

Jackson County Chapter 16

Shoreland Zoning Ordinance

CHAPTER 16

SHORELAND ZONING

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16.01 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE AND TITLE.

- 1) **STATUTORY AUTHORIZATION.** This ordinance is adopted pursuant to the authorization in §59.692 to implement 59.69, 59.692, 87.30, 236.45, and 281.31.

- 2) **FINDING OF FACT.** Uncontrolled use of the shorelands and pollution of the navigable waters of Jackson County adversely affect the public health, safety, convenience and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Jackson County, Wisconsin.

- 3) **PURPOSE.** For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters and wetlands 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 onsite wastewater treatment systems.
 3. Controlling filling and grading to prevent serious soil erosion problems.
 4. Limiting impervious surfaces to control runoff which carries pollutants.
 5. Preserving wetlands to minimize runoff and soil erosion.

 - b) Protect spawning ground, 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 area.

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.
 5. Preventing the destruction and degradation of wetlands.
 6. Preserving native wetland plant and tree communities.
- e) Protect and preserve wetlands through:
1. Restricting the placement of fill materials in wetlands.
 2. Encouraging avoidance and minimization of wetland impacts.
 3. Preserving native wetland plant and tree communities.
- f) Prevent flood damage through:
1. Restricting filling, grading and the placement of buildings and structures in floodplains and wetlands.
 2. Preserving the ecological integrity of floodplains and wetlands.
 3. Restoring floodplain and wetlands to increase flood water storage.
- 4) TITLE. Jackson County Shoreland Zoning Ordinance.

16.02 GENERAL PROVISIONS.

- 1) **AREAS TO BE REGULATED.** Areas regulated by this ordinance shall include all the lands, referred to herein as shorelands, in the unincorporated areas of

Jackson County which are:

- a) Within one thousand (1,000) feet of the ordinary high water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the County shall be presumed to be navigable if they are listed in the Department of Natural Resources publication FH-800 2009 "Wisconsin Lakes" book available electronically at the following website: <http://dnr.wi.gov/lakes/lakebook/wilakes2009bma.pdf> or are shown on the United States Geological Survey quadrangle maps (1:24,000 scale) or other zoning base maps.
- b) Within three hundred (300) feet of the ordinary high water mark of navigable rivers or streams or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in Jackson County shall be presumed to be navigable if they are designated as perennial waterways on the United States Geological Survey quadrangle maps (1:24,000 scale). Flood hazard boundary maps, flood insurance rate maps, flood boundary, floodway maps, county soil survey maps or other existing Jackson County floodplain zoning maps shall be used to delineate floodplain areas.
- c) The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas, and to annexed or incorporated areas as provided in §30.2022. Unless specifically exempted by law, all cities, villages, towns, counties and when §13.48 (13), applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland protection ordinance if §30.2022 (1) applies. Shoreland zoning requirements in annexed or incorporated areas are provided in §61.353 and §62.233.
- d) Determinations of navigability and ordinary high water mark locations shall initially be made by the Jackson County Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate office of the Wisconsin Department of Natural Resources for a final determination of navigability or ordinary high water mark.
- e) Under §281.31 (2m), notwithstanding any other provision of law or administrative rule promulgated there under, this shoreland zoning ordinance does not apply to:
 1. Lands adjacent to farm drainage ditches if:

- a. Such lands are not adjacent to a natural navigable stream or river.
 - b. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
 2. Land adjacent to artificially constructed drainage ditches, ponds, or stormwater retention basins that are not hydrologically connected to a natural navigable water body.
- 2) SHORELAND – WETLAND MAPS. The current Wisconsin Wetland Inventory Maps, any revised Wisconsin Wetland Inventory Maps, Wisconsin Department of Natural Resources wetland indicator maps, which include hydric soils, which are available electronically on the Wisconsin Department of Natural Resources Surface Water Data Viewer website, that can readily be used to help zoning staff and landowners evaluate the presence or absence of wetlands on the property are made part of this ordinance. The maps can be viewed at the following website: <http://dnrmaps.wi.gov/SL/Viewer=SWDV&runWorkflow=wetland>.
 - 3) COMPLIANCE. The use of any land or water, the size, shape and placement of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation, and the subdivision of lots shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. Buildings and other structures shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.
 - 4) MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if §13.48(13), applies. The construction, reconstruction, maintenance and repair of State highways and bridges by the Department of Transportation are exempt when §30.12(4) (a), applies.
 - 5) ABROGATION AND GREATER RESTRICTIONS. The provisions of this ordinance supersede all the provisions of any county zoning ordinance adopted under §59.692, which relate to shorelands. However, where an ordinance adopted under a statute other than §59.692, is more restrictive than the provisions contained in this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
 - a) This ordinance shall not require approval or be subject to disapproval

by any town or town board.

- b) If an existing town ordinance relating to shorelands is more restrictive than this chapter or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions, but not otherwise.
- c) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
- d) The following provisions of the Jackson County Zoning Ordinance are hereby incorporated by reference; these provisions shall only apply to the shoreland area where they impose greater restrictions than this ordinance otherwise imposes.
- e) (§59.692 (1d) (b)). This ordinance may establish standards to regulate matters that are not regulated in NR115, but that further the purposes of shoreland zoning as described in Section 16.01 (3) of this ordinance.
- f) (§59.692 (1k) (a) 1). Counties may not establish shoreland zoning standards in a shoreland zoning ordinance that requires any of the following:
 - 1. Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirements to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.
 - 2. Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.
- 6) **INTERPRETATION.** In their interpretation and application, the provisions of this ordinance shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this chapter is required by Statute and a standard in Ch. NR 115, Wis. Adm. Code, and where the provision is unclear, the provision shall be interpreted in light of the statute and Ch. NR 115 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.
- 7) **SEVERABILITY.** If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance

shall not be affected thereby.

