

Forest County Wisconsin

Shoreland Zoning

Forest County Board of Supervisors

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

1.1 Statutory Authorization.

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

1.2 Findings of Fact.

- A.** Forest County has an abundance of lakes totaling 21,882 acres, a network of 850 miles of unique waterways and wetlands of far more than 161,000 acres. A vast majority of these unique landscapes, water bodies, water ways and wetlands are perpetually protected by the State and Federal government.
- B.** Uncontrolled use of the shorelands and impairment of the navigable waters of Forest County would adversely affect the public health, safety, convenience, general welfare and impair the remaining tax base.

1.3 Purpose and Intent

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

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

1.4 Title

This ordinance is known as the Forest County Shoreland Zoning Ordinance

SECTION 2 – GENERAL PROVISIONS

2.1 Regulated Areas

A. Applicability.

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

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

B. Exemptions.

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

2.2 Incorporated Maps and Studies

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

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

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

2.3 Force and Effect

A. General

The use of any shoreland area; the size and shape of shoreland lots; the use; size, type and location of structures on shoreland lots; the installation and maintenance of waste disposal facilities; the filling and grading of any shorelands; the removal of shoreland vegetation; and the division of lots in shoreland areas, shall be in full compliance with the terms of this ordinance. All development requires a permit unless otherwise excluded by this ordinance.

B. Property Owners and Agents

It is the responsibility of the property owners or their agent(s) acting on their behalf, including builders and contractors, to comply with the terms of this ordinance. Any landowner or agent thereof failing to comply with this ordinance is subject to enforcement under Section 19 of this ordinance.

C. Governmental Bodies

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

2.4 Relationship to Other Zoning and Property Restrictions

A. Town Regulation

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

B. Floodplain Restrictions

Building or structures that are, or to be, located in a mapped floodplain shall be required to comply with the Forest County Floodplain Ordinance dated 11-2011 and this ordinance.

C. Property Restrictions, Public and Private

This ordinance is not intended to enforce, repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, provisions of this ordinance which impose stricter restrictions shall prevail.

2.5 Interpretation

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

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

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

2.6 Severability

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

SECTION 3 – DEFINITIONS

3.1 Incorporated Definitions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. Kitchen sink and/or other device for dishwashing.
- b. Stove or other device for cooking.
- c. Cabinets and/or shelves for storage of equipment and utensils.
- d. Counter or table for food preparation.

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

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

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

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

Department: The Department of Natural Resources.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In-Situ Soil: Soil in its natural location.

Impervious Surface: means an area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54), Wid. Adm. Code, or sidewalks as defined in s. 340.01(58), 59.692(1k)3, Stats are not considered impervious surfaces.

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

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

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

Land Use: (See development)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

POWTS: Means Private Onsite Waste Treatment Systems

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

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

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

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

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

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

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

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

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

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

Residential: (See dwelling unit)

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

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

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

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

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

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

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

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

Short Term Rentals: A residential dwelling that is offered for rent for fee and for fewer than 29 consecutive days.

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

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

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

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

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

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

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

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

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

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

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

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

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

Waterfront Lot: any lot that abuts navigable water.

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

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

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

SECTION 4. DETERMINATIONS, ENCROACHMENTS, COMPLAINTS AND CONVENANTS.

4.1 General

- A.** Determinations of navigability and OHWM location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate office of the Department of Natural Resources for a final determination of navigability or OHWM. The county may work with surveyors with regard to s. 59.692(1h)
- B.** Encroachments and property line disputes are a civil matter and shall first be handled in court to determine proof of property lines.
- C.** Zoning complaints shall be filed in writing and signed on forms provided in the Land and Water Resource Office.
- D.** Public Nuisance and blight complaints in the shoreland area shall be filed in writing and signed on forms provided in the Land and Water Resource Office.

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

SECTION 5 – SHORELAND-WETLAND DISTRICT

5.1 Designation

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

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

5.2 Purpose

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

5.3 Permitted Uses

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

- A. Activities and uses which do not require the issuance of a zoning permit, but which shall be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating except as allowed under these rules;
 1. Hiking, fishing, trapping, hunting, swimming, and boating;
 2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 3. The pasturing of livestock;
 4. The cultivation of agricultural crops;
 5. The practice of silviculture, including the planting, thinning, and harvesting of timber;and

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

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

5.4 Prohibited Uses

Any use not listed in the previous Sections are prohibited, unless the wetland or portion of the wetland 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

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

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

5.6 Department Response to a Proposed Text or Map Amendment

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

SECTION 6 – LAND DIVISION REVIEW

6.1 Land Division Review

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

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

6.2 Minimum Lot Size

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

6.3 Planned Unit Development

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

SECTION 7 – SUBSTANDARD LOTS

7.1 Substandard Lots

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

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

SECTION 8 - REQUIRED SETBACKS AND FRONTAGES TO ROADS

8.1 General

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

SECTION 9 – DISTRICT SETBACKS

9.1 Setback Purpose

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

9.2 Shoreland Setback

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

9.3 Exempt Structures

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

outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.

