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3  
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Forest County Wisconsin

# Shoreland Zoning

Forest County Board of Supervisors

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# Table of Contents

6	<b>Section 1</b>	<b>Statutory Authorization, Finding of Fact, Statement of Purpose, and Title</b>	
7	1.1	Statutory Authorization	pg. 5
8	1.2	Findings of Fact	pg. 5
9	1.3	Purpose and Intent	pg. 5
10	1.4	Title	pg. 6
11	<b>Section 2</b>	<b>General Provisions</b>	
12	2.1	Regulated Areas	pg. 6
13	2.2	Incorporated Maps and Studies	pg. 6
14	2.3	Force and Effect	pg. 7
15	2.4	Relationship to Other Zoning and Property Restrictions	pg. 7
16	2.5	Interpretation	pg. 7
17	2.6	Severability	pg. 8
18	<b>Section 3</b>	<b>Definitions</b>	
19	3.1	Incorporated Definitions	pg. 8
20	<b>Section 4</b>	<b>Determinations, Encroachments, Complaints and Covenants</b>	pg. 16
21	4.1	General	pg. 16
22	<b>Section 5</b>	<b>Shoreland-Wetland District</b>	
23	5.1	Designation	pg. 16
24	5.2	Purpose	pg. 17
25	5.3	Permitted Uses	pg. 17
26	5.4	Prohibited Use	pg. 19
27	5.5	Standards for Shoreland-Wetland Rezoning Petitions	pg. 19
28	5.6	Rezoning of Lands in the Shoreland-Wetland District	pg. 19
29	5.7	Department Response to a Proposed Text or Map Amendment	pg. 20
30	<b>Section 6</b>	<b>Land Division Review</b>	
31	6.1	Land Division Review	pg. 20
32	6.2	Minimum Lot Size	pg. 20
33	6.3	Planned Unit Development	pg. 21
34	<b>Section 7</b>	<b>Substandard Lots</b>	
35	7.1	Substandard Lots	pg. 21
36	<b>Section 8</b>	<b>Required Setbacks and Frontages on Roads</b>	
37	8.1	General	pg. 22
38	<b>Section 9</b>	<b>District Setbacks</b>	
39	9.1	Setback Purpose	pg. 22
40	9.2	Shoreland Setback	pg. 22
41	9.3	Exempt Structures	pg. 22
42	9.4	Reduced Setback for a Principal Structure to the OHWM	pg. 24
43	9.5	Required Setback to Side Lot Lines by District	pg. 24
44	<b>Section 10</b>	<b>Vegetation</b>	

45	10.1	Purpose	pg. 24
46	10.2	Activities Allowed within a Vegetative Buffer Zone	pg. 25
47	<b>Section 11</b>	<b>Regulations applicable within 300 feet of the OHWM or the RMZ</b>	
48	11.1	Impervious Surface Standards - Purpose	pg. 26
49	11.2	Calculating of Percentage of Impervious Surface	pg. 26
50	11.3	Filing and Grading, Ditching and Excavating	pg. 27
51	11.4	Permits Required	pg. 27
52	11.5	Permit Conditions	pg. 27
53	11.6	Standards for Filling and Grading	pg. 27
54	<b>Section 12</b>	<b>Nonconforming Structures and Uses</b>	
55	12.1	Discontinued Uses	pg. 28
56	12.2	Maintenance, Repair/Replacement or Vertical Expansion of NC Structures	pg. 28
57	12.3	Lateral Expansion of Principal Structures within the setback	pg. 29
58	12.4	Expansion of Nonconforming beyond Setback	pg. 29
59	12.5	Relocation	pg. 29
60	<b>Section 13</b>	<b>Maintenance, Repair, Replacement or Vertical Expansion of Structures that were</b>	
61		<b>Authorized by Variance</b>	pg. 30
62	13.1	Structures that were authorized by variance	pg. 30
63	13.2	Maintenance, Repair, Replacement of illegal Structures	pg. 30
64	<b>Section 14</b>	<b>Residential Construction Standards</b>	pg. 30
65	14.1	Construction Standards for Residences	pg. 30
66	14.2	Erection of More Than One Principal Structure on a Lot	pg. 30
67	14.3	Sanitary Regulations	pg. 31
68	14.4	Height Restrictions	pg. 31
69	<b>Section 15</b>	<b>Mitigation</b>	
70	15.1	Mitigation Required	pg. 31
71	<b>Section 16</b>	<b>Waterfront Access, General Restrictions</b>	
72	16.1	General Restrictions	pg. 32
73	16.2	Waterfront Access Easements	pg. 33
74	16.3	Dock-O-minimums Prohibition	pg. 33
75	<b>Section 17</b>	<b>Administration</b>	
76	17.1	Designation of Administrator	pg. 33
77	17.2	Zoning Administrator	pg. 33
78	17.3	Powers	pg. 34
79	<b>Section 18</b>	<b>Zoning Permits</b>	
80	18.1	When Required	pg. 35
81	18.2	Application	pg. 35
82	<b>Section 19</b>	<b>Penalties</b>	
83	19.1	Penalty for Violations	pg. 36
84	19.2	Citation Enforcement	pg. 36
85	<b>Section 20</b>	<b>Powers of the Forest County Board of Adjustment</b>	

86	20.1	Appealable Matters	pg. 37
87	20.2	Variances	pg. 37
88	20.3	Process for all Variances	pg. 37
89	20.4	Standards and Findings	pg. 38
90	20.5	Process Followed by Applicant	pg. 38
91	20.6	Hearing	pg. 38
92	20.7	Recording	pg. 39
93	20.8	Violating the terms of a variance	pg. 39
94	<b>Section 21</b>	<b>Conditional Use Permits</b>	
95	21.1	Application for a Conditional Use Permit	pg. 39
96	21.2	Process for a Conditional Use Permit	pg. 39
97	21.3	Hearing	pg. 39
98	21.4	Determinations	pg. 39
99	21.5	Recording	pg. 40
100	21.6	Termination	pg. 40
101	21.7	Standards Applicable for Conditional Uses	pg. 40
102	21.8	Conditions Imposed	pg. 40
103	<b>Section 22</b>	<b>Map and Text Amendment Procedures</b>	
104	22.1	Standards for Zoning/Land Use Map amendments	pg. 41
105	22.2	Initiation of Text or Map Amendments	pg. 41
106	22.3	Processing	pg. 41
107	22.4	Decisions	pg. 42
108	<b>Section 23</b>	<b>Shoreland Districts</b>	
109	23.1	Official Zoning/Land Use Maps	pg. 42
110	23.2	Districts	pg. 42
111	23.3	Wellhead Protection Overlay District	pg. 43
112	<b>Section 24</b>	<b>Supplemental District Regulations</b>	
113	24.1	Parking/Storage, & Use of Recreational Vehicles, Motor Homes and Camper Trls.	pg. 43
114	24.2	Chickens and Ducks	pg. 44
115	<b>Section 25</b>	<b>Public Nuisance</b>	
116	25.1	General	pg. 44
117	<b>Section 26</b>	<b>Stope Slope Overlay District</b>	
118	26.1	Steep Slopes	pg. 45
119	<b>Section 27-30</b>	<b>Reserved for Future Use</b>	pg. 46
120	<b>Section 31</b>	<b>Conditional and Permitted Uses by District</b>	
121	31.1	General	pg. 4
122			

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 **Cooking and Food Preparation Facilities:** Any area containing any or all of the following equipment:

288           a. Kitchen sink and/or other device for dishwashing.

289           b. Stove or other device for cooking.

290           c. Cabinets and/or shelves for storage of equipment and utensils.

291           d. Counter or table for food preparation.

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

295 **County Zoning Agency:** The committee created or designated by the county board under Wis. Stat. §  
296 59.692 (2)(a) that acts in all matters pertaining to county planning and zoning. In Forest County, this  
297 committee is the Forest County Land and Water Resources Committee whose directional jurisdiction  
298 includes the Zoning Administrator and Deputy Zoning Administrator.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

396 **Ordinary High-Water Mark (OHWM):** The point on the bank, or shore, up to which the presence and  
397 action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction,

398 prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized  
399 characteristics.

400 **Ordinary Maintenance and Repair:** Not considered structural repairs, modifications, or additions. Such  
401 ordinary maintenance repairs include: internal and external painting, decorating, paneling, and the  
402 replacement of doors, windows, and other nonstructural components. Ordinary maintenance and repair  
403 does not alter the building envelope in any direction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

515

### 516 **4.1 General**

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

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

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

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



527 E. Restrictive covenants or deed restrictions are private contractual covenants that limit land use.  
528 Restrictions are placed on the property by affirmative action of the owner of the property, usually  
529 by the initial developer. Enforcement of restrictive covenants, on property covered by the  
530 restrictions, is the landowner’s responsibility. Seek legal advice to enhance, alter or amend  
531 restrictive covenants.