16.03 SHORELAND – WETLAND DISTRICT.

- 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) LOCATION OF SHORELAND – WETLAND BOUNDARIES. 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 Wisconsin Department of Natural Resources (WI-DNR) to determine if the map is in error. If the WI-DNR 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 WI-DNR 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.
- 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.
- 3) PERMITTED USES. The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of chs. 30, 31, §281.36 and §281.37 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 must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating.
 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 and 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 or 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 which require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:
1. The construction and maintenance of roads which are necessary

to conduct silvicultural activities or agricultural cultivation, provided that:

- a. The road cannot as a practical matter be located outside the wetland;
 - b. The road designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in section 16.03 (5)(b);
 - c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - d. Road construction activities are carried out in the immediate area of the roadbed only.
2. The construction or maintenance of nonresidential buildings, provided that;
- a. 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;
 - b. The building cannot, as a practical matter, be located outside the wetland;
 - c. Such building is not designed for human habitation and does not exceed 500 sq. feet in floor area; and
 - d. Only limited filling or excavating necessary to provide structural support for the building is authorized.
3. 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:
- a. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under §29, where applicable;
 - b. 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 16.03 (3)(c)1a-d; and

- c. 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, fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
4. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:
- a. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 - b. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in section 16.03 (5) (b).
- 4) PROHIBITED USES. Any use not listed in sections 16.03 (3) (a), 16.03 (3) (b) or 16.03 (3) (c) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 16.03 (5) of this ordinance and §59.69 (5) (e).
- 5) REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT.
- a) For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the appropriate office with the Wisconsin Department of Natural Resources 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 five (5) days of the filing of such petition with the Jackson County Zoning Department. Such petitions shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-

wetland;

2. Written notice of the public hearing to be held on a proposed amendment at least ten (10) days prior to such hearing;
 3. A copy of the Jackson County Zoning Department's finding and recommendations on each proposed amendment within ten (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 ten (10) days after it is issued.
- b) A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
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 NR103.04 which can be accessed at the following website:
<http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>
- c) If the Wisconsin Department of Natural Resources notifies the Jackson County Zoning Department that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in section

16.03 (5)(b) of this ordinance, that amendment, if approved by the county board, shall contain the following provision:

“This amendment shall not take effect until more than thirty (30) days have elapsed after written notice of the county board’s approval of this amendment is mailed to the Wisconsin Department of Natural Resources. During that 30-day period, the WI-DNR may notify the county board that it will adopt a superseding shoreland ordinance for the county under §59.692 (6). If the WI-DNR does so notify the county board, the effect of this amendment shall be stayed until the §59.692 (6) adoption procedure is completed or otherwise terminated.”

16.04 LAND DIVISION REVIEW AND SANITARY REGULATIONS.

- 1) **LAND DIVISION REVIEW.** The county shall review, pursuant to §236.45, all land division in shoreland areas which create three (3) or more parcels or building sites of five (5) acres each or less within a five-year period. In such review all the following factors shall be considered:
 - a) Hazards to the health, safety or welfare of future residents.
 - b) Proper relationship to adjoining areas.
 - c) Public access to navigable waters, as required by law.
 - d) Adequate storm water drainage facilities.
 - e) Conformity to state law and administrative code provisions.
- 2) **PLANNED RESIDENTIAL UNIT DEVELOPMENT (PUD).**
 - a) **PURPOSE.** The Planned Residential Unit Development is intended to permit smaller non-riparian lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Residential Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.
 - b) **REQUIREMENTS FOR PLANNED RESIDENTIAL UNIT DEVELOPMENT.** The Jackson County Zoning and Land Information Committee may at its discretion, upon its own motion or upon petition, approve a Planned Residential Unit Development Overlay District upon finding, after a public hearing, that all of the following facts exist:

1. Area. The area proposed for the Planned Residential Unit Development shall be at least two (2) acres in size and have a minimum of two hundred (200) feet of frontage on a navigable water.
2. Lots. Any proposed lot in the Planned Residential Unit Development that does not meet the minimum size standards of section 16.05 (2) and 16.05 (3) shall be a non-riparian lot.
3. Vegetative buffer zone and preservation of ground cover. The location of lots and the dedication of part of the land for use by the public or residents of the Planned Residential Unit Development shall preserve the vegetative buffer zone and ground cover of the shoreland to enhance scenic beauty of the navigable water, prevent erosion, and provide wildlife habitat. In cases where the vegetative buffer does not exist it shall be reestablished. All lands not used for lots and streets shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of lots in the development or to a corporation formed by them, or by dedication to the county, town or municipality. Lands dedicated to the public must be accepted by action of the governing body of the accepting unit of government. If the land is to be conveyed to owners of lots in the development, a homeowner's association or similar legally constituted body shall be created to maintain the open space land. Any restrictions placed on platted land by covenant, grant of easement or any other manner which was required by a public body or which names a public body as grantee, promisee or beneficiary, shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restrictions.
4. Density. The number of platted lots shall not exceed those which would have been possible if the same land were platted in accordance with the minimum lot sizes and widths provided by the applicable provisions of the zoning ordinance. This figure shall be determined by dividing the total area of the subdivision by the minimum lot size required by section 16.05 of this ordinance.
5. Lot sizes, widths, setbacks, and vegetation removal. When considering approval of a Planned Residential Unit Development, the governing body shall consider whether proposed lot sizes, widths and setbacks are of adequate size and

distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions in section 16.07 (2) shall apply except that maximum width of a lake frontage opening shall be one hundred (100) feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.

Note – Counties should be aware that the Planned Residential Unit Development standards, as written, grant back lot access (key holding) without applying frontage requirement standards to determine overall density. This comports to NR115.05 (1) (a) 4. Counties may optionally include requirements to limit overall density based upon minimum frontage standards as well.

c) **PROCEDURE FOR ESTABLISHING A PLANNED RESIDENTIAL UNIT DEVELOPMENT DISTRICT.** The procedure for establishing a Planned Residential Unit Development district shall be as follows:

1. **Petition.** A petition setting forth all of the facts required in section 16.04 (2) (b) shall be submitted to the Jackson County Zoning Department with sufficient copies to provide for distribution by the staff as required by section 16.15 (1).
2. **Review and Hearing.** The petition shall be submitted to the Jackson County Zoning Department established as required by § 59.69 (3) (d), which shall hold a public hearing and report to the county board as required by law. Copies of the petition and notice of the hearing shall also be sent to the appropriate office of the Wisconsin Department of Natural Resources as described in section 16.15 (1) of this ordinance.

The Jackson County Zoning Department report to the county board shall reflect the recommendations of any federal, state, or local agency with which the county zoning department consults.

3. **Findings and Conditions of Approval.** The county board shall make written findings as to the compliance or noncompliance of the proposed overlay district with each of the applicable requirements set forth in section 16.04 (2)(b). If the petition is granted in whole or part, the county board shall attach such written conditions to the approval as are required by and consistent with section 16.04 (2)(b). The conditions of approval shall in all cases establish the specific restrictions applicable

with regard to minimum lot sizes, width, setbacks, dimensions of vegetative buffer zone and open space requirements.

