and proposed wells and sanitary system locations
- 1653 i. Existing and proposed new vegetation
- 1654 j. A construction site plan showing location of a staging area for excavated material, and
- 1655 other materials.

1656 **SECTION 27 – 30 RESERVED FOR FUTURE USE**

1657 **SECTION 31 – CONDITIONAL AND PERMITTED USES BY DISTRICT**

1658 **31.1 General**

1659 The following table lists common land uses which might be found or established in Forest County. The  
1660 list, though not all inclusive, shall be interpreted as applying to the most similar listed use and the  
1661 provisions of that use shall apply.