532 **SECTION 5 – SHORELAND-WETLAND DISTRICT**

533

534 **5.1 Designation**

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

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

547 **5.2 Purpose**

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

552

553 **5.3 Permitted Uses**

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

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

- 559 1. Hiking, fishing, trapping, hunting, swimming, and boating;
- 560 2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree  
561 fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of  
562 such crops;
- 563 3. The pasturing of livestock;
- 564 4. The cultivation of agricultural crops;
- 565 5. The practice of silviculture, including the planting, thinning, and harvesting of timber;  
566 and

- 567                   6. The construction or maintenance of duck blinds.
- 568       **B.** Uses which do not require the issuance of a zoning permit which may include limited filling,  
569       flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically  
570       provided below:
- 571           1. Temporary water level stabilization measures necessary to alleviate abnormally wet or  
572           dry conditions that would have an adverse impact on silvicultural activities if not  
573           corrected.
- 574           2. The cultivation of cranberries including flooding, dike and dam construction or ditching  
575           necessary for the growing and harvesting of cranberries,
- 576           3. The maintenance and repair of existing agricultural drainage systems including ditching,  
577           tiling, dredging, excavating, and filling necessary to maintain the level of drainage  
578           required to continue the existing agricultural use. This includes the minimum filling  
579           necessary for disposal of dredged spoil adjacent to the drainage system provided that  
580           dredged spoil is placed on existing spoil banks where possible;
- 581           4. The construction or maintenance of fences for the pasturing of livestock, including  
582           limited excavating and filling necessary for such construction or maintenance.
- 583           5. The construction or maintenance of piers, docks, or walkways built on pilings, including  
584           limited excavating and filling necessary for such construction and maintenance.
- 585           6. The maintenance, repair, replacement or reconstruction of existing town and county  
586           highways and bridges, including limited excavating and filling necessary for such  
587           maintenance, repair, replacement or reconstruction.
- 588       **C.** Uses that require the issuance of a zoning permit and which may include limited filling,  
589       flooding, draining, dredging, ditching, tiling or excavating, are permitted, but only to the  
590       extent specifically provided below:
- 591           1. The construction and maintenance of roads which necessary to conduct silvicultural  
592           activities or agricultural, provided that:
- 593               a. The road cannot as a practical matter be located outside the wetlands:
- 594               b. **The road is designed and constructed to minimize adverse impact upon the natural**  
595               **functions of the wetland enumerated in Section 5.6.B.**
- 596               c. The road is designed and constructed with the minimum cross-sectional area  
597               practical to serve the intended use; and
- 598               d. Road construction activities are carried out in the immediate area of the roadbed  
599               only.
- 600           2. The construction or maintenance of nonresidential buildings, provided the building is  
601           essential for and used solely in conjunction with the raising of waterfowl, minnows or  
602           other wetland or aquatic animals; or some other use permitted in the shoreland-  
603           wetland district provided that:
- 604               a. The building cannot, as a practical matter, be located outside the wetland;
- 605               b. Such building is not designed for human habitation and does not exceed 500 square  
606               feet in floor area; and

- 607                   c. Only limited filling or excavating necessary to provide structural support for the  
608                   building is authorized.
- 609       D. The establishment of public and private parks and recreation areas, natural and outdoor  
610       education areas, historic and scientific areas, wildlife refuges, game bird and animal farms,  
611       fur animal farms, fish hatcheries, and public boat launching ramps and attendant access  
612       roads, provided that:
- 613           1. Any private development is used exclusively for the permitted use and the applicant has  
614           received a permit or license under Wis. Stat. § 29, where applicable.
- 615           2. Filling or excavating necessary for the construction or maintenance of public boat  
616           launching ramps or attendant access roads is allowed only where such construction or  
617           maintenance meets the criteria in Section 5.3 (C) (1).
- 618           3. Ditching, excavating, dredging, or dike and dam construction in public and private parks  
619           and recreation areas, natural and outdoor education areas, historic and scientific areas,  
620           wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is  
621           allowed only for the purpose of improving wildlife habitat and to otherwise enhance  
622           wetland values.
- 623       E. The construction and maintenance of electric, gas, telephone, water and sewer transmission  
624       and distribution lines, and related facilities, by public utilities and cooperative associations  
625       organized for the purpose of producing or furnishing heat, light, power or water to their  
626       members and the construction or maintenance of railroad lines provide that:
- 627           1. The transmission and distribution facilities and railroad lines cannot, as a practical  
628           matter, be located outside the wetlands:
- 629           2. Such construction or maintenance is done in a manner designed to minimize adverse  
630           impact upon the natural functions of the wetland enumerated in Section 5.6 B.

631

#### 5.4 Prohibited Uses

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

#### 5.5 Rezoning of Lands in the Shoreland-Wetland District

- 636       A. For all proposed text or map amendments to the shoreland-wetland provisions of this  
637       ordinance, the appropriate office within the department shall be provided with the following:
- 638           1. A copy of every petition for a text or map amendment to the shoreland–wetland  
639           provisions of this ordinance, within 5 days of the filing of such petition with the county  
640           clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map  
641           describing any proposed rezoning of a shoreland or wetland;
- 642           2. Written notice of the public hearing to be held on a proposed amendment at least 10  
643           days prior to such hearing;
- 644           3. A copy of the County Land and Water Resource agency’s findings and recommendations  
645           on each proposed amendment within 10 days after the submission of those findings and  
646           recommendations to the county board; and

- 647                   4. Written notice of the county board’s decision on the proposed amendment within 10  
648                   days after it is issued.
- 649           B. Wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the  
650           proposed rezoning may result in a significant adverse impact upon any of the following:
- 651                   1. Storm and flood water storage capacity;
- 652                   2. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the  
653                   recharge of groundwater from a wetland to another area, or the flow of groundwater  
654                   through a wetland;
- 655                   3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that  
656                   would otherwise drain into navigable waters;
- 657                   4. Shoreline protection against soil erosion;
- 658                   5. Fish spawning, breeding, nursery or feeding grounds;
- 659                   6. Wildlife habitat; or
- 660                   7. Wetlands both within the boundary of designated areas of special natural resource  
661                   interest and those wetlands which are in proximity to or have a direct hydrologic  
662                   connection to such designated areas as defined in NR 103.04, Wis. Adm. Code, which  
663                   can be accessed at the following web site:  
664                   <http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.
- 665

666   **5.6 Department Response to a Proposed Text or Map Amendment**

- 667           A. If the department notifies the county zoning agency that a proposed text or map amendment to  
668           the shoreland-wetland provisions of this ordinance may have significant adverse impact upon any  
669           of the criteria listed in Section 5.6(B), the proposed amendment shall contain the following  
670           provision:
- 671           “This amendment shall not take effect until more than 30 days have elapsed after written notice  
672           of the county board’s approval of this amendment is mailed to the Department of Natural  
673           Resources. During that 30-day period the Department of natural Resources may notify the county  
674           board that it will adopt a superseding shoreland ordinance for the county under Wis. Stat. §  
675           59.692(6). If the department does so notify the county board, the effect of this amendment shall  
676           be stayed until the adoption procedure is completed or otherwise terminated.

677   **SECTION 6 – LAND DIVISION REVIEW**

678

679   **6.1 Land Division Review**

- 680           A. The county shall review, pursuant to Wis. Stat. § 236.45, all land divisions in shoreland areas  
681           which create any parcels of five acres or less, and shall require a certified survey or plat. All  
682           subdivisions fronting on State or Federal Highways require State approval. Land divisions  
683           requiring access to county highways require Forest County Highway Department approval. In  
684           such review, the following factors shall be considered:
- 685                   1. Hazards to health, safety or welfare of future residents;
- 686                   2. Proper relationship to adjoining areas;

- 687 3. Public access to streets and navigable waters, as required by law and this ordinance;
- 688 4. Adequate storm drainage facilities; and
- 689 5. Conformity to state law, this ordinance, Forest County Subdivision Ordinance, and
- 690 administrative code provisions.

691

692 **6.2 Minimum Lot Size**

- 693 A. Minimum lot size shall be established in the shoreland areas to afford protection against danger
- 694 to health, safety, welfare, and protection against pollution of the adjacent body of water.
- 695 1. Lots served by public sanitary sewer shall have a minimum width of 65 feet and a minimum
- 696 area of 10,000 square feet. Lots shall be measured at the OHWM.
- 697 2. Lots not served by public sanitary sewer shall have a minimum lot width of 100 feet and a
- 698 minimum lot area of 20,000 square feet. Lots shall be measured at the OHWM.

699 **6.3 Planned Unit Development**

- 700 A. A non-riparian lot may be created which does not meet the requirements of Section 6.2 if the
- 701 Land and Water Resources Committee has approved and recorded a plat or certified survey map
- 702 including that lot within a planned unit development, but only if the planned unit development
- 703 contains at least 2 acres or 200 feet of frontage, and if the reduced non-riparian lot sizes are
- 704 allowed in exchange for larger shoreland buffers and setbacks on those lots adjacent to
- 705 navigable waters that are proportional to and offset the impacts of the reduced lots on habitat,
- 706 water quality and natural scenic beauty.
- 707 1. Planned unit development within districts shall meet the regulations of Section 22
- 708 (Conditional Use Permits). They shall constitute conditional uses in all districts.
- 709 2. Structures and uses in a PUD shall conform to the requirements of the respective zoning
- 710 district.
- 711 3. Land to be set aside as open space or common area shall be clearly indicated on the plan.
- 712 Provisions for the continued maintenance of common space, recreational facilities, parking
- 713 facilities, or other common property, shall be guaranteed by the owner’s association articles
- 714 of incorporation, covenants, and /or deed restrictions in a form acceptable to the county
- 715 board. Such guaranteeing instruments shall be recorded with the plat.