4. Planning Studies. A landowner or petitioner may at his own expense develop the fact required to establish compliance with the provisions of section 16.04 (2) (b) or may be required to contribute funds to the county to defray all or part of the cost of such studies being undertaken by the county or any agency or person with whom the county contracts for such work.
- 3) SANITARY REGULATIONS. Each county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.
 - a) Where public water supply systems are not available, private well construction shall be required to conform to Ch. NR 812, Wis. Adm. Code.
 - b) Where a public sewage collection and treatment system is not available, design and construction of private on-site waste treatment system shall, prior to July 1, 1980, be required to comply with Ch. SPS 83, and after June 30, 1980 be governed by a private sewage system ordinance adopted by the county under § 59.70 (5).

16.05 MINIMUM LOT SIZE.

- 1) PURPOSE. Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water. In calculating the minimum area or width of a lot, the beds of navigable waters shall not be included.
- 2) LOTS SERVED BY PUBLIC SANITARY SEWER.
 - a. The minimum lot area shall be 10,000 sq. feet and the minimum average lot width shall be 65 feet.
 1. Minimum setback for a principal structure from:
 - a. Rear lot line – 20 feet
 - b. Side lot line – 10 feet
 2. Minimum setback for an accessory structure from:
 - a. Rear lot line – 5 feet

- b. Side lot line – 5 feet
 - 3. Minimum width at the ordinary high water mark – 80 feet
 - 4. The width shall be calculated by averaging measurements at the following three (3) locations:
 - a. The ordinary high water mark;
 - b. The building setback line;
 - c. The rear lot line.
- 3) LOTS NOT SERVED BY PUBLIC SANITARY SEWER.
 - a) The minimum lot area shall be 20,000 sq. feet and the minimum average lot width shall be 100 feet.
 - 1. Minimum setback for a principal structure from:
 - a. Rear lot line – 25 feet or see 17.27 (2)(e)4
 - b. Side lot line – 25 feet or see 17.27 (2)(e)4
 - 2. Minimum setback for an accessory structure from:
 - a. See section 17.61 (5) of the Jackson County Zoning Ordinance.
 - 3. Minimum width at the ordinary high water mark – 120 feet
 - 4. The width shall be calculated by averaging measurements at the following three (3) locations:
 - a. The ordinary high water mark;
 - b. The building setback line;
 - c. The rear lot line.
 - 4) SUBSTANDARD LOTS SERVED BY PUBLIC SANITARY SEWER. A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

- a) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
 - b) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
 - c) The substandard lot or parcel is developed to comply with all other ordinance requirements.
- 5) OTHER SUBSTANDARD LOTS. Except for lots which meet the requirements of section 16.05 (4), a land use or building permit for the improvement of a lot having lesser dimensions than those stated in sections 16.05 (2) and (3) shall be issued only if a variance is granted by the Jackson County Board of Adjustment.
- 6) The intent of this provision is to allow lots that were legally created that currently do not meet the minimum lot width and area requirements to be considered a building site provided all ordinance requirements can be met. Substandard lots that have been reconfigured by a certified survey map or consolidated into one legal description with the Register of Deeds, which result in a larger (closer to conformity) lot should be allowed to be utilized as a building site. Additionally, lots that have a legal description for each substandard lot on record with the Register of Deeds but have one tax parcel number assigned by the Real Property Lister or Assessor for tax/assessing purposes should be considered separate building sites and should not be considered consolidated. Lots that have had development over the lot lines should be combined with a legal description and recorded with a new deed prior to new development occurring.

16.06 BUILDING/STRUCTURE SETBACKS.

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

- 1) SHORELAND SETBACKS. Unless exempt under 16.06 (2) or reduced under 16.06 (3), a setback of 75 feet from the ordinary high water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures.
 - a) Setbacks are measured at right angles from lot lines or the ordinary high water mark (OHWM), horizontally to the closest projection of the structure or integral part thereof, including attached decks, porches, balconies, attached covered stairs and landings, chimneys, such architectural projections as sills, eaves and attached garages.

- 2) EXEMPT STRUCTURES. All of the following structures are exempt from the shoreland setback standards in 16.06 (1):
- a) Open sided and screened structures such as gazebos, decks, patios, and screen houses in the shoreland setback area that satisfy the requirements in § 59.692 (1v).
1. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary high water mark.
 2. The floor area of all the structures in the shoreland setback area will not exceed 200 sq. feet.
 3. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
 4. Jackson County must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.
 5. The structure must be free standing and more than ten (10) feet from a principal structure.
- b) Boathouses located entirely above the ordinary high water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation.
1. The construction or placement of boathouses below the ordinary high water mark of any navigable waters shall be prohibited.
 2. Boathouses shall be designed and constructed solely for the storage of boats and related equipment.
 3. One boathouse is permitted on a lot as an accessory structure.
 4. Boathouses shall be constructed in conformity with local floodplain zoning standards.
 5. Boathouses shall not exceed one story and 200 sq. feet in floor area.
 6. Boathouse roofs shall not be designed or used as decks,

observation platforms or for other similar uses.

7. Earth tone colors shall be required for all exterior surfaces of the boathouse.
 8. The main door shall face the water.
 9. Patio doors, fireplaces, and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.
- c) Broadcast signal receivers, including satellite dishes or antennas that are one (1) meter or less in diameter and satellite earth station antennas that are two (2) meters or less in diameter.
 - d) Utility transmission and distribution lines, pole, towers, water towers, pumping stations, well pump house covers, private on-site wastewater treatment systems that comply with SPS 383 and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.
 - e) Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of sixty (60) inches in width.
 1. The Jackson County Zoning Administrator may permit a stairway, walkway or lift in the setback area contained within the access and viewing corridor only when necessary to provide safe pedestrian access to the shoreline. The permitted stairway, walkway or lift may not exceed sixty (60) inches in width.
 2. Change of direction landings are allowed but cannot exceed twenty-four (24) sq. feet and may not contain any permanent seating.
- 3) **REDUCED STRUCTURE SETBACK.** Existing development pattern means that principal structures exist within two hundred fifty (250) feet of the proposed principal structure in both directions along the shoreline. Where there is an existing development pattern, the shoreland setback for a proposed principal structure may be reduced to the average shoreland setback of the principal structure on each adjacent lot within two hundred fifty (250) feet of the proposed principal structure. The shoreland setback may not be reduced to less than thirty-five (35) feet from the ordinary high water mark of any navigable waters.