6. Walkways, stairways or rail systems that are necessary to provide safe pedestrian access to the shoreline and are a maximum of 60-inches in width.
 7. Devices or systems used to treat runoff from impervious surfaces.
 8. A fence that meets all of the following requirements: (as per s. 59.692(1n)(d)7, Stats)
 - a. A height not taller than 15ft
 - b. Located not less than 2 feet landward of the ordinary high water mark
 - c. Located entirely outside of a highway right-of-way
 - d. Located not less than 10 feet from the edge of a roadway and not more than 40 feet from the edge of a roadway or highway right-of-way, whichever is greater.
 - e. Generally perpendicular to the shoreline
 9. A bridge for which the Wisconsin Department of Natural Resources has issued a permit under S. 30.123, Stats. (per S. 59.692 (1n)(d)8 Stats.)
- B.** Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

9.4 Reduced Setback for a Principal Structure to the OHWM

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

9.5 Required Minimum Setbacks to Side Lot Lines by District

- A.** Shoreland Lots with Municipal Sanitary, either Residential or Recreational Residential
 1. Primary structures shall be 7.5 feet from the side lot line.
 2. Accessory structures shall be 5 feet from the side lot line.
- B.** Shoreland Residential and Shoreland Recreational Residential with POWTS
 1. Primary structures shall be 15 feet from the side lot line.
 2. Accessory structures shall be 7.5 feet from the side lot line.
- C.** Shoreland Commercial
 1. 6 feet from the side lot line if utilizing a municipal sewer
 2. 15 feet from the side lot line if without municipal sewer
- D.** Shoreland Industrial
 1. 25 feet from the side lot line if utilizing municipal sewer

- 2. 50 feet from the side lot line if without municipal sewer
- E. Shoreland Forestry or Agricultural
 - 1. 5 feet from the side lot line for any forestry or agricultural use
 - 2. 15 feet from the side lot line for primary structures with a habitable use.
- F. Shoreland Mixed Use
 - 1. Habitable dwellings or accessory structures as in 9.5.A or B.
 - 2. Commercial buildings as in 9.5.C.
- G. Shoreland Government/Public, Institutional
 - 1. 10 feet from the side lot line for structures
 - 2. No setback required for nonstructural paths and trails
- H. Shoreland Wetland
 - 1. 50 feet from the side lot line for hunting blinds
 - 2. 15 feet from the side lot line for other wetland structures

SECTION 10 – VEGETATION

10.1 Purpose

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

10.2 Activities Allowed Within a Vegetative Buffer Zone

- A. The removal of vegetation on the land that extends from the OHWM to 35 feet inland is prohibited except as follows:
 - 1. The county may allow routine maintenance of vegetation.
 - 2. The county may permit the removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Per s. 59.692 (1f)(b), Stats, the maximum width of an access and viewing corridor may be 10 feet or up to 35 percent of the shoreline frontage, whichever is greater, except that the maximum width of an access and viewing corridor may not exceed 200 feet. The viewing corridor may run contiguously for the entire maximum allowed width of 200 feet as per S. 59.692 (1f)(b)1, Stats.
 - 3. The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with “generally accepted best forestry management practices” as defined in s. NR1.25(2)(b), and described in Department publication “Wisconsin Forest Management Guidelines” (publication FR-226), provided that vegetation removal be consistent with these practices and a cutting permit has been issued by the county;
 - 4. The county may allow the removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that shall be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed is replaced by replanting in the same area as soon as practicable;

5. The county may allow by permit, with enforceable restrictions, additional vegetation management activities in the vegetative buffer zone. The permit issued under this paragraph shall require that all management activities comply with detailed plans approved by the county and shall be designed to control erosion by limiting sedimentation into the water, to improve the plant community by replanting native species in the same area and to maintain and monitor the newly restored areas. Enforceable restrictions will be filed with the register of deeds; and
6. The county may not specifically require a property owner to establish a vegetative buffer zone on previously developed land or expand an existing vegetative buffer zone. However, mitigation may and can be required as part of a variance, a conditional use or as required in Wis. Stat. § 59.692(1v) for structures that need special zoning permission that includes mitigation as defined in Section 16 of this ordinance.
7. Cutting from the inland edge of the vegetated buffer zone 35 feet from the OHWM), to the outer limits of the shorelands shall be allowed when using accepted forest management and soil conservation practices to protect water quality.