716 **SECTION 7 – SUBSTANDARD LOTS**

717

718 **7.1 Substandard Lots**

- 719 A. Within the districts established by this ordinance, or amendments that may later be adopted,
- 720 there exist lots and parcels created prior to the Forest County Shoreland Zoning Ordinance.
- 721 Impervious surface restrictions apply.
- 722 1. A legally created lot or parcel that met the minimum requirements when it was created, but
- 723 does not meet current lot size requirements, may be used as a building site if all the
- 724 following apply:
- 725 2. The substandard lot or parcel was never reconfigured or combined with another lot or
- 726 parcel by plat, survey, or consolidation by the owner into one property tax parcel;

- 727           3. The substandard lot or parcel has never been developed with one or more of its structures  
728           placed partly upon an adjacent lot or parcel;  
729           4. The substandard lot or parcel is developed to comply with all other ordinance requirements.  
730           5. Except for lots that meet the requirements of 1, 2 and 3, a building permit for the  
731           improvement of a lot having lesser dimensions than those stated in Section 6.2 shall be  
732           issued only if a variance is granted by the Board of Adjustment.  
733

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

735  
736 **8.1 General**

737       **A.** Unless otherwise stated in the district regulations, no principal or accessory structure may be  
738       closer to the centerline of any public road than the setback as follows:

- 739           1. State and Federal Highways: the minimum setback shall be 110 feet from the centerline of  
740           the highway or 50 from the edge of the right of way, whichever is less.  
741           2. County Road: the minimum setback shall be 63 feet from the centerline of the highway.  
742           3. All Town roads and Forest Service Roads: the setback shall be 43 feet from the centerline of  
743           the highway.  
744           4. Private easements or access roads will have a setback of 20 feet from the edge of easement  
745           or access road.

746       **B.** Reduced Highway Setbacks:

747       A variance issued by the Board of Adjustments is necessary to reduce highway set-back  
748       requirements.

749       **C.** Minimum Road Frontages for Lots and Subdivisions:

750       The Land and Water Resource Committee shall have the right to approve lesser dimensions than  
751       those stated below, during preliminary land division reviews with respect to Town, County and  
752       Forest Service roads. Lesser dimensions approved fronting county highways shall first be  
753       approved by the Forest County Highway Department.

- 754           1. State and Federal Highways: 300 feet.  
755           2. County Highway: 250 feet.  
756           3. Town and Forest Service Roads, 200 feet  
757           4. Easement roads, 100 feet

758 **SECTION 9 – DISTRICT SETBACKS**

759  
760 **9.1 Setback Purpose**

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

763 **9.2 Shoreland Setback**

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

767 **9.3 Exempt Structures**

- 768 **A.** All of the following structures are exempt from the shoreland setback standards:
- 769 **1.** Boathouses located entirely above the OHWM and entirely within the access and viewing
- 770 corridor that do not contain plumbing and are not used for human habitation.
- 771 **a.** New boathouses shall have a **maximum sidewall height of 10 feet, and a minimum**
- 772 **sidewall height of 6ft.** The overhangs shall not exceed 18". The total square footage of
- 773 the boathouse shall not exceed 360 sq. feet.
- 774 **b.** Unless replacing an existing boathouse, all new boathouses must be 15 feet from the
- 775 OHWM.
- 776 **c.** Existing boathouse located further than 15 feet from the OHWM may be expanded
- 777 towards to the shore but no closer than 15 feet from the OHWM
- 778 **d.** Existing boathouse may be increased in size subject to limitations in (a), but if the
- 779 existing boathouse is less than 15 feet from the OHWM, no expansion may be made
- 780 towards the shore.
- 781 **e.** The roof of a boathouse may be used as a deck provided that the boathouse has a flat
- 782 roof and the roof has no sidewalls or screens. The roof may have a railing that meets
- 783 the Department of Safety and Professional Services standards.
- 784 **f.** Patio doors, fireplaces and other features inconsistent with the use of the structure
- 785 exclusively as a boathouse are not permitted.
- 786 **g.** Vegetation removal shall be minimized when located a new boathouse.
- 787 **h.** All boathouses shall be one story.
- 788 **2.** Open sided and screened structures such as gazebos, decks, patios, and screen houses in the
- 789 shoreland setback area that satisfy the requirements in Wis. Stat. § 59.692(1v).
- 790 **a.** The part of the structure that is nearest to the water shall be located at least 35 feet
- 791 landward from the OHWM.
- 792 **b.** The floor area of all of the structures in the shoreland setback area of the property will
- 793 not exceed 200 square feet. Boathouses shall be excluded from the calculation.
- 794 **c.** The structure that is the subject of the request for special zoning permission has no
- 795 sides or has open or screened sides.
- 796 **d.** The county must approve a plan that will be implemented by the owner of the property
- 797 to preserve or establish a vegetative buffer zone that covers at least 70% of the 1/2 of
- 798 the shoreland setback area that is nearest to the water.
- 799 **3.** Fishing rafts that are authorized on the Wolf River and Mississippi River under Wis. Stat. §
- 800 30.126.
- 801 **4.** Broadcast signal receivers, including satellite dishes or antennas that are one meter or less
- 802 in diameter and satellite earth station antennas that are 2 meters or less in diameter. (1-
- 803 meter equals 3.28 feet)
- 804 **5.** Utility transmission and distribution lines, poles, towers, water towers, pumping stations,
- 805 well pump house covers, private on-site wastewater treatment systems that comply with
- 806 Ch. SPS Comm. 383, and other utility structures that have no feasible alternative location

- 807 outside of the minimum setback and that employ best management practices to infiltrate or  
808 otherwise control storm water runoff from the structure.
- 809 6. Walkways, stairways or rail systems that are necessary to provide safe pedestrian access to  
810 the shoreline and are a maximum of 60-inches in width.
- 811 7. Devices or systems used to treat runoff from impervious surfaces.
- 812 B. Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and  
813 remodeled provided the activity does not expand the footprint and does not go beyond the  
814 three-dimensional building envelope of the existing structure. Counties may allow expansion of  
815 a structure beyond the existing footprint if the expansion is necessary to comply with applicable  
816 state or federal requirements.

#### 817 **9.4 Reduced Setback for a Principal Structure to the OHWM**

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

825

#### 826 **9.5 Required Minimum Setbacks to Side Lot Lines by District**

- 827 A. Shoreland Lots with Municipal Sanitary, either Residential or Recreational Residential
- 828 1. Primary structures shall be 7.5 feet from the side lot line.
- 829 2. Accessory structures shall be 5 feet from the side lot line.
- 830 B. Shoreland Residential and Shoreland Recreational Residential with POWTS
- 831 1. Primary structures shall be 15 feet from the side lot line.
- 832 2. Accessory structures shall be 7.5 feet from the side lot line.
- 833 C. Shoreland Commercial
- 834 1. 6 feet from the side lot line if utilizing a municipal sewer
- 835 2. 15 feet from the side lot line if without municipal sewer
- 836 D. Shoreland Industrial
- 837 1. 25 feet from the side lot line if utilizing municipal sewer
- 838 2. 50 feet from the side lot line if without municipal sewer
- 839 E. Shoreland Forestry or Agricultural
- 840 1. 5 feet from the side lot line for any forestry or agricultural use
- 841 2. 15 feet from the side lot line for primary structures with a habitable use.
- 842 F. Shoreland Mixed Use
- 843 1. Habitable dwellings or accessory structures as in 9.5.A or B.
- 844 2. Commercial buildings as in 9.5.C.
- 845 G. Shoreland Government/Public, Institutional
- 846 1. 10 feet from the side lot line for structures
- 847 2. No setback required for nonstructural paths and trails



- 848 H. Shoreland Wetland
- 849 1. 50 feet from the side lot line for hunting blinds
- 850 2. 15 feet from the side lot line for other wetland structures

851 **SECTION 10 – VEGETATION**

852

853 **10.1 Purpose**

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

858 **10.2 Activities Allowed Within a Vegetative Buffer Zone**

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

888 7. Cutting from the inland edge of the vegetated buffer zone 35 feet from the OHWM), to the  
889 outer limits of the shorelands shall be allowed when using accepted forest management and  
890 soil conservation practices to protect water quality.

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

893 **11.1 Impervious Surface Standards:**

894 **Purpose**

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

897 **11.2 Calculating of Percentage of Impervious Surface**

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

- 905 A. Up to 15% of impervious surfaces but no more than 30% shall apply to the construction,  
906 reconstruction, expansion, replacement or relocation of any impervious surfaces that is or will  
907 be located within 300 feet of the OHWM of any navigable waterway on any of the following:  
908 1. A riparian lot or parcel; and  
909 2. A nonriparian lot or parcel that is located entirely within 300 feet of the OHWM of any  
910 navigable waterway.
- 911 B. For properties that exceed the standard of 15% under A. but do not exceed the maximum  
912 standard of 30%, a permit can be issued for development with a mitigation plan that meets the  
913 standards found in Section 15.
- 914 C. For impervious surfaces, existing prior to this ordinance, the property owner may do any of the  
915 following as long as the property owner does not increase the percentage of impervious surface  
916 that existed on the effective date of the previous shoreland ordinance:  
917 1. Maintain and repair all impervious surfaces;  
918 2. Replace existing impervious surfaces with similar surfaces within the existing building  
919 envelope; or  
920 3. Relocate or modify an existing impervious surface with similar or different impervious  
921 surface, provided that the relocation or modification does not result in an increase in the  
922 percentage of impervious surface that existed on the effective date of the county shoreland  
923 ordinance, and the impervious surface meets the applicable setback requirements in Section  
924 9.2.
- 925 D. Lots that have been placed in a condominium form of ownership shall be administered as an  
926 entire property when calculating impervious surface restrictions.