- 4) EXISTING MOBILE HOMES AND RECREATIONAL VEHICLES. Existing mobile homes and recreational vehicles used for human occupancy, which are mobile and not designated as permanent or taxed the same as real estate, shall be removed and setback the prescribed distance to comply with the requirements of the above sections.
- 5) FLOODPLAIN STRUCTURES. Building and structures to be constructed or placed in a floodplain shall be required to comply with any applicable floodplain zoning ordinance.
- 6) HIGHWAY/ROAD SETBACKS. For the purpose of determining the distance that buildings and other structures shall be set back from streets and highways, the highways of the County are divided into the following classes.
 - a) CLASS A HIGHWAYS.
 1. All State and federal highways are designated as Class A Highways.
 2. The setback from Class A Highways shall be one hundred ten (110) feet from the Centerline of the highway or fifty (50) feet from the Right-of-Way line, whichever is greater.
 - b) CLASS B HIGHWAYS.
 1. All County trunks are hereby designated as Class B Highways. For the purpose of this chapter, any road shall be considered a County trunk after it has been placed on the County trunk system by the County Board and approved by the Division of Highways.
 2. The setback from Class B Highways shall be seventy-five (75) feet from the centerline of such highways or forty-two (42) feet from the Right-of-Way line, whichever is greater.
 - c) CLASS C HIGHWAYS.
 1. All town roads, public streets and highways not otherwise classified are designated Class C Highways.
 2. The setback from Class C Highways shall be sixty-three (63) feet from the centerline of such highway or thirty (30) feet from the Right-of-Way line, whichever is greater.
 - d) VISUAL CLEARANCE TRIANGLE. In each quadrant of every public

street intersection there shall be a visual clearance triangle bounded by the street centerlines and a line connecting points on them, three hundred (300) feet from a Class A Highway intersection, two hundred (200) feet from a Class B Highway intersection and one hundred fifty (150) feet from a Class C Highway intersection.

- e) OBJECTS PERMITTED WITHIN HIGHWAY SETBACK LINES AND VISUAL CLEARANCE TRIANGLES.
 - 1. Open fences.
 - 2. Telephone, telegraph and power transmission poles, lines and portable equipment.
 - 3. Field crops, shrubbery and trees for longer than a crop season, except that no trees, shrubbery or crops may be planted within a visual clearance triangle so as to obstruct the view.

16.07 VEGETATION

- 1) PURPOSE. To protect natural scenic beauty, fish and wildlife habitat, and water quality, Jackson County shall regulate removal of vegetation in shoreland areas, consistent with the following: Jackson County shall establish ordinance standards that consider sound forestry and soil conservation practices and the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.
- 2) ACTIVITIES ALLOWED WITHIN A VEGETATIVE BUFFER ZONE. To protect water quality, fish and wildlife habitat, and natural scenic beauty, and to promote preservation and restoration of native vegetation, the county ordinance shall designate land that extends from the ordinary high water mark to a minimum of thirty-five (35) feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows:
 - a) The county may allow routine maintenance of vegetation.
 - b) The county may allow removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Per §59.692 (1f)(b), the viewing corridor may be at least thirty-five (35) feet wide for every one hundred (100) feet of shoreline frontage. The viewing corridor may run contiguously for the entire maximum width or shoreline frontage owned.
 - c) The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with ten (10) or more acres of forested land

consistent with “generally accepted forestry management practices” as defined in NR1.25 (2) (b) and described in the Wisconsin Department of Natural Resources publication “Wisconsin Forest Management Guidelines” FR-226, provided that vegetation removal be consistent with these practices.

- d) The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed under the permit be replaced by replanting in the same area as soon as practicable.
 - e) The county may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this sub. par. shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.
- 3) **CUTTING MORE THAN THIRTY-FIVE (35) FEET INLAND.** From the inland edge of the thirty-five (35) foot area to the outer limits of the shoreland, the cutting of vegetation shall be accomplished using accepted forest management and soil conservation practices which protect water quality.

16.08 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING.

- 1) **GENERAL STANDARDS.** Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under 16.08 (2) may be permitted in the shoreland area provided that:
 - a) It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.
 - b) Filling, grading, lagooning, dredging or excavating in a shoreland-wetland District meets the requirements of 16.03. (b) and 16.03 (c) of this ordinance.
 - c) All applicable federal, state and local authority is obtained in addition to a permit under this ordinance.
 - e) All fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover or a bulkhead.

- f) No filling or grading shall be done from the OHWM to thirty-five (35) feet landward unless necessary to establish or re-establish the vegetative buffer or for the construction of a boathouse.
- 2) PERMIT REQUIRED. Except as provided in 16.08 (3), a permit is required:
- a) For any filling or grading of any area which is within three hundred (300) feet landward of the ordinary high water mark of navigable water and which has surface drainage toward the water and on which there is either:
 - 1. Any filling or grading on slopes of more than 20%.
 - 2. Filling or grading of more than one thousand (1,000) sq. feet on slopes of 12% to 20%.
 - 3. Filling or grading of more than two thousand (2,000) sq. feet on slopes less than 12%.
 - b) For any construction of dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within three hundred (300) feet landward of the ordinary high watermark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.
- 3) SOIL CONSERVATION PRACTICES.
- a) Soil conservation practices such as tiled terraces, runoff diversions and grassed waterways used for erosion control shall not require a permit under 16.08 (2), when designed and constructed to Natural Resources Conservation Service technical standards.
 - b) The maintenance of existing agricultural drainage systems shall be permitted in conformity with the following construction standards:
 - 1. The maintenance dredging of farm drainage ditches is limited to reestablishing the original ditch cross section unless a special exception permit under section 16.08 (2)(b) is obtained.
 - 2. Ditch banks shall be constructed at a slope of 2 horizontal to 1 vertical (50% grade) or flatter.
 - 3. Ditch banks shall be maintained in a sod cover and free of woody vegetation.