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

11.1 Impervious Surface Standards:

Purpose

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

11.2 Calculating of Percentage of Impervious Surface

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

- A. Up to 15% of impervious surfaces but no more than 30% shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surfaces that is or will be located within 300 feet of the OHWM of any navigable waterway on any of the following:
 1. A riparian lot or parcel; and
 2. A nonriparian lot or parcel that is located entirely within 300 feet of the OHWM of any navigable waterway.
- B. For properties that exceed the standard of 15% under A. but do not exceed the maximum standard of 30%, a permit can be issued for development with a mitigation plan that meets the standards found in Section 15.

- C. For impervious surfaces, existing prior to this ordinance, the property owner may do any of the following as long as the property owner does not increase the percentage of impervious surface that existed on the effective date of the previous shoreland ordinance:
 - 1. Maintain and repair all impervious surfaces;
 - 2. Replace existing impervious surfaces with similar surfaces within the existing building envelope; or
 - 3. Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and the impervious surface meets the applicable setback requirements in Section 9.2.
- D. Lots that have been placed in a condominium form of ownership shall be administered as an entire property when calculating impervious surface restrictions.
- E. To qualify for the statutory exemption, property owners shall submit a complete permit application that is reviewed and approved by the county. The application shall include the following:
 - 1. Calculations showing how much runoff is coming from the impervious surface area.
 - 2. Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device or internally drained area.
 - 3. An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices or internally drained area.
 - a. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the permit.

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

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

11.4 Permits Required

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

navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

11.5 Permit Conditions

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

11.6 Standards for Filling and Grading

- A. Filling:** Filling may be permitted provided the fill material:
 - 1.** Shall be suitable for its intended use, no fill intended for supporting structures shall consist of junk, wood, sawdust, paper, tires, solid waste, muck, peat, or any similar materials which could cause subsidence.
 - 2.** Fill material is protected from erosion so as not to cause siltation of adjacent lands or navigable waters. The use of a temporary ground cover or other conservation practices such as sediment catch basin or diversion terrace may be required in order to prevent erosion.
 - 3.** Shall rest on a firm bottom and be stabilized according to accepted engineering standards.
 - 4.** Shall not alter the drainage from and onto adjacent lands so as to create significant harm.
 - 5.** Shall not, in any manner, alter the course of a waterway on property belonging to other than the applicant.
 - 6.** Shall, where applicable, meet the requirements of state or federal agencies also having jurisdiction, such as the Wisconsin Department of Natural Resources and the U.S. Army Corps of Engineers.
 - 7.** No fill permit will be issued until all applicable permits have been received from state and federal agencies if required.
- B. Grading:** Grading of an area may be permitted provided that:
 - 1.** The smallest amount of bare ground shall be exposed for the shortest time feasible and permanent ground cover shall be established as soon as practical; and
 - 2.** Precautions are taken to prevent erosion and sedimentation through the use of silting basins, diversion, terraces, or similar practices used individually or in combination where circumstances warrant such. "Silt fences" consisting of silt retaining fabric staked vertically to the ground and around the down gradient perimeter of the grading activity shall be installed as required and be presumed necessary in all cases unless specifically exempted in writing by land conservation staff and only if relatively flat conditions exist. Bales of hay or straw placed behind silt fences for maximum protection are recommended.
- C.** Excess fill, rock or materials associated with construction, reconstruction or repair of a structure shall be removed from the site unless its placement is addressed in the applicable permit issued for the construction activity. See "cut and fill definition."

- D. Filling/grading may not occur in the vegetative buffer zone unless for the creation of the viewing/access corridor, the establishment of a vegetative buffer or for the construction of a boathouse.

SECTION 12 – NONCONFORMING STRUCTURES AND USES

12.1 Discontinued Uses

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

12.2 Maintenance, Repair, Replacement or Vertical Expansion of nonconforming Structures

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

12.3 Lateral Expansion of nonconforming Principal Structures within the Setback

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

mitigation plan shall be evidenced by an instrument recorded in the office of the county register of deeds; and

- F. All other provisions of the shoreland ordinance shall be met.