- 927 E. To qualify for the statutory exemption, property owners shall submit a complete permit  
928 application that is reviewed and approved by the county. The application shall include the  
929 following:
- 930 1. Calculations showing how much runoff is coming from the impervious surface area.
  - 931 2. Documentation that the runoff from the impervious surface is being treated by a proposed  
932 treatment system, treatment device or internally drained area.
  - 933 3. An implementation schedule and enforceable obligation on the property owner to establish  
934 and maintain the treatment system, treatment devices or internally drained area.
    - 935 a. The enforceable obligations shall be evidenced by an instrument recorded in the office  
936 of the Register of Deeds prior to the issuance of the permit.

### 937 **11.3 Filling and Grading, Lagooning, Dredging, Ditching and Excavating**

938 Filling, grading, ditching, and excavating may be permitted only in accordance with the provisions in s. NR  
939 115.04, the requirements of Wis. Stat. § ch.30, and other state and federal laws where applicable, and  
940 only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife  
941 habitat and natural scenic beauty.

### 942 **11.4 Permits Required**

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

### 955 **11.5 Permit Conditions**

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

### 961 **11.6 Standards for Filling and Grading**

- 962 A. **Filling:** Filling may be permitted provided the fill material:
  - 963 1. Shall be suitable for its intended use, no fill intended for supporting structures shall consist  
964 of junk, wood, sawdust, paper, tires, solid waste, muck, peat, or any similar materials which  
965 could cause subsidence.

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

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

### 996 **12.1 Discontinued Uses**

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

### 999 **12.2 Maintenance, Repair, Replacement or Vertical Expansion of nonconforming Structures**

1000 An existing structure that was lawfully placed when constructed but that does not comply with the  
1001 required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the  
1002 activity does not expand the footprint of the nonconforming structure. Further, an existing structure that  
1003 was lawfully placed when constructed but that does not comply with the required shoreland setback may  
1004 be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level.

1005 Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary  
1006 to comply with applicable state or federal requirements. Note: Section 59.692(1k)(a)2. prohibits counties  
1007 from requiring any approval or imposing any fee or mitigation requirement for the activities specified in  
1008 section 12. However, it is important to note that property owners may be required to obtain permits or  
1009 approvals and counties may impose fees under ordinances adopted pursuant to other statutory  
1010 requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even  
1011 stormwater erosion control

1012 **12.3 Lateral Expansion of nonconforming Principal Structures within the Setback**

- 1013 **A.** An existing principal structure that was lawfully placed when constructed but that does not  
1014 comply with the required building setback under Section 10 may be expanded laterally or  
1015 vertically, provided that all of the following requirements are met:
- 1016 **B.** The use of the structure has not been discontinued for a period of 12 months or more if a  
1017 nonconforming use;
- 1018 **C.** The existing principal structure is at least 35 feet from the OHWM;
- 1019 **D.** Vertical expansion is limited to 35 feet, the height allowed in s. NR 115.05 (1) (f) and lateral  
1020 expansions are limited to a maximum of 200 square feet over the life of the structure. No  
1021 portion of the expansion may be any closer to the OHWM than the closest point of the existing  
1022 principal structure;
- 1023 **E.** The county shall issue a permit that requires a mitigation plan as required in Section 15 that  
1024 shall be approved by the county and implemented by the property owner by the date specified  
1025 in the permit. The mitigation plan shall include enforceable obligations of the property owner to  
1026 establish or maintain measures that the county determines adequate to offset the impacts of  
1027 the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat  
1028 and natural scenic beauty. The mitigation measures shall be proportional to the amount and  
1029 impacts of the expansion being permitted. The obligations of the property owner under the  
1030 mitigation plan shall be evidenced by an instrument recorded in the office of the county register  
1031 of deeds; and
- 1032 **F.** All other provisions of the shoreland ordinance shall be met.

1033 **12.4 Expansion of nonconforming structure beyond Setback**

1034 An existing principal structure that was lawfully placed when constructed but does not comply with the  
1035 required building setback under Section 9 may be expanded horizontally landward or vertically provided  
1036 that the expanded area meets the building setback requirements in Section 9 and that all other provisions  
1037 of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this  
1038 paragraph, but may be required under Section 16.

1039 **12.5 Relocation**

- 1040 **A.** An existing principal structure that was lawfully placed when constructed but that does not  
1041 comply with the required building setback under Section 9 may be relocated on the property,  
1042 provided that all of the following requirements are met:

- 1043 1. The use of the structure has not been discontinued for a period of 12 months or more if a
- 1044 nonconforming use;
- 1045 2. The existing principal structure is at least 35 feet from the OHWM;
- 1046 3. No portion of the relocated structure is located any closer to the ordinary high-watermark
- 1047 than the closest point of the existing principal structure.
- 1048 4. The county determines that no other location is available on the property to build a
- 1049 principal structure of a comparable size to the structure proposed for relocation that will
- 1050 result in compliance with the shoreland setback requirement per Section 10.
- 1051 5. The county shall issue a permit that requires a mitigation plan that shall be approved by the
- 1052 county and implemented by the property owner by the date specified in the permit. The
- 1053 mitigation plan, as required and described in Section 16 of this ordinance, shall include
- 1054 enforceable obligations of the property owner to establish or maintain measures that the
- 1055 county determines adequate to offset the impacts of the permitted expansion on water
- 1056 quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The
- 1057 mitigation measures shall be proportional, as stated in Section 12.2, to the amount and
- 1058 impacts of the expansion being permitted. The obligations of the property owner under the
- 1059 mitigation plan shall be evidenced by an instrument recorded in the office of the county
- 1060 register of deeds; and
- 1061 6. All other provisions of the shoreland ordinance shall be met.

1062 **SECTION 13 – MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION**

1063

1064 **13.1 Structures that were authorized by variance. (s.59.692(1k)(a)2 and (a)4.**

1065 A structure of which any part has been authorized to be located within the shoreland setback area by a

1066 variance granted before July 13, 2015 may be maintained, repaired, replaced, restored, rebuilt or

1067 remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the

1068 structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above

1069 grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is

1070 necessary to comply with applicable state or federal requirements.

1071 **13.2 Maintenance, Repair, Replacement of Illegal Structures. (s.59.692(1k)(a)2c, Stats)**

1072 A structure that was illegally constructed, which is older than ten years and may not be enforced under

1073 the shoreland ordinance (s29.692(1t) Stats) may be maintained, repaired, replaced, restored, rebuilt or

1074 remodeled if the activity does not expand the footprint of the structure. (No vertical or lateral expansion

1075 allowed for structures in violation.)

1076 **SECTION 14 - RESIDENTIAL CONSTRUCTION STANDARDS**

1077

1078 **14.1 Construction Standards for Residences**

- 1079 A. All habitable dwellings, including those considered overflow accommodations, shall be
- 1080 constructed utilizing Uniform Dwelling Code requirements and permitting.

- 1081 B. All manufactured, modular or constructed homes shall have a pitched roof of not less than 3
- 1082 feet over a length of 12 feet and be constructed to withstand the snow load as required by the
- 1083 WI Uniform Dwelling code.
- 1084 C. All foundations upon which the manufactured or modular homes rest shall be permanent and
- 1085 fully enclosed and comply with current Uniform Dwelling Code Requirements.
- 1086 D. All single-width manufactured homes qualified as HUD-certified shall not have less than 14 feet
- 1087 of width as shipped from the factory.

1088 **14.2 Erection of More Than One Principal Structure on a Lot**

1089 In any district, no more than one principal structure may be erected on a lot. Accessory structures may be  
 1090 used as overflow accommodations if built to UDC (Uniform dwelling code) standards.

- 1091 A. Overflow accommodations are used primarily for extra sleeping quarters.
- 1092 B. Cooking and food preparation facilities are prohibited in accessory structures as overflow
- 1093 accommodations.
- 1094 C. Any Property utilizing a Private Onsite Wastewater Treatment System (POWTS) on the lot must
- 1095 have the system sized to handle the number of occupants in the overflow quarters.

1096 **14.3 Sanitary Regulations**

- 1097 A. Where public water supply systems are not available, private well construction shall conform to
- 1098 Ch. NR 812.
- 1099 B. Where a public sewage collection and treatment system is not available, design and
- 1100 construction of private sewage disposal systems shall, prior to July 1, 1980, be required to
- 1101 comply with Ch. SPS 383, and after June 30, 1980, be governed by a private sewage system
- 1102 ordinance adopted by the county under Wis. Stat. § 59.70

1103 **14.4 Height Restrictions**

- 1104 A. Primary structures shall be 35 feet or less in height when measured from the highest peak to the
- 1105 lowest exposed point of a building
- 1106 B. Accessory structures more than 75 feet from the OHWM shall not be greater than 28 feet in
- 1107 height measured from the highest point to lowest part of the building.