4. A thirty-five (35) foot wide buffer strip of untilled, ungrazed sod cover shall be maintained adjacent to the ditch bank.
- 4) PERMIT CONDITIONS. In granting a permit under 16.08 (2), the county shall attach the following conditions, where appropriate, in addition to those provisions specified in 16.15 (2) and 16.15 (4).
 - a) The smallest amount of bare ground shall be exposed for as short a time as feasible.
 - b) Temporary ground cover (such as mulch or jute netting) shall be used and permanent ground cover shall be established.
 - c) Diversion berms or bales, silting basins, terraces, filter fabric fencing and other methods shall be used to prevent erosion.
 - d) Lagoons shall be constructed to avoid fish trap conditions.
 - e) Fill shall be stabilized according to accepted engineering standards.

16.09 IMPERVIOUS SURFACE STANDARDS.

- 1) PURPOSE. Establish impervious surface standards to protect water quality, fish and wildlife habitat, and to protect against pollution of navigable waters. Jackson County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any non-riparian lot or parcel that is located entirely within three hundred (300) feet of the ordinary high water mark of any navigable waterway.
- 2) CALCULATION OF PERCENTAGE OF IMPERVIOUS SURFACE. Percentage of impervious surface shall be calculated by dividing the surface area of existing and proposed impervious surfaces on the portion of a lot or parcel that is within three hundred (300) feet of the ordinary high water mark by the total surface area of that lot or parcel and multiplied by 100. Impervious surfaces described in section 16.09 (5) shall be excluded from the calculation of impervious surface on a lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.
- 3) IMPERVIOUS SURFACES STANDARD. Allow up to 15% of impervious surfaces on the portion of a lot or parcel that is within three hundred (300) feet of the ordinary high water mark.
- 4) MAXIMUM IMPERVIOUS SURFACE. Allow more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel

that is within three hundred (300) feet of the ordinary high water mark.

- a) A permit can be issued for development that exceeds 15% but not more than 30% impervious surfaces, provided a mitigation plan that meets the standards found in section 16.12 is submitted.

5) TREATED IMPERVIOUS SURFACES.

(NR115.05 (1) (e) 3m and § 59.692 (1k) (a) 1. e). Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under section 16.09 (2).

- a) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration boxes, rain gardens, bio-swales or other engineered systems.
- b) The runoff from the impervious surface discharges to an internally drained pervious area that returns the runoff on or off the parcel and allows infiltration into the soil.

To qualify for the statutory exemption, property owners shall submit a complete permit application that is reviewed and approved by the Jackson County Zoning Department. 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.
4. The enforceable obligations shall be evidenced by an instrument recorded in the Office of the Register of Deeds prior to the issuing of the permit.

- 6) EXISTING IMPERVIOUS SURFACES. For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standards in section 16.09 (3) or the maximum impervious surface standards in section 16.09 (4), the property owner may do any of the following:

- a) Maintain and repair the existing impervious surfaces;
 - b) Replace existing impervious surfaces with similar surfaces within the existing building envelope;
 - c) Relocate or modify an existing impervious surface with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surfaces that existed on the effective date of the Jackson County Shoreland Zoning Ordinance, and the impervious surface meets the applicable setback requirements in section 16.06 (1).
- 7) This section of the ordinance of the ordinance shall not be construed to supersede other provisions in the Jackson County Shoreland Zoning Ordinance. Maintenance, reconstruction, relocation and expansion of existing structures must comply with other provisions in the Jackson County Shoreland Zoning Ordinance, the shoreland setback standards in section 16.06 (1) and 16.06 (3) and the non-conforming structure provisions in section 16.11.

16.10 HEIGHT.

To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, a county may not permit any construction that results in a structure taller than thirty-five (35) feet within seventy-five (75) feet of the ordinary high water mark of any navigable waters.

- 1) Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and it's intersect with the ground to a line horizontal to the highest point of a structure unless specified under other sections of this code.

16.11 NONCONFORMING USES AND STRUCTURES.

- 1) **PURPOSE.** To protect water quality, fish and wildlife habitat, and natural scenic beauty, some control is needed over the modification and reconstruction of these structures.
- 2) **DISCONTINUED NON-CONFORMING USE.** If a non-conforming use is discontinued for a period of twelve (12) months, any future use of the building, structure or property shall conform to the ordinance.
- 3) **MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF NON-CONFORMING STRUCTURES.** (§ 59.692 (1k) (a) 1.b. and d.) 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 non-conforming 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 thirty-five (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.

- 4) **LATERAL EXPANSION OF NON-CONFORMING PRINCIPAL STRUCTURES WITHIN THE SETBACK.** (NR115.05 (1) (g) 5). An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 16.06 (1) may be expanded laterally, provided that all of the following requirements are met:
 - a) The use of the structure has not been discontinued for a period of twelve (12) months or more if a non-conforming use.
 - b) The existing principal structure is at least thirty-five (35) feet from the ordinary high water mark.
 - c) Lateral expansion are limited to a maximum of two hundred (200) sq. feet over the life of the structure. No portion of the expansion may be closer to the ordinary high water mark than the closest point of the existing principal structure.
 - d) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 16.12.
 - e) All other provisions of the Jackson County Shoreland Zoning Ordinance shall be met.
- 5) **EXPANSION OF A NON-CONFORMING PRINCIPAL STRUCTURE BEYOND SETBACK.** An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under section 16.06 (1) may be expanded horizontally landward or vertically provided that the expanded area meets the building setback requirements per section 16.06 (1) and that all provisions of the Jackson County Shoreland Zoning Ordinance are met. A mitigation plan is not required solely for the expansion under this paragraph, but may be required per section 16.09 (4).
- 6) **RELOCATION OF NON-CONFORMING PRINCIPAL STRUCTURE.** An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 16.06 (1) may be relocated on the property provided all of the following requirements are met:

- a) The use of the structure has not been discontinued for a period of twelve (12) months or more.
 - b) The existing principal structure is a least thirty-five (35) feet from the ordinary high water mark.
 - c) No portion of the relocated structure is located any closer to the ordinary high water mark than the closest point of the existing principal structures.
 - d) The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for replacement of relocation that will result in compliance with the shoreland setback requirement per section 16.06 (1).
 - e) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 16.12 and include enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted expansion on water quality, near shore aquatic habitat, upland wildlife habitat, and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the Office of the Jackson County Register of Deeds.
 - f) All other provisions of the Jackson County Shoreland Zoning Ordinance shall be met.
- 7) **WET BOATHOUSES.** The maintenance and repair of non-conforming boathouses, which extend beyond the ordinary high water mark of any navigable waters, shall be required to comply with § 30.121.
- 8) **MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY A VARIANCE (§ 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 15, 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 thirty-five (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.