12.4 Expansion of nonconforming structure beyond Setback

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

12.5 Relocation

- A. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under Section 9 may be relocated on the property, provided that all of the following requirements are met:
 - 1. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use;
 - 2. The existing principal structure is at least 35 feet from the OHWM;
 - 3. No portion of the relocated structure is located any closer to the ordinary high-watermark than the closest point of the existing principal structure.
 - 4. The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement per Section 10.
 - 5. The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan, as required and described in Section 16 of this ordinance, shall include enforceable obligations of the property owner to establish or maintain measures that the county determines adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional, as stated in Section 12.2, to the amount and impacts of the expansion being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the county register of deeds; and
 - 6. All other provisions of the shoreland ordinance shall be met.

SECTION 13 – MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION

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

A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above

grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

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

A structure that was illegally constructed, which is older than ten years and may not be enforced under the shoreland ordinance (s29.692(1t) Stats) may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the structure. (No vertical or lateral expansion allowed for structures in violation.)

SECTION 14 - RESIDENTIAL CONSTRUCTION STANDARDS

14.1 Construction Standards for Residences

- A.** All habitable dwellings, including those considered overflow accommodations, shall be constructed utilizing Uniform Dwelling Code requirements and permitting.
- B.** All manufactured, modular or constructed homes shall have a pitched roof of not less than 3 feet over a length of 12 feet and be constructed to withstand the snow load as required by the WI Uniform Dwelling code.
- C.** All foundations upon which the manufactured or modular homes rest shall be permanent and fully enclosed and comply with current Uniform Dwelling Code Requirements.
- D.** All single-width manufactured homes qualified as HUD-certified shall not have less than 14 feet of width as shipped from the factory.

14.2 Erection of More Than One Principal Structure on a Lot

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

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

14.3 Sanitary Regulations

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

14.4 Height Restrictions

- A.** A height of a primary structure shall be 35 feet or less in height when measured from the highest peak to the lowest exposed point of a building

- a. A height of 45 feet will be allowed for a primary structure with a walk-out basement under the following conditions:
 - i. The structure is on a private lake
 - ii. The structure is being built into a steep slope
 - iii. The basement is 75% covered with only 25% open for a walk out and the rest of the structure measured from ground level meets the 35-foot requirement.
 - iv. The structure is greater than 75 feet from the OHWM.
- B. Accessory structures more than 75 feet from the OHWM shall not be greater than 28 feet in height measured from the highest point to lowest part of the building.

SECTION 15 – MITIGATION

15.1 MITIGATION REQUIRED

- A. When the county issues a variance, planned unit development, or conditional use permit requiring mitigation under portions of this ordinance, the property owner must submit a complete permit application that is reviewed and approved by county personnel. The application shall include the following:
 - 1. A site plan that describes the proposed mitigation measures.
 - a. The site plan shall be designed and implemented to restore natural functions lost through development and human activities
 - 2. The mitigation measures shall be proportional, as in Section 12.2, in scope to the impacts on water quality, near shore aquatic habitat, upland wildlife habitat and natural beauty.
 - 3. The mitigation measures shall be proportional to the amount and impacts of the expansion being permitted. Mitigation measures may include:
 - a. Elimination or reduction of impervious surfaces
 - b. Elimination of nonconforming accessory structures
 - c. Shoreland, native vegetation buffer increase or restoration
 - 1. Rain gardens
 - 2. Infiltration structures
 - 3. Directing roof runoff into pervious areas
 - 4. Retention/detention basins
 - 5. Diverting overland flows to infiltration areas within the property or an adjacent property, providing it is acceptable to the adjacent owner and does not cause harm to that property.
 - 6. Pervious paver or structures in place of impervious surfaces
 - 7. Wetland protection or restoration
 - 8. Removal of shoreland modifications such as seawalls, retaining walls, beaches, or excessive paver covered areas.
- B. An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures shall be evidenced by an instrument recorded in the office of the Register of Deeds.

SECTION 16 – WATERFRONT ACCESS, GENERAL RESTRICTIONS

16.1 General Restrictions

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

16.2 Waterfront Access Easements

- A. Except as provided in Wis. Stat. § [30.1335](#), no owner of riparian land that abuts a navigable water may grant by an easement or by a similar conveyance any riparian right in the land to another person, except for the right to cross the land in order to have access to the navigable water. This right to cross the land may not include the right to place any structure or material, including a boat docking facility, as defined in Wis. Stat. § [30.1335 \(1\) \(a\)](#), in the navigable water.
- B. Existing easements are permitted to the extent allowed by state law.