1108 **SECTION 15 – MITIGATION**

1109  
 1110 **15.1 MITIGATION REQUIRED**

- 1111 A. When the county issues a variance, planned unit development, or conditional use permit requiring
- 1112 mitigation under portions of this ordinance, the property owner must submit a complete permit
- 1113 application that is reviewed and approved by county personnel. The application shall include the
- 1114 following:
- 1115 1. A site plan that describes the proposed mitigation measures.
- 1116 a. The site plan shall be designed and implemented to restore natural functions lost
- 1117 through development and human activities

- 1118 2. The mitigation measures shall be proportional, as in Section 12.2, in scope to the impacts on
- 1119 water quality, near shore aquatic habitat, upland wildlife habitat and natural beauty.
- 1120 3. The mitigation measures shall be proportional to the amount and impacts of the expansion
- 1121 being permitted. Mitigation measures may include:
- 1122 a. Elimination or reduction of impervious surfaces
- 1123 b. Elimination of nonconforming accessory structures
- 1124 c. Shoreland, native vegetation buffer increase or restoration
- 1125 1. Rain gardens
- 1126 2. Infiltration structures
- 1127 3. Directing roof runoff into pervious areas
- 1128 4. Retention/detention basins
- 1129 5. Diverting overland flows to infiltration areas within the property or an adjacent
- 1130 property, providing it is acceptable to the adjacent owner and does not cause harm
- 1131 to that property.
- 1132 6. Pervious paver or structures in place of impervious surfaces
- 1133 7. Wetland protection or restoration
- 1134 8. Removal of shoreland modifications such as seawalls, retaining walls, beaches, or
- 1135 excessive paver covered areas.
- 1136 B. An implementation schedule and enforceable obligation on the property owner to establish and
- 1137 maintain the mitigation measures shall be evidenced by an instrument recorded in the office of
- 1138 the Register of Deeds.

1139 **SECTION 16 – WATERFRONT ACCESS, GENERAL RESTRICTIONS**

1140

1141 **16.1 General Restrictions**

- 1142 A. Water access lots are prohibited on lakes and ponds of less than 50 acres.
- 1143 B. An access lot created may serve no more than 3 back lots.
- 1144 1. Access lots shall be at a **minimum of 20,000 sq. ft. as well as 100 feet width minimum** at the
- 1145 OHWM for each 3 back lots served, measured at its narrowest point.
- 1146 2. Access lot shall have at a minimum 35 feet between the OHWM and any access road.
- 1147 3. Each lot shall be legally deeded and inseparable from each back lot served.
- 1148 C. **A mainland access lot is required for every 2 lots developed on islands.**
- 1149 D. Improvements on a water access lot are limited to the following:
- 1150 1. Driveway shall not be closer than **75 feet** from the OHWM or greater than 20 feet in width.
- 1151 2. In addition to the width of the driveway, parking spaces are allowed on the access lot but
- 1152 only limited to the number of lots served plus one additional space.
- 1153 3. A single opening 35 feet in width is permitted at the water’s edge. Lots having 200 feet of
- 1154 frontage or more may have adjoining openings.
- 1155 4. A path, up to 5 feet wide is allowed to the shoreline opening.
- 1156 5. A single boathouse and boat hoist may be constructed for each 100 feet of frontage.



1157 6. Accessory structures may be permitted subject to setbacks and impervious surface  
1158 limitations

1159 **16.2 Waterfront Access Easements**

1160 A. Except as provided in Wis. Stat. § [30.1335](#), no owner of riparian land that abuts a navigable water  
1161 may grant by an easement or by a similar conveyance any riparian right in the land to another  
1162 person, except for the right to cross the land in order to have access to the navigable water. This  
1163 right to cross the land may not include the right to place any structure or material, including a  
1164 boat docking facility, as defined in Wis. Stat. § [30.1335 \(1\) \(a\)](#), in the navigable water.

1165 B. Existing easements are permitted to the extent allowed by state law.

1166 *Note: Wis. Stat. § 30.133 prohibits the conveyance of any riparian land by easement or similar*  
1167 *conveyance after April 9, 1994, except for the right to cross the land in order to have access to the*  
1168 *navigable water. Wis. Stat. § 30.131 permits nonriparian land owners to place certain wharfs or*  
1169 *piers into the water if, among other things, it is pursuant to an easement recorded before*  
1170 *December 31, 1986. Notwithstanding Wis. Stat. § 30.133, such easements may be conveyed with*  
1171 *the riparian land.*

1172 **16.3 Dock-o-minimums Prohibition**

1173 The sale of mooring sites and berths as a condominium or anything else separate from a dwelling unit on  
1174 the same shoreland lot is prohibited.

1175 **SECTION 17 – ADMINISTRATION**

1176

1177 **17.1 Designation of Administrator**

1178 A. The County Zoning and Personnel Committee will appoint a County Zoning Administrator for the  
1179 administration and enforcement of the provisions of this ordinance. The County Zoning  
1180 Committee may authorize the Town Board of each township to appoint a Deputy Zoning  
1181 Administrator to assist in the enforcement and administration of this ordinance. Compensation  
1182 for the Deputy Zoning Administrator will be the responsibility of the town unless a memorandum  
1183 of understanding between the town and the county exists to represent other arrangements.

1184 B. The Zoning Administrator may delegate to the Deputy Zoning Administrator any of the duties  
1185 listed in this Section. The Zoning Administrator shall have the power to cause, rescind, or alter any  
1186 action of a Deputy Zoning Administrator, and may also suspend his or her powers under this  
1187 ordinance until the next regular meeting of the Land and Water Resources Committee. Upon  
1188 appointment of a Deputy Zoning Administrator by a Town, the Zoning Committee shall, at its next  
1189 regular meeting, vote to approve or deny said appointment. The Zoning Committee shall have the  
1190 power to dismiss Deputy Zoning Administrators at any time, for cause.

1191 **17.2 Zoning Administrator**

1192 A. The zoning administrator shall have the following duties and powers:

1193 1. Develop and maintain a system of permits for new construction, development,  
1194 reconstruction, structural alteration or moving of buildings and structures. A copy of  
1195 application shall be required to be filed in the office of the county zoning administrator.

- 1196 2. Regularly inspect permitted work in progress to insure conformity of the finished structures  
1197 with the terms or the ordinance.
- 1198 3. Develop and maintain a variance procedure which authorizes the board of adjustment to  
1199 grant such variance for the terms of the ordinance as will not be contrary to the public  
1200 interest where, owing to special conditions and the adoption of the shoreland zoning  
1201 ordinance, a literal enforcement of the provision of the ordinance with result in unnecessary  
1202 hardship.
- 1203 4. Develop and maintain a conditional use procedure.
- 1204 5. Keep a complete record of all proceeds before the board of adjustments, zoning agency and  
1205 planning agency.
- 1206 6. Provide written notice to the appropriate office of the Department at least 10 days prior to  
1207 any hearing on a requested variance, special exception or conditional use permit, appeal for  
1208 a map or text interpretation, map or text amendment, and copies of all proposed land  
1209 divisions submitted to the county for review under Section 6.0.
- 1210 7. Submit to the appropriate office the Department, within 10 days after grant or denial, any  
1211 decision on a variance, special exception or conditional use permit, or appeal for a map or  
1212 text interpretation, and any decision to amend a map or text of an ordinance.
- 1213 8. Develop and maintain an official map of all mapped zoning district boundaries,  
1214 amendments, and recordings.
- 1215 9. Established appropriate penalties for violations of various provisions of the ordinance,  
1216 including forfeitures. Compliance with the ordinance shall be enforceable by the use of  
1217 injunctions to prevent or abate a violation, as provided in s.59.69(11), Stats.
- 1218 10. Pursue the prosecution of violations of the shoreland ordinance.

1219 **17.3 Powers**

- 1220 A. The County Zoning Administrator and duly-appointed deputies have the powers and authority  
1221 including, but not limited to, the following:
- 1222 1. At any reasonable time, and for any proper purpose, to enter upon any public or private  
1223 premises and make inspection thereof. In absence of a permit or permission from the  
1224 landowner to inspect property, the procedure set forth in Wis. Stat. § 66.0119 will be used  
1225 to obtain information relating to conditions on the property or violations;
- 1226 2. Upon reasonable cause or question as to proper compliance, to revoke any land-use permit  
1227 and issue cease and desist orders requiring the cessation of development activity, moving,  
1228 alteration, or use which is in violation of the provisions of this ordinance, any variance or  
1229 conditional use
- 1230 3. Recommend prosecution and prosecute violators of this ordinance by issuing citations  
1231 pursuant to Wis. Stat. § 20.05.2 hereunder or action of the corporate counsel;
- 1232 4. Refer to town deputies, or to town boards, for investigation, report, or mediation,  
1233 complaints filed with the County Zoning Administrator, that by their nature, might best be  
1234 dealt with in initial stages at the town level; and
- 1235 5. Other duties as listed in the Administrators job description on file with the county clerk.

1236 **SECTION 18 – ZONING PERMITS**

1237

1238 **18.1 When Required**

1239 Except where another provision of this ordinance specifically exempts certain types of development from  
1240 this requirement, a land use permit shall be obtained from the zoning office before any new development  
1241 or any change in the use of an existing structure is initiated.

1242 **18.2 Application**

1243 An application for all permits, land use, variance or conditional use shall be made to the Land and Water  
1244 Resource office upon forms furnished by the county. Landowners or agents will be required to complete  
1245 the forms and demonstrate the placement of their development by marking the footprint in a manner  
1246 county staff can easily identify and match the size and location to the permit application.

1247 **A. Required Submissions**

1248 In addition to the written requirements of ownership and parcel identification on the  
1249 development application, drawings are required to indicate size and positioning of development  
1250 on the property. The site development plan may be drawn to any legible scale and submitted as  
1251 part of the permit application and shall indicate the following:

- 1252 1. The location, dimension, area, and elevation of lot or parcel;
- 1253 2. The location, dimension, area, and elevation of development;
- 1254 3. The distance of all development to OHWM;
- 1255 4. The sum total of all impervious surfaces existing and proposed;
- 1256 5. The placement and size of infiltrative structures used to exempt impervious surfaces;
- 1257 6. The distance of all development, existing and proposed, to lot lines and centerlines of all  
1258 abutting streets or highways or edges of easements; and
- 1259 7. The location of any existing or proposed sanitary systems or private and public water  
1260 supplies.