16.12 MITIGATION.

When the county issues a permit requiring mitigation under sections 16.09 (4), 16.11 (4) and 16.11 (6), the property owner must submit a complete permit application, that is reviewed and approved by the county. 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.
 - b) The mitigation measures shall be proportional in scope to the impacts on water quality, near shore aquatic habitat, upland wildlife habitat and natural scenic beauty.
- 2) An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures.
 - a) The enforceable obligations shall be evidenced by an instrument recorded in the Office of the Register of Deeds.
- 3) MITIGATION: The balancing measures that are designed, implemented, and function to restore natural functions and values that are otherwise lost through development and human activities.
- 4) Mitigation points are required as follows:
 - a) Impervious surface coverage is greater than 15% but less than 20% – **2 points.**
 - b) Impervious surface coverage from 20% to 30% – **3 points.**
 - c) Lateral expansion of a non-conforming principal structure within the shoreland setback, section 16.11 (4) – **3 points.**
 - d) Relocation of a non-conforming principal structure within the shoreland setback 16.11 (6) – **1 point.**
- 5) Opportunities to earn mitigation points are available as follows:
 - a) Removal of a structure within the shoreland setback based on the following:
 1. **0 to 250 sq. feet – 1 point.**
 2. **251 to 750 sq. feet – 2 points.**
 3. **Greater than 750 sq. feet – 3 points.**

- b) Existing compliant shoreland buffer – **2 points**.
- c) Installation of a rain garden – **2 points**.
- d) Increasing the depth of an existing compliant shoreland buffer – **2 points** for every fifteen (15) feet of depth.
- e) Reducing the width of allowable view and access corridors – **1 point** for every fifteen (15) feet of reduction.
- f) Seawall removal and bank stabilization – **2 points**.
- g) Increase shoreland setback – **1 point** for every fifteen (15) foot increase beyond required setback. **(Maximum of 3 points)**.
- h) Install a fully compliant shoreland buffer – **3 points**.

16.13 GENERAL PURPOSE DISTRICT.

- 1) DESIGNATION. This district includes all shorelands subject to regulation under 16.02 (1) which are not included in the Shoreland-Wetland District.
- 2) PURPOSE. Areas other than those contained in the Shoreland-Wetland District are potentially suited to a wide range of uses, including industrial, commercial, agricultural, residential, forestry and recreational uses. Selecting prospective locations for these uses and designating specific zones for each of them along navigable waters will require detailed County-wide comprehensive planning. Until such planning is undertaken and more detailed amendments to this chapter can be enacted, a General Purpose District shall be used to allow a wide range of uses, subject to the general provisions of this chapter which are designed to further the maintenance of safe and healthful conditions; protect spawning grounds, fish and aquatic life; and preserve shore cover and natural beauty. Minimum separating distances are provided to reduce conflicting land uses between potentially incompatible uses. All permitted uses or conditional uses are subject to the general provisions of this chapter and all other applicable laws and regulations.
- 3) PERMITTED USES.
 - a) Any use permitted under 16.03 (3).
 - a) Single family dwellings for owner occupancy, rent or lease.
 - 1. No more than two (2) accessory buildings on a lot or lots under single ownership may be present.

2. Such buildings shall not be used for human habitation.
- c) General agricultural buildings, provided that:
1. Nonfarm residences shall not be located within three hundred (300) feet of any structure housing farm animals.
 2. All new barnyard or feed lots shall be located at least three hundred (300) feet from the ordinary high watermark of any navigable water and shall be located so that there will be no drainage either directly or indirectly from such facilities into any navigable water.
 3. All barnyards, holding pens or animal feeding facilities located within one hundred fifty (150) feet of the ordinary high watermark of any navigable water are subject to periodic inspection and review for possible pollution of those waters. Waste collection and disposal systems may be required to prevent the manure from draining into any navigable water.
- d) Home occupations, including professional offices, incidental to the residential use of the property provided that no more than 50% of only one floor of the dwelling shall be devoted to such offices.
- e) Snowmobile bridges after consultation with the Department of Natural Resources.
- a) Travel Trailers/Camping Units [See 17.38 (13)]
- 4) **CONDITIONAL USES.** The following uses are permitted upon the issuance of a conditional use permit according to the procedure set forth in 16.15 (4). Unless a greater distance is specified, any structure shall be at least one hundred (100) feet from a resident other than that of the owner of the establishment, his agent or employee, seventy-five (75) feet from a residential property line and twenty-five (25) feet from any lot line.
- a) Hotels, resorts, condominiums, including two (2) or more single family dwellings for rent or lease, motels, restaurants, dinner clubs, taverns, private clubs and power generating stations.
 - b) Institutions of a philanthropic or educational nature.
 - c) Recreational camps and campgrounds provided all buildings shall be more than one hundred (100) feet from the side lot line. Recreational camps shall conform to Ch. DHS 175, Wis. Adm. Code, and campgrounds

shall conform to Ch. DCOMM 26 and DHS 178, Wis. Adm. Code.

- d) Gift and specialty shops customarily found in recreational areas.
- e) Marinas, boat liveries, sale of bait, fishing equipment, boats and motors, forest industries, snowmobile sales, service and maintenance, recreational archery, custom rod building and indoor archery range.
- f) Mobile home parks provided that:
 - 1. The minimum size of the mobile home parks shall be five (5) acres.
 - 2. The maximum number of mobile homes shall be eight (8) per acre.
 - 3. Minimum dimensions of a mobile home site shall be fifty (50) feet wide by one hundred (100) feet long.
 - 4. All drives, parking areas and walkways shall be hard surfaced or graveled, maintained in good condition, have natural drainage and the driveways shall be lighted at night.
 - 5. In addition to the requirements of 16.05 there shall be a minimum setback of twenty (20) feet from all other lot lines.
 - 6. The park shall conform to the requirements of Ch. DCOMM 26, Wis. Adm. Code.
 - 7. No mobile home site shall be rented for a period of less than thirty (30) days.
 - 8. Each mobile home site shall be separated from other mobile home sites by a yard not less than fifteen (15) feet wide.
 - 9. There shall be two (2) surfaced automobile parking spaces for each mobile home.
 - 10. Unless adequately screened by existing vegetation cover, the mobile home park shall be screened by a temporary planting of fast growing material capable of reaching a height of fifteen (15) feet or more, the individual trees to be of such a number and so arranged that within ten (10) years there shall be formed a screen equivalent in screening capacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a

height of not less than fifteen (15) feet.