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

16.3 Dock-o-minimums Prohibition

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

SECTION 17 – ADMINISTRATION

17.1 Designation of Administrator

- A. The County Zoning and Personnel Committee will appoint a County Zoning Administrator for the administration and enforcement of the provisions of this ordinance. The County Zoning Committee may authorize the Town Board of each township to appoint a Deputy Zoning Administrator to assist in the enforcement and administration of this ordinance. Compensation for the Deputy Zoning Administrator will be the responsibility of the town unless a memorandum of understanding between the town and the county exists to represent other arrangements.
- B. The Zoning Administrator may delegate to the Deputy Zoning Administrator any of the duties listed in this Section. The Zoning Administrator shall have the power to cause, rescind, or alter any action of a Deputy Zoning Administrator, and may also suspend his or her powers under this ordinance until the next regular meeting of the Land and Water Resources Committee. Upon appointment of a Deputy Zoning Administrator by a Town, the Zoning Committee shall, at its next regular meeting, vote to approve or deny said appointment. The Zoning Committee shall have the power to dismiss Deputy Zoning Administrators at any time, for cause.

17.2 Zoning Administrator

- A. The zoning administrator shall have the following duties and powers:
 1. Develop and maintain a system of permits for new construction, development, reconstruction, structural alteration or moving of buildings and structures. A copy of application shall be required to be filed in the office of the county zoning administrator.
 2. Regularly inspect permitted work in progress to insure conformity of the finished structures with the terms of the ordinance.
 3. Develop and maintain a variance procedure which authorizes the board of adjustment to grant such variance for the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland zoning ordinance, a literal enforcement of the provision of the ordinance with result in unnecessary hardship.
 4. Develop and maintain a conditional use procedure.
 5. Keep a complete record of all proceeds before the board of adjustments, zoning agency and planning agency.
 6. Provide written notice to the appropriate office of the Department at least 10 days prior to any hearing on a requested variance, special exception or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review under Section 6.0.
 7. Submit to the appropriate office the Department, within 10 days after grant or denial, any decision on a variance, special exception or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.
 8. Develop and maintain an official map of all mapped zoning district boundaries, amendments, and recordings.
 9. Established appropriate penalties for violations of various provisions of the ordinance, including forfeitures. Compliance with the ordinance shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in s.59.69(11), Stats.
 10. Pursue the prosecution of violations of the shoreland ordinance.

17.3 Powers

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

SECTION 18 – ZONING PERMITS

18.1 When Required

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

18.2 Application

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

A. Required Submissions

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

1. The location, dimension, area, and elevation of lot or parcel;
2. The location, dimension, area, and elevation of development;
3. The distance of all development to OHWM;
4. The sum total of all impervious surfaces existing and proposed;
5. The placement and size of infiltrative structures used to exempt impervious surfaces;
6. The distance of all development, existing and proposed, to lot lines and centerlines of all abutting streets or highways or edges of easements; and

7. The location of any existing or proposed sanitary systems or private and public water supplies.

B. Permit Approvals

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

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

C. Expiration of Permits

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

D. After-the-fact

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

E. Fees Required

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

SECTION 19 – PENALTIES

19.1 Penalty for Violations

A. Except as otherwise provided, any person who violates this ordinance may be subject to a fine of \$500.00 plus costs of prosecution. A charge of \$100.00 will be added to the fine for everyday the violation continues. A second offense shall be \$1000.00 plus \$100.00 per day the violation continues. After the second offense the county may also seek injunctive relief from the circuit court to cause the violation to be ceased, moved or removed.

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

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

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

19.2 Citation Enforcement

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

SECTION 20 – POWERS OF THE FOREST COUNTY BOARD OF ADJUSTMENT

20.1 Appealable Matters

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

20.2 Variances

- A. Variance Criteria to Be Met.** The board of adjustment may grant upon appeal a variance from the standard of this ordinance where an applicant convincingly demonstrates that:
 - 1. Literal enforcement of the provision of the ordinance will result in unnecessary hardship on the applicant;
 - 2. The hardship is due to special conditions unique to the property;
 - 3. The request is not contrary to the public interest and;
 - 4. The request represents the minimum relief necessary to relieve unnecessary burdens.
- B. Notice, Public Hearing and Decision**

Before deciding on an application for a variance, the board of adjustments shall hold a public hearing. Notice of such hearing specifying the time, place and matters of concern, shall be given a Class 2 notice under Ch. 985, Stats. Such notice shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. The board shall state in writing the reasons for granting or refusing a variance and shall provide a copy of such decision to the appropriate office of the Department within 10 days of the decision.