1261 **B. Permit Approvals**

1262 Permits will be granted or denied based on the paper application, the onsite inspection and the  
1263 requirements of the ordinance. An 8 1/2 by 11-inch cardboard placard will be issued to the  
1264 landowner or agent. The placard shall be placed conspicuously near the entrance of the property  
1265 before work begins and remain until permitted work is completed.

- 1266 1. The administrator may defer any permit applications to the Committee for deliberation or  
1267 instructions.

1268 **C. Expiration of Permits**

- 1269 1. Land Use permits expire 12 months from the date of issuance if no substantial work has  
1270 commenced. Where excavation or demolition shall be carried out before construction begins,  
1271 substantial work has commenced. If after 12 months of the date of issuance of any permit the  
1272 proposed construction or preparation of land for use has not commenced, said permit shall  
1273 expire, except where the zoning administrator may grant an extension of such permit for a  
1274 period not to exceed 12 months upon the showing of valid cause and payment of a renewal  
1275 permit fee.

1276 **D. After-the-fact**

1277 1. Any application for permits or any other permission, received after the use change or  
1278 construction has been initiated, shall be subject to an additional late application fee. Payment  
1279 of a fee for late application shall not exempt the applicant from prosecution for violation of  
1280 this ordinance.

1281 E. Fees Required

1282 1. The Forest County Land and Water Resource Office shall maintain a Master List of Fees for all  
1283 permits and activities required by this ordinance.

1284 **SECTION 19 – PENALTIES**

1285 **19.1 Penalty for Violations**

1286 A. Except as provided in (C) and (D), any person who violates this ordinance may be subject to a fine  
1287 of \$500.00 plus costs of prosecution. A charge of \$50.00 will be added to the fine for everyday the  
1288 fine is not paid after it becomes due. The county may also seek injunctive relief from the circuit  
1289 court to cause violation to be ceased, moved or removed.

1290 B. Any unpaid fine under this ordinance may be placed on the tax roll against the property where  
1291 the violation occurred, subjecting the owner of the property to forfeiture of the property through  
1292 a tax deed if it remains unpaid.

1293 C. Failure to comply with a court order pursuant to this statute may result in a finding a contempt  
1294 and may be subject the violator to confinement until the violation is cured.

1295 D. Failure to comply with or follow instructions or restrictions as directed by the Board of Adjustment  
1296 after securing a variance or conditional use to any portion of this ordinance may be subject to the  
1297 issuance of fine up to \$20,000, injunctive relief by order of the court or both.

1298 **19.2 Citation Enforcement**

1299 A. Enforcement of this will be through the Citation Enforcement Procedure authorized in Wis. Stat.  
1300 § 66.0113.

1301 B. The adoption of the citation method under Section 20.2 does not preclude the county, or its  
1302 officers authorized to issue citations, from proceeding under any other enforcement procedure  
1303 that pertains to the subject matter addressed in the citation.

1304 C. Payment of the citation by a violator does not relieve the violator of the obligation to the  
1305 ordinance nor to remove what has been illegally installed. A new citation may be issued within  
1306 30 days from the time a previous citation for the same violation was paid

1307 D. Prior to issuing a citation under this Section, the zoning administrator or any delegated deputy  
1308 administrators, shall attempt to gain compliance with the ordinance by issuing a correction letter.  
1309 Upon failure to gain compliance, or a good faith start toward compliance, the administrator or  
1310 delegate will issue the citation, delivered in person, by first-class mail, or by registered letter, as  
1311 the administrator deems most effective.

1312 E. The format of any citation and procedures open to the violator, including procedure on default,  
1313 will be consistent with Wis. Stats. §§ 66.1113, 66.0114 and 66.0115

1314 F. All citations issued under this ordinance have the legal effect specified in Wis. Stat. § 66.119 and  
1315 provide the circuit court of the county with subject matter jurisdiction.

- 1316 G. Citations issued may be paid by either cash or a certified check or money order made out to the  
1317 FOREST COUNTY TREASURER, Forest County Courthouse, Attention: Clerk of Court, 200 East  
1318 Madison Street, Crandon, WI. 54520, by mail or in person.

1319 **SECTION 20 – POWERS OF THE FOREST COUNTY BOARD OF ADJUSTMENT**

1320 **20.1 Appealable Matters**

- 1321 A. The following decisions are appealable to the Board of Adjustment and shall be initiated as put  
1322 forth under Forest County Ordinance No. 02-2010:
- 1323 1. Decisions by the Zoning Administrator which consist of interpretations of the terms of the  
1324 Forest County Zoning Ordinance and which are made in the course of determining whether  
1325 a permit or approval will be issued by said administrator are first Board of Adjustment as an  
1326 administrative appeal;
  - 1327 2. Decisions by the Zoning Administrator to issue an enforcement demand or to commence  
1328 other ordinance enforcement activities, where the Administrator has determined that  
1329 violation of the ordinances exists, are appealable to the Board of Adjustment as an  
1330 administrative appeal; and
  - 1331 3. Decisions by the Land and Water Resource Committee which consist of interpretations of  
1332 the terms of the Forest County Zoning Ordinance and which are made in the course of  
1333 determining whether a permit or approval will be issued by said committee are appealable  
1334 to the Board of Adjustment as administrative appeals.
  - 1335 4. Decisions by the Land and Water Resource Committee regarding Conditional Use Permits  
1336 are appealable to the Board of Adjustment within 30 days after the decision is issued.

1337 **20.2 Variances**

- 1338 A. Variance Criteria to Be Met. The board of adjustment may grant upon appeal a variance from  
1339 the standard of this ordinance where an applicant convincingly demonstrates that:
- 1340 1. Literal enforcement of the provision of the ordinance will result in unnecessary hardship on  
1341 the applicant;
  - 1342 2. The hardship is due to special conditions unique to the property;
  - 1343 3. The request is not contrary to the public interest and;
  - 1344 4. The request represents the minimum relief necessary to relieve unnecessary burdens.
- 1345 B. Notice, Public Hearing and Decision
- 1346 Before deciding on an application for a variance, the board of adjustments shall hold a public  
1347 hearing. Notice of such hearing specifying the time, place and matters of concern, shall be given  
1348 a Class 2 notice under Ch. 985, Stats. Such notice shall be provided to the appropriate office of  
1349 the Department at least 10 days prior to the hearing. The board shall state in writing the reasons  
1350 for granting or refusing a variance and shall provide a copy of such decision to the appropriate  
1351 office of the Department within 10 days of the decision.

1352 **20.3 Process for all Variances**

1353 Complete and submit a Variance application form attached to a land use permit and the required fee. The  
1354 following information is required on each application:

- 1355 A. The address of the property
- 1356 B. The name and contact information of the person(s) seeking a variance
- 1357 C. The type of variance requested, and the ordinance number the relief is requested from.
  - 1358 1. A written description of the physical limitations of the property that prevent the property
  - 1359 owner from complying with the ordinance.
  - 1360 2. A written description how the variance, if granted, would not harm public interest.
  - 1361 3. A written description how strict compliance with the ordinance would create an
  - 1362 unnecessary hardship.
  - 1363 4. A map depicting the property as it currently exists and as it would exist if the variance is
  - 1364 granted.
  - 1365 5. The requirements of Section 19.
  - 1366 6. Any other information pertinent to the proposed variance that would help the Board of
  - 1367 Adjustment render its decision.

1368 **20.4 Standards and Findings**

- 1369 A. The Board of Adjustment, in evaluating petitions for granting of an area variance shall consider
- 1370 the unnecessary hardship due to unique property limitations and the potential harm to the public
- 1371 interest.
- 1372 B. The Board of Adjustment, in evaluating petitions for granting of a use Variance shall consider if
- 1373 the landowner has any reasonable use of the property as it is zoned.

1374 **20.5 Process Followed by Applicant**

- 1375 A. Applicants shall abide by the following steps when applying for a variance:
  - 1376 1. Complete and submit a variance application form, including the information required in
  - 1377 Section 19, Section 21.3 and the required fee.
  - 1378 2. Applicant shall prepare and attach a written statement addressing the considerations in
  - 1379 Section 19.2(A)
- 1380 B. After the application and permit fees have been delivered to the Land and Water Resource office,
- 1381 the process as defined in Forest County Ordinance Number 02-2010, Board of Adjustment Rules
- 1382 takes effect; A copy of the same shall be given to the applicant if requested.
- 1383 C. Where the conditions of a variance are violated, the variance will be revoked by the Board of
- 1384 Adjustment following the same steps of notice, hearing and decision as in granting the variance
- 1385 upon notification by the zoning administrator of violation. Section 20 of this ordinance may apply.

1386 **20.6 Hearing**

1387 The Land and Water Resource office will cause to be published in the county’s official newspaper a class  
1388 2 notice and at the same time notify, by regular mail, the applicant, the property owners within 300 of  
1389 the subject property and the town of the specific request. This notice shall include the location, date and  
1390 time of the hearing and location of application copies for examination by interested parties. The  
1391 administrator shall forward an agenda and copies of the application to each Board of Adjustment member

1392 before the next regular meeting after the waiting period for the Class 2 notice, but in no case less than  
1393 seven days before the meeting. The committee shall make an onsite visit prior to the meeting as  
1394 noticed. After the committee's decision is final, the Administrator will either approve or deny the permit  
1395 application for the requested relief.