11. The mobile home park site shall meet all applicable town and county subdivision regulations.
 12. Any mobile home site shall not have individual onsite absorption sewage disposal systems unless it meets the minimum lot size specifications as stated in 16.04 (1).
- g) Travel trailer parks, provided that:
1. The minimum size of a travel trailer park shall be five (5) acres.
 2. The maximum number of travel trailers shall be fifteen (15) per acre.
 3. Minimum dimensions of a travel trailer site shall be twenty-five (25) feet by forty (40) feet long.
 4. Each travel trailer site shall be separated from other travel trailer sites by a yard not less than fifteen (15) feet wide.
 5. There shall be 1-1/2 automobile parking spaces for each trailer site.
 6. In addition to the requirements of 16.05, there shall be a minimum setback of twenty (20) feet from all other exterior lot lines.
 7. The park shall conform to the requirements of Ch. HSS 178, Wis. Adm. Code.
 8. The screening provisions for mobile home parks shall be met.
 9. The travel trailer park site shall meet all applicable town and county subdivision, zoning and floodplain ordinance regulations.
- h) Solid waste disposal may be permitted upon issuance of a permit from the Department of Natural Resources and a conditional use permit.
- i) Signs which are larger or in greater number than permitted in 16.12, provided that such signs are found to be necessary to adequately inform the public.

16.14 SIGNS. Signs of the following type, size and location are permitted uses, provided that any sign intended to be read from the water shall be set back seventy-five (75) feet from the ordinary high watermark, shall be attached to a building and shall not exceed thirty (30) sq. ft. in gross area. No sign shall be located, erected, moved, reconstructed, extended, enlarged or structurally altered until a permit has been issued, except those signs listed in sub. (2), (3) and (6).

- 1) Directory signs advertising a business or activity conducted, an area of interest or a service available at a specific location within the county. Such signs shall not be more than twelve (12) sq. feet in gross area. There shall not be more than two (2) such signs relating to any one use in the approaching direction along any one highway. No such sign shall be more than ten (10) miles from the location to which it relates or within three hundred (300) feet of an existing residence. Such signs may be placed at the Right-of-Way line of the highway.
- 2) Signs advertising a customary home occupation or professional office. Such signs shall not exceed six (6) sq. feet in gross area, shall be attached to the building and if illuminated, shall be indirectly lighted.
- 3) Signs advertising the sale, rent or lease of the property on which the sign is placed or other temporary signs. Such signs shall not exceed eight (8) sq. feet in gross area and may be placed at the Right-of-Way line of the highway.
- 4) Signs attached to commercial and industrial buildings advertising a business conducted or a service available on the premises. No sign shall exceed forty (40) sq. feet in gross area, be higher than four (4) feet above the top of the roof line and exceed the maximum height limitation permitted in the district.
- 5) On-premise signs advertising a public or semi-public use. Such signs shall not exceed twelve (12) sq. feet in gross area. There shall be no more than one sign for each highway upon which the property faces. Such signs may be placed at the Right-of-Way line of the highway.
- 6) Recreational directory signs indicating the direction to a cottage, resort, residence or similar use. Such signs shall not be more than four (4) sq. feet in gross area. Where a common posting standard is provided, all such signs shall be attached to the standard. Recreational directory signs may be placed on the Right-of-Way line of the highway.
- 7) Larger signs or a greater number of signs may be permitted upon the issuance of a conditional use permit by the Zoning and Land Information Committee under 16.11 (4).
- 8) Prohibited characteristics of signs:

- a) No sign shall be so placed as to interfere with the visibility or effectiveness of any official traffic sign or signal or with driver vision at any access point or intersection.
- b) No sign shall contain, include or be illuminated by a flashing light or by any light directed toward a neighboring residence or toward the water.
- c) No sign shall contain, include or be composed of any conspicuous animated part.

16.15 ADMINISTRATIVE PROVISIONS.

- 1) ZONING ADMINISTRATOR. The Zoning Administrator shall have the following duties and powers:
 - a) A system of permits for new construction, development, reconstruction, structural alteration or moving of buildings and structures. A copy of applications shall be required to be filed in the Office of Jackson County Zoning Administrator.
 - b) Regular inspection of permitted work in progress to insure conformity of the finished structures with the terms of the ordinance.
 - c) A variance procedure which authorizes the Jackson County Board of Adjustment to grant such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland zoning ordinance, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship.
 - d) A special exception (conditional use) procedure.
 - e) The county shall keep a complete record of all proceedings before the Jackson County Board of Adjustment and the Jackson County Zoning Department.
 - f) Written notice to the appropriate office of the Wisconsin Department of Natural Resources at least ten (10) days prior to any hearing on a proposed variance, special exception or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review under section 16.04 (1). Upon request of the Wisconsin Department of Natural Resources, Jackson County shall provide to the appropriate office a copy of any permit issued under section 16.15 (2).

- g) Submission to the appropriate office of the Wisconsin Department of Natural Resources, within ten (10) days after grant or denial, of copies of any permit, 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.
 - h) Mapped zoning districts and the recording, on an official copy of such map, of all district boundary amendments.
 - i) The establishment of appropriate penalties of 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 § 59.69 (11).
 - j) The prosecution of violations of the shoreland zoning ordinance.
 - k) The Zoning Administrator may issue a special permit to relax the standards of this ordinance in order to provide reasonable accommodations as required by provision of federal and state law. Such relaxation shall be the minimum necessary to be consistent with federal guidelines for accommodations of person with disabilities and shall, where practicable, be terminated when the facility is no longer used by the disabled person. A person applying for a permit for construction under this section shall establish the nature and extent of the disability and that the relaxation requested is the minimum necessary to provide reasonable use of the facility. A deed restriction or affidavit for the reasonable accommodation shall be files with the Register of Deeds.
- 2) PERMITS.
- a) WHEN REQUIRED. Except where another section of this ordinance specifically exempts certain types of development from this requirement, a permit shall be obtained from the Zoning Administrator before any new development.
 - b) APPLICATION. An application for a land use permit shall be made to the Zoning Administrator upon forms furnished by the county and shall include for the purpose of proper enforcement of these regulations, the following information:
 1. Name and address of applicant and/or property owner.
 2. Legal description of the property and type of proposed use.