20.3 Process for all Variances

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

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

20.4 Standards and Findings

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

20.5 Process Followed by Applicant

- A.** Applicants shall abide by the following steps when applying for a variance:

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

20.6 Hearing

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

20.7 Recording

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

20.8 Violating Terms of a Variance

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

SECTION 21 – CONDITIONAL USE PERMITS

21.1 Application for a Conditional Use

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

21.2 Process for Conditional Use Permit

A request for a conditional-use permit shall be submitted in writing to the county Land and Water Administrator on forms provided. The Administrator will refer the application to the committee for approval to proceed. The request shall be accompanied by scale or distance maps or drawings prepared to the best of the applicant's ability, showing legibly and accurately the location, size and shape of the lot(s) involved and of any proposed structures, including the relation to abutting streets and any

abutting lakes or streams, and the existing and proposed use of each structure, the design of any required parking areas, driveways, or internal roadways.

21.3 Hearing

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

21.4 Determinations

- A.** The land and Water Committee shall act on the application after hearing comments, and general and specific requirements requested by the town, the public and committee members. The Committee shall report its decision within 90 days after the filing of the application, except for conditional use applications considered a Planned Unit Development Proposal. Its decision shall include an accurate description of the use permitted, of the property on which it is permittee, and any and all conditions made applicable.
 - 1.** The requirement and conditions required must be reasonable, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal.
 - 2.** The applicant must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use are or shall be satisfied, and must be supported by substantial evidence.
 - 3.** The county's decision to approve or deny the permit must be supported by substantial evidence.

21.5 Recording

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

21.6 Termination

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

21.7 Standards Applicable for Conditional Uses

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

21.8 Conditions Imposed

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

SECTION 22 – MAP AND TEXT AMENDMENT PROCEDURES

The regulations imposed and the zoning districts created under authority of this ordinance may be amended from time to time in accordance with Wis. Stats § 59.69 (5). An amendment may be granted by the County Board only after a public hearing before the Forest County Land and Water Resources committee and a report of its findings and recommendations has been submitted to the county board for final action.

22.1 Standards for Zoning/Land Use Map Amendments

- A.** A rezoning or land use change, except those listed in Section 5, shall conform or not otherwise be in conflict with any adopted county plans. Rezoning may be enacted if:
- B.** It can be shown that the current zoning places an unreasonable burden on the owner of the property to be affected;
- C.** The current zoning can be shown to have been a mistake based on incorrect knowledge or assumptions about the land or existing uses in the area;
- D.** The current zoning is no longer necessary to protect any public interest; or

- E. There has been a significant change in circumstances since the property was zoned under the current district and the proposed rezoning action is shown to be appropriate for such new circumstances.