1396 **20.7 Recording**

1397 All decisions will be permanently recorded in the County Clerk's Office and the landowner's file.

1398 **20.8 Violating Terms of a Variance**

1399 Any violation to the terms of a variance as recorded shall be enforced by the Administrator as outlined in  
1400 Section 20 of this ordinance.

1401 **SECTION 21 – CONDITIONAL USE PERMITS**

1402

1403 **21.1 Application for a Conditional Use**

1404 Uses listed as permitted by conditional permit, as listed in Section 30, shall be authorized in a district after  
1405 application to the Land and Water Resource office, public hearing and the application of appropriate  
1406 conditions.

1407 **21.2 Process for Conditional Use Permit**

1408 A request for a conditional-use permit shall be submitted in writing to the county Land and Water  
1409 Administrator on forms provided. The Administrator will refer the application to the committee for  
1410 approval to proceed. The request shall be accompanied by scale or distance maps or drawings prepared  
1411 to the best of the applicant's ability, showing legibly and accurately the location, size and shape of the  
1412 lot(s) involved and of any proposed structures, including the relation to abutting streets and any  
1413 abutting lakes or streams, and the existing and proposed use of each structure, the design of any required  
1414 parking areas, driveways, or internal roadways.

1415 **21.3 Hearing**

1416 The Land and Water Resource office will cause to be published in the county's official newspaper a class  
1417 2 notice and at the same time notify, by regular mail, the applicant, the property owners within 500 feet  
1418 of the subject property and the town where the property is located of the specific request. The Land and  
1419 Water Resource Committee shall invite 2 members of the town board in which the property is located to  
1420 join the committee during the public hearing and deliberate on proposed conditions in a voting position.  
1421 This notice shall include the location, date and time of the hearing and location of application copies for  
1422 examination by interested parties. The zoning administrator shall forward an agenda and copies of the  
1423 application to each Land and Water Resource Committee member and the affected town before the next  
1424 regular meeting after the waiting period for the Class 2 notice, but in no case less than seven days before  
1425 the meeting.

1426 **21.4 Determinations**

1427 **A.** The land and Water Committee shall act on the application after hearing comments, and general  
1428 and specific requirements requested by the town, the public and committee members. The

1429 Committee shall report its decision within 90 days after the filing of the application, except for  
1430 conditional use applications considered a Planned Unit Development Proposal. Its decision shall  
1431 include an accurate description of the use permitted, of the property on which it is permittee, and  
1432 any and all conditions made applicable.

- 1433 1. The requirement and conditions required must be reasonable, to the extent practicable,  
1434 measurable and may include conditions such as the permit’s duration, transfer, or renewal.
- 1435 2. The applicant must demonstrate that the application and all requirements and conditions  
1436 established by the county relating to the conditional use are or shall be satisfied, and must  
1437 be supported by substantial evidence.
- 1438 3. The county’s decision to approve or deny the permit must be supported by substantial  
1439 evidence.

1440 **21.5 Recording**

1441 When a conditional use is approved, an appropriate record shall be made at the zoning office and in the  
1442 public record consisting of the land use and structure permits and conditions specified by the land and  
1443 Water Committee. Such permits shall be applicable solely to the structures, use, and property so  
1444 described.

1445 **21.6 Termination**

1446 Where a permitted conditional use does not continue in conformity with conditions of original  
1447 approval, the conditional-use permit shall be terminated by action of the Land and Water Committee  
1448 and may be considered by committee as a violation of the ordinance. Procedure for termination shall be  
1449 the same as for approval, except it shall be proceeded by issuance of notice of violation, and of any  
1450 necessary citations, which if left unpaid and not corrected, provide the basis for the termination.

1451 **21.7 Standards Applicable for Conditional Uses**

- 1452 A. When deliberating about a Conditional Use request, in addition to any other factors it considers,  
1453 the committee shall also consider the following:
  - 1454 1. The maintenance of safe and healthful conditions;
  - 1455 2. Sufficient property to adequately accommodate the proposed use;
  - 1456 3. The prevention and control of water pollution including sedimentation;
  - 1457 4. The prevention of damage to adjacent properties due to altered surface water drainage;
  - 1458 5. The avoidance of potential erosion based on the degree and direction of slope, soil type and  
1459 vegetative cover.
  - 1460 6. The location of the site with respect to existing or future access roads; and
  - 1461 7. The compatibility with placement of structures on adjacent land.
  - 1462 8. Traffic, noise and hours of operation.

1463 **21.8 Conditions Imposed**

1464 A. Upon consideration of the standards listed in Section 22.7 of this ordinance, the Land and Water  
1465 Resource Committee may attach such conditions as are necessary to further the purpose of this  
1466 ordinance. Violations of any of these conditions are cause for revoking the conditional use permit.  
1467 Citations may be issued to enforce compliance before revocation.



- 1468           B. If an applicant for a conditional use permit meets or agrees to meet all of the restrictions,
- 1469           requirements and conditions specified in the county ordinance or those imposed by the county
- 1470           Land and Water Resource Committee, the county shall grant the conditional use permit. Any
- 1471           condition imposed must be related to the purpose of the ordinance and be based on substantial
- 1472           evidence.
- 1473           C. All actions under this section are appealable to the circuit court under the procedures contained
- 1474           in s. 59.694 (10)

1475   **SECTION 22 – MAP AND TEXT AMENDMENT PROCEDURES**

1476   The regulations imposed and the zoning districts created under authority of this ordinance may be

1477   amended from time to time in accordance with Wis. Stats § 59.69 (5). An amendment may be granted by

1478   the County Board only after a public hearing before the Forest County Land and Water Resources

1479   committee and a report of its findings and recommendations has been submitted to the county board for

1480   final action.

1481   **22.1 Standards for Zoning/Land Use Map Amendments**

- 1482           A. A rezoning or land use change, except those listed in Section 5, shall conform or not otherwise be
- 1483           in conflict with any adopted county plans. Rezoning may be enacted if:
- 1484           B. It can be shown that the current zoning places an unreasonable burden on the owner of the
- 1485           property to be affected;
- 1486           C. The current zoning can be shown to have been a mistake based on incorrect knowledge or
- 1487           assumptions about the land or existing uses in the area;
- 1488           D. The current zoning is no longer necessary to protect any public interest; or
- 1489           E. There has been a significant change in circumstances since the property was zoned under the
- 1490           current district and the proposed rezoning action is shown to be appropriate for such new
- 1491           circumstances.

1492   **22.2 Initiation of Text or Map Amendments**

- 1493           A. Amendments may be proposed by the County Board, the Land and Water Committee, any
- 1494           property owner in the area to be affected by the amendment or by a town board.
- 1495           B. If filing for an amendment of the official zoning/land use map, the petitioner filing the amendment
- 1496           shall submit with the application, a fee, if required, and a map showing the proposed change.
- 1497           Land and Water Resource personnel will compile a list for purposes of notification to all
- 1498           landowners within 300 feet of the property or properties proposed to be rezoned.

1499   **22.3 Processing**

1500   An application for a text or map amendment shall be filed with the zoning administrator and immediately

1501   transmitted to the chairman of the Land and Water Resources Committee for approval to schedule a Class

1502   2 public hearing. In conjunction with the public hearing, an individual written notice shall be sent to all

1503   landowners within three-hundred feet of the proposed zoning action, the town clerk of the affected

1504   township and all county board members no later than ten days before the public hearing. Failure to

1505   receive such notice will not invalidate the hearing or the results.

1506 **22.4 Decisions**  
1507 After public hearing, the Land and Water Resources Committee shall forward its recommendations to the  
1508 county board for further action. The county board, after receiving the report of the Land and Water  
1509 Resource Committee, and without further public hearing, may grant or deny any proposed amendment  
1510 in accordance with applicable standards. Alternatively, it may refer it back to the Land and Water Resource  
1511 Committee for further change or consideration.

1512 **SECTION 23 – SHORELAND DISTRICTS**

1513 **23.1 Official Zoning/Land Use Maps**

1514 Forest County shorelands are divided into district as shown on the Official Zoning/Land Use Map and data  
1515 base, which, together with all explanatory matter thereon is hereby adopted by reference and declared  
1516 to be part of this ordinance. If an atlas is used, each individual map included in the atlas shall be marked  
1517 and maintained in accordance with the provisions of this Section. If, in accordance with the provisions of  
1518 this ordinance, changes are made in district boundaries or other matter portrayed on the Official  
1519 Zoning/land Use Map, such changes shall be entered on the map and data base promptly after the  
1520 amendment has been approved by the County Board of Supervisors. There is only one authentic Official  
1521 Zoning/Land Use Map and Data Base. It shall be on file in the office of the zoning administrator. It is the  
1522 final authority as to the current status of allowable land uses in Forest County.

1523 **23.2 Districts**

1524 All shorelands in Forest County are hereby categorized into the following districts:

1525 **A. Shoreland Residential (SR)**

1526 This district is comprised of land three-hundred feet from a river and one-thousand feet from a  
1527 lake where POWTS is utilized as a sanitary system or a municipal sanitary system is provided. This  
1528 district is used exclusively for residential activities.

1529 **B. Shoreland Recreational Residential (SRR)**

1530 This district is comprised of land that utilizes POWTS as a sanitary system or a municipal sanitary  
1531 system is provided. This district, in addition to residential uses, has permitted recreational uses  
1532 such as short-term rental (less than 7 days), recreational vehicle, motor home and camper  
1533 placements.