22.2 Initiation of Text or Map Amendments

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

22.3 Processing

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

22.4 Decisions

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

SECTION 23 – SHORELAND DISTRICTS

23.1 Official Zoning/Land Use Maps

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

23.2 Districts

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

- A. Shoreland Residential (SR)**

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

B. Shoreland Recreational Residential (SRR)

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

C. Shoreland Commercial (SC)

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

D. Shoreland Industrial (SI)

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

E. Shoreland Forestry or Agricultural Zone (SFAG)

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

F. Shoreland Mixed Use (SMU)

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

G. Shoreland Government/Public. Institutional (G)

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

H. Shoreland Wetland (SW)

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

23.3 Wellhead Protection Overlay District

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

SECTION 24 – SUPPLEMENTAL DISTRICT REGULATIONS

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

- A.** All recreational vehicles, motor homes or camper trailers left on private property more than 10 days shall comply with the general requirements of Section 24.05 of the Forest County Sanitary Ordinance.
- B.** Recreational vehicles, motor homes or camper trailers in storage adjacent to the owner's home are exempt from these requirements.
- C.** All recreational vehicles, motor homes or camper trailers located on private property shall secure a permit/license from the Forest County Zoning office demonstrating compliance with the Sanitary Ordinance and the terms of the Forest County Shoreland Zoning Ordinance for placement.
- D.** All recreational vehicles, motor homes or camper trailer sites shall be kept clean and free of weeds, junk or discarded materials.
- E.** Only one recreational vehicle, motor home or camper trailer is allowed permanent placement on a single lot of record.
 - 1.** Permanent placement of a recreational vehicle, motor home or camper trailer is allowed in all districts other than residential.
 - 2.** Temporary placement is allowed in residential district starting the Friday before Memorial Day through the Tuesday after Labor Day with a permit fee and sanitary requirements.
 - 3.** In order to have more than one recreational vehicle, motor home or camper trailer you shall have a minimum, additional 20,000 square feet for each unit.
 - 4.** In no event shall there be more than 3 recreational vehicles, motor homes or camper trailers (collectively) on any one parcel without a campground permit or variance
- F.** Structures such as decks, porches, patios and car ports are allowed, if permitted, but in no case may be attached permanently to any recreational vehicle, motor home or camper trailer. No generators will be allowed on any lot with water frontage. All setbacks must be complied with.
- G.** All parcels where recreational vehicles, motor homes, and camper trailers are parked, for any length of time, shall obtain and display a fire number.
- H.** All recreational vehicles, motor homes or camper trailers shall remain licensed by the Wisconsin Department of Transportation.
- I.** Leasing or renting of recreational vehicles is not allowed.

24.2 Chickens and Ducks

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

- A. Number and Type of Chickens and/or Ducks Allowed**
 - 1.** The maximum number of chickens and /or ducks allowed is 8 per lot.
 - 2.** Only female chickens are allowed, no roosters. Male or female ducks are allowed.
 - 3.** There are no restrictions on chicken or duck species. No Guinea fowl are allowed.
 - 4.** The chickens and /or ducks shall be provided with a covered coop and attached pen.

5. Chicken and/or duck coops and pens shall not be located closer than 50 feet to any lot line.
6. Chicken and/or duck coops and pens shall not be located closer than 75 feet from the OHWM of any lake, river or stream.

SECTION 25 - PUBLIC NUISANCES AND BLIGHT

25.1 General

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

- A. Failure to keep waste, refuse or garbage in an enclosed building or properly contained in a closed container designed for such purpose or the keeping of such waste, refuse, or garbage in such manner as to create noxious fumes or odors affecting adjoining or public property.
- B. Failure to maintain the exterior or interior or any structure used for human habitation or storage purposes so as to avoid health hazards.
- C. Allowing any discharge into the environment or toxic or noxious materials in such concentrations as to endanger the public health.
- D. Causing or allowing the effluent from any cesspool, septic tank, drain field or sewage disposal system to discharge upon the surface of the ground.
- E. Causing or allowing the contamination of any well, cistern, stream, or lake with any material or substance.
- F. Failure to comply with any law or rule regarding sanitation and health including, but not limited to:
 1. Plumbing
 2. water supplies, including wells and surface waters
 3. waste disposal
 4. storage of chemical pesticides or herbicides
- G. Any property that maintains two or more unlicensed, inoperable motor vehicles or two or more unused and inoperable appliances within 50 feet of adjoining properties unless the offending property is completely screened from view with fencing or vegetation.
- H. Failure to maintain vegetation, including, but not limited to, lawns exceeding the height of 12 inches, weak, diseased or dying trees that threaten the property of others or obstructs the view or movement of vehicles and pedestrians.
- I. Allowing the proliferation of noxious, nuisance or invasive plants species or vegetation.
- J. Failure to prevent erosion from dust or the blowing or scattering of dust particles from unvegetated areas.
- K. Failure to prevent erosion where the movement of soil or water crosses a property line or into any legal setback.

SECTION 26 – STEEP SLOPE OVERLAY DISTRICT

26.1 Steep Slopes

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

SECTION 27 SHORT TERM RENTAL

27.01 Purpose

The purpose of this section is to ensure that the quality of short term rentals operating within the County is adequate for protecting public health, safety and general welfare, including establishing minimum standards for the health and safety of persons occupying or using buildings, structures or premises, determining the responsibilities of owners, operators and resident agents offering these properties for tourists, for the proper collection of taxes, to protect the character and stability of all areas within the County. To provide provisions for the administration and enforcement thereof.

27.02 Exemptions.

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

- A. A private boarding or rooming house, ordinarily conducted as such, not accommodating tourist or transients.
- B. A hotel, motel or resort license issued by the State of Wisconsin.
- C. Bed and breakfast establishments.