1534 **C. Shoreland Commercial (SC)**

1535 This district's commercial designation relates to the buying and selling of goods and services and  
1536 its operation may be water dependent. There are patrons on premise and the business may or  
1537 may not be serviced by a municipal sanitary sewer or POWTS.

1538 **D. Shoreland Industrial (SI)**

1539 This district's industrial designation relates to the manufacturing of goods. The activities on these  
1540 parcels may need state regulation and may create nuisance conditions. There may be patrons on  
1541 premise.

1542 **E. Shoreland Forestry or Agricultural Zone (SFAG)**

1543 This district’s designation depends on enrollment in the Managed Forest Land program and its  
1544 use is as defined by State law where applicable and county ordinance thereafter. This designation  
1545 also allows for all uses as listed in the Forest County Farmland Preservation Ordinance.

1546 **F. Shoreland Mixed Use (SMU)**

1547 These are areas with a variety of uses, or may be a small community with retail, commercial, and  
1548 residential uses in close proximity.

1549 **G. Shoreland Government/Public. Institutional (G)**

1550 This district is designated by a town for Government/Public/Institutional facilities and can include  
1551 public recreational uses.

1552 **H. Shoreland Wetland (SW)**

1553 This district is based on Wisconsin Wetland Inventory Maps. This designation knows no  
1554 boundaries unless a change of zoning is applied for and approved. Many of these wetlands may  
1555 not be mapped but are still considered in the Wetland District. See Section 5 for use clarification.

1556 **23.3 Wellhead Protection Overlay District**

1557 This district is comprised of lands designated by a town sanitary district for the protection of municipal  
1558 wells that intersect with areas of shoreland zoning jurisdiction. All wells shall be adequately separated  
1559 from potential sources of contamination. Unless a hydrogeological investigation indicates lesser  
1560 separation distances would provide adequate protection of a well from contamination or department  
1561 approved treatment is installed to address the potential contamination concerns, the minimum  
1562 separation distances shall conform with NR 811.11(5)(d).

1563 **SECTION 24 – SUPPLEMENTAL DISTRICT REGULATIONS**

1564 **24.1 PARKING, STORAGE, AND USE OF RECREATIONAL VEHICLES, MOTOR HOMES, AND CAMPER**  
1565 **TRAILERS.**

- 1566 **A.** All recreational vehicles, motor homes or camper trailers left on private property more than 30  
1567 days shall comply with the general requirements of Section 24.05 of the Forest County Sanitary  
1568 Ordinance.
- 1569 **B.** Recreational vehicles, motor homes or camper trailers in storage adjacent to the owner’s home  
1570 are exempt from these requirements.
- 1571 **C.** If allowed, all recreational vehicles, motor homes or camper trailers located on private property  
1572 for more than thirty days shall secure a permit/license from the Forest County Land and Water  
1573 Resources office demonstrating compliance with the Sanitary Ordinance and the terms of the  
1574 Forest County Shoreland Zoning Ordinance for placement.
- 1575 **D.** All recreational vehicles, motor homes or camper trailer sites shall be kept clean and free of  
1576 weeds, junk or discarded materials.
- 1577 **E.** Only one recreational vehicle, motor home or camper trailer is allowed permanent placement on  
1578 a single lot of record.
  - 1579 **1.** In order to have more than one recreational vehicle, motor home or camper trailer you shall  
1580 have a minimum, additional 20,000 square feet for each unit.

- 1581           2. In no event shall there be more than 3 recreational vehicles, motor homes or camper  
1582           trailers (collectively) on any one parcel without a campground permit or variance  
1583        F. Structures such as decks, porches, patios and car ports are allowed, if permitted, but in no case  
1584           may be attached permanently to any recreational vehicle, motor home or camper trailer. All  
1585           setbacks must be complied with.  
1586        G. All parcels where recreational vehicles, motor homes, and camper trailers are parked, for any  
1587           length of time, shall obtain and display a fire number.  
1588        H. All recreational vehicles, motor homes or camper trailers shall remain licensed by the Wisconsin  
1589           Department of Transportation.

1590        **24.2 Chickens and Ducks**

1591        The purpose of this Section is to provide standards for the keeping of domesticated chickens and ducks.  
1592        The intent is to place restrictions on residents keeping chickens and/or ducks on a non-commercial basis  
1593        in all districts except commercial or industrial areas.

1594        **A. Number and Type of Chickens and/or Ducks Allowed**

- 1595           1. The maximum number of chickens and /or ducks allowed is 8 per lot.  
1596           2. Only female chickens are allowed, no roosters. Male or female ducks are allowed.  
1597           3. There are no restrictions on chicken or duck species. No Guinea fowl are allowed.  
1598           4. The chickens and /or ducks shall be provided with a covered coop and attached pen.  
1599           5. Chicken and/or duck coops and pens shall not be located closer than 50 feet to any lot line.  
1600           6. Chicken and/or duck coops and pens shall not be located closer than 75 feet from the  
1601           OHWM of any lake, river or stream.

1602        **SECTION 25 - PUBLIC NUISANCES AND BLIGHT**

1603        **25.1 General**

1604        A public nuisance is interferes with public use of property. Blight refers to the deterioration or decay of a  
1605        premises or exterior of a building or condition of a property, that when viewed at ground level from the  
1606        public right-of-way or from neighboring premises. The following are declared to be public nuisances or  
1607        blight, affecting health and property;

- 1608        **A.** Failure to keep waste, refuse or garbage in an enclosed building or properly contained in a closed  
1609           container designed for such purpose or the keeping of such waste, refuse, or garbage in such  
1610           manner as to create noxious fumes or odors affecting adjoining or public property.  
1611        **B.** Failure to maintain the exterior or interior or any structure used for human habitation or storage  
1612           purposes so as to avoid health hazards.  
1613        **C.** Allowing any discharge into the environment or toxic or noxious materials in such concentrations  
1614           as to endanger the public health.  
1615        **D.** Causing or allowing the effluent from any cesspool, septic tank, drain field or sewage disposal  
1616           system to discharge upon the surface of the ground.  
1617        **E.** Causing or allowing the contamination of any well, cistern, stream, or lake with any material or  
1618           substance.

- 1619 F. Failure to comply with any law or rule regarding sanitation and health including, but not limited  
1620 to:  
1621 1. Plumbing  
1622 2. water supplies, including wells and surface waters  
1623 3. waste disposal  
1624 4. storage of chemical pesticides or herbicides  
1625 G. Any property that maintains two or more unlicensed, inoperable motor vehicles or two or more  
1626 unused and inoperable appliances within 50 feet of adjoining properties unless the offending  
1627 property is completely screened from view with fencing or vegetation.  
1628 H. Failure to maintain vegetation, including, but not limited to, lawns exceeding the height of 12  
1629 inches, weak, diseased or dying trees that threaten the property of others or obstructs the view  
1630 or movement of vehicles and pedestrians.  
1631 I. Allowing the proliferation of noxious, nuisance or invasive plants species or vegetation.  
1632 J. Failure to prevent erosion from dust or the blowing or scattering of dust particles from  
1633 unvegetated areas.  
1634 K. Failure to prevent erosion where the movement of soil or water crosses a property line or into  
1635 any legal setback.

1636 **SECTION 26 – STEEP SLOPE OVERLAY DISTRICT**

1637 **26.1 Steep Slopes**

- 1638 A. Steep Slopes Overlay: A Steep Slopes Overlay is established to assist in the identification of soils,  
1639 land and areas that are likely to have slopes of 30 percent or greater. The overlay is recognized to  
1640 be a general identification tool and filed verification of slopes will be performed by the Zoning  
1641 Department or a licensed surveyor or certified soil tester.
- 1642 B. Development and Performance Standards
- 1643 1. Development on slopes of 30% is permitted use, which requires a zoning permit and a Steep  
1644 Slopes Development Plan that is designed by a licensed professional engineer, landscape  
1645 architect or other qualified professional as deemed acceptable by the Zoning Administrator.  
1646 The development plan shall include a comprehensive written description and detailed site  
1647 plans showing all measures to be installed to prevent erosion and limit sediment loss. The  
1648 plan shall also include an effective stormwater management plan specifying all measures to  
1649 be incorporated and installed to create a plan that meets or exceeds DNR stormwater  
1650 Management Technical Standards. A zoning permit allowing development will not be issued  
1651 by the Department prior to a Steep Slopes Development Plan being received. The  
1652 Development Plan shall include all of the following:
- 1653 a. Grading plan showing two-foot (2') intervals and grading limits  
1654 b. Property boundaries  
1655 c. Existing and proposed new structures  
1656 d. Soil Types  
1657 e. All water features including wetlands and wetlands indicator soils

- 1658 f. A sediment and erosion control plan which includes the locations of all Best
- 1659 Management Practices (BMP's)
- 1660 g. A stormwater management plan that includes all post construction waterways, drainage
- 1661 patterns and features such as sediment basins, etc.
- 1662 h. Existing and proposed wells and sanitary system locations
- 1663 i. Existing and proposed new vegetation
- 1664 j. A construction site plan showing location of a staging area for excavated material, and
- 1665 other materials.

1666 **SECTION 27 – 30 RESERVED FOR FUTURE USE**

1667 **SECTION 31 – CONDITIONAL AND PERMITTED USES BY DISTRICT**

1668 **31.1 General**

1669 The following table lists common land uses which might be found or established in Forest County. The  
1670 list, though not all inclusive, shall be interpreted as applying to the most similar listed use and the  
1671 provisions of that use shall apply.