27.03 Short Term Rental House Requirements.

- A. Obtain a DATCP License and maintain it through out the term the property is being used as a short- term rental
- B. Collect and pay all rooming house taxes (if township has adopted through Forest County Chamber of Commerce)
- C. Absolutely no parking on any streets.
- D. Garbage must be kept in containers away from animals
- E. Quiet time shall be from 10pm through 7am
- F. Follow the Forest County Association of Lakes Courtesy Code
- G. Any signs for the property shall be on the structure and not posted on the street or in the yard
- H. Pets must be kept on a leash and not left unattended
- I. No fireworks
- J. Occupancy is limited to the size of the septic system
- K. No outstanding property taxes
- L. Comply with all other County Ordinances
- M. Obtain a Wisconsin Dept. of Rev Sellers Permit
- N. A Short- Term Rental property shall not:
 - 1) Endanger, or threaten to endanger, the public health, safety, comfort or general welfare
 - 2) Have an adverse environmental impact
 - 3) Have excessive noise complaints
 - 4) Have an excessive response required from law enforcement
 - 5) Have poor property condition such as garbage or refuse complaints, condition complaints, and general care and maintenance complaints,
 - 6) Have parking complaints
 - 7) Have other issues that may impact the use, value and enjoyment of other property in the neighborhood.
 - 8) The property shall not have overnight occupancy of recreational vehicles, camper trailers, and tents for short term rental purposes or outdoor overnight sleeping of occupants or guests of the short term rental.

27.04 RESIDENT AGENT (LOCAL CONTACT)

To qualify as a resident agent (local contact) the person must meet the following requirements:

- A. Be an adult person residing in or within a fifty (50) mile radius of the location of the short- term rental property, or a corporate entity with offices located within a fifty (50) mile radius of the short- term rental property.
- B. Be authorized by the owner to act as the agent for the owner.

27.05 Short Term Rental Permitting Process

- A.** An application for a short- term rental permit shall be filed with the Zoning Office on forms provided. Applications must be filed by the owner of the short- term rental. Each applicant shall certify that the short- term rental that is the subject of the application can meet the requirements set forth in Section 27.03.
- B.** An application for a short- term rental permit shall include the following and shall not be considered complete until all of the following is submitted:
 - a.** Proof of a DATCP license. (A permit under this section may be conditionally granted upon issuance of this license and shall not take effect unless and until this license is issued.)
 - b.** Proof of Insurance
 - c.** Site plan including available onsite parking.
 - d.** Property management agreement (if applicable).
 - e.** Designation of a resident agent (local contact
 - f.** Copy of the most recent sanitary inspection
 - g.** An application fee (see fee schedule)
 - h.** Certification from the local governmental entity that no room tax is required (in some townships).

27.06 Short Term Rental Permit

- A.** A short- term rental permit shall contain the following:
 - a.** The name, address and telephone number of the owner of the property.
 - b.** The name, address, telephone number of the resident agent
 - c.** The maximum occupancy
 - d.** The permit term
- B.** The Zoning Committee shall have the authority to place reasonable conditions on a permit when necessary to meet the requirements of this section.

27.07 Non-transferable permit

Any permit issued under this section is nontransferable. The holder of any permit shall notify the Zoning Administrator and/or its designee in writing of any transfer of the legal control of any property covered by the permit.

27.08 Renewal

- A.** Each application for a renewal of a permit shall include updated information for the documentation on file with the Zoning Administrator and payment of the applicable fee. The Zoning Administrator shall verify that the information provided on the renewal application is complete, and in accordance with the requirements of this section and that all local taxes, including room taxes, have been paid. The Administrator shall issue renewal licenses within thirty (30) days of the filing of the application, unless the information provided is incomplete, or otherwise not in compliance with the

requirements of this section, reports from local law enforcement or there are complaints or actions involving the property, and/ or taxes have not been paid.

B. If the Zoning Administrator finds that the permit should not be renewed, or that there has been a complaint, the Zoning Administrator shall forward the application to the Zoning Committee for action along with a written explanation of the reason for referral. The Zoning Committee shall then determine if a renewal shall be denied. If it is denied, the reasons therefore shall be set forth in writing.

C. No permit shall be renewed if the applicant or property has outstanding fees, taxes or forfeitures owed to the County, or is under an order to bring the premises into compliance with the code or other law.

SECTION 28- 30 RESERVED FOR FUTURE USE

SECTION 31 – CONDITIONAL AND PERMITTED USES BY DISTRICT

31.1 General

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