3. A to scale drawing of the dimensions of the lot and location of all existing and proposed structures and impervious surfaces relative to the lot lines, center line of abutting roadways and the ordinary high watermark of any abutting waterways.
 4. Location and description of any existing private water supply or sewage system or notification of plans for any such installation.
 5. Plans for appropriate mitigation when required.
 6. Payment of the appropriate fee.
 7. Additional information required by the Zoning Administrator.
- c) EXPIRATION OF PERMIT. Land use permits shall expire in six (6) months from date issued if no substantial work has commenced.
- 3) **CONDITIONAL USE PERMITS.**
- a) **APPLICATION FOR A CONDITIONAL USE PERMIT.** Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted to the Zoning Administrator and a conditional use permit has been granted by the Zoning and Land Information Committee. To secure information upon which to base its determination, the Zoning and Land Information Committee may require the applicant to furnish, in addition to the information required for a land use permit, the following information:
1. A plan of the area showing surface contours, soil types, ordinary high water marks, ground water conditions, subsurface geology and vegetative cover.
 2. Locations of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
 3. Plans of buildings, sewage disposal facilities, water supply systems and arrangement of operations.
 4. Specifications for areas of proposed filling, grading, lagooning or dredging.
 5. Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.
 6. Rationale for why the proposed conditional use meets all of the conditional use criteria listed in the ordinance.

- b) NOTICE OF PUBLIC HEARING AND DECISION. Before deciding whether to grant or deny an application for a conditional use permit, the Zoning and Land Information Committee shall hold a public hearing. Notice of such public hearing, specifying the time, place and matters to come before the Committee shall be given as a Class 2 notice under Ch. 985, Wis. Stats. Such notice shall be provided to the appropriate office of the Wisconsin Department of Natural Resources at least ten (10) days prior to the hearing. The Zoning and Land Information Committee shall state in writing the grounds for granting or denying a conditional use permit.
- c) STANDARDS APPLICABLE TO ALL CONDITIONAL USES. In deciding a conditional use application, the Zoning and Land Information Committee shall evaluate the effect of the proposed use upon:
1. The maintenance of safe and healthful conditions.
 2. The prevention and control of water pollution, including sedimentation.
 1. Compliance with local floodplain ordinance and opportunity for damage to adjacent properties due to altered surface water drainage.
 4. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
 5. The location of the site with respect to existing or future access roads.
 6. The need of the proposed use for a shoreland location.
 7. Its compatibility with uses on adjacent land.
 8. The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
 9. Location factors under which:
 - a. Domestic uses shall be generally preferred;
 - b. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source; and

- c. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.
- d) **CONDITIONS ATTACHED TO CONDITIONAL USES.** Such conditions may include specifications for, without limitation because of specific enumeration; type of shore cover; specific sewage disposal and water supply facilities, landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking and signs; and type of construction. Upon consideration of the factors listed above, the Zoning and Land Information Committee shall attach such conditions, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance.
- In granting a conditional use permit, the Zoning and Land Information Committee may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to the extent of restriction, the Zoning and Land Information Committee may impose any reasonable permit conditions to affect the purpose of this ordinance.
- e) **RECORDING.** When a conditional use permit is approved, an appropriate record shall be made of the land use and structures permitted. Such permit shall be applicable solely to the structures, use and property so described. A copy of any decision on a conditional use permit shall be provided to the appropriate office of the Wisconsin Department of Natural Resources within ten (10) days after it is granted or denied.
- f) **REVOCATION.** Where the conditions of a conditional use permit are violated, the conditional use permit shall be revoked.
- 4) **VARIANCES.** The Board of Adjustment may grant upon appeal a variance from the standards of this ordinance where an applicant convincingly demonstrates that:
- Literal enforcement of the provisions of the ordinance will result in unnecessary hardship on the applicant;
 - The hardship is due to special conditions unique to the property; and
 - Is not contrary to the public interest.
- a) **NOTICE OF HEARING AND DECISION.** Before deciding on an application for a variance, the Board of Adjustment shall hold a public

hearing. Notice of such hearing specifying the time, place and matters of concern, shall be given as a Class 2 notice under Ch. 985, Wis. Stats. Such notice shall be provided to the appropriate office of the Wisconsin Department of Natural Resources at least ten (10) days prior to the hearing. The Board of Adjustment shall state in writing the reasons for granting or denying a variance and shall provide a copy of such decision to the appropriate office of the Wisconsin Department of Natural Resources within ten (10) days of the decision.

5) BOARD OF ADJUSTMENT. The Chairman of the Jackson County Board of Supervisors shall appoint a Board of Adjustment consisting of five (5) members under § 59.694. The County Board shall adopt such rules for the conduct of the business of the Board of Adjustment as required by § 59.694 (3).

a) POWER AND DUTIES.

1. The Board of Adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by § 59.694.
2. It shall hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
3. It may grant a variance from the standards of this ordinance pursuant to section 16.13 (4).
4. In granting a variance, the Board of Adjustment may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to the extent of restriction, the Board of Adjustment may impose any reasonable permit conditions to effect the purpose of this ordinance.

b) APPEALS TO THE BOARD. Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or bureau of the county affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be made within thirty (30) days, as provided by the rules of the Board of Adjustment, by filing with the officer whose decision is in question, and with the Board of Adjustment, a notice of appeal specifying the reasons for the appeal. The Zoning Administrator or other officer whose decision is in questions shall promptly transmit to the Board of

Adjustment all the papers constituting the record concerning the matter appealed.

c) HEARING APPEALS AND APPLICATIONS FOR VARIANCES.

1. The Board of Adjustment shall fix a reasonable time for a hearing on the appeal or application. The Board of Adjustment shall give public notice thereof by publishing a Class 2 notice under § Ch. 985, specifying the date, time and place of the hearing and the matters to come before the board. Notice shall be mailed to the parties in interest. Written notice shall be given to the appropriate Office of the Wisconsin Department of Natural Resources at least ten (10) days prior to the hearings on proposed shoreland variances, conditional uses and appeals for map or text interpretations.

2. A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on shoreland variances, conditional uses and appeals for map or text amendment interpretations shall be submitted to the appropriate Office of the Wisconsin Department of Natural Resources within ten (10) days after they are granted or denied.

3. The final disposition of an appeal or application to the Board of Adjustment shall be in the form of a written resolution or order signed by the chairman and secretary of the Board of Adjustment. Such resolution shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse, vary or modify the order, requirement; decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.

4. At the public hearing, the petitioner must be present and any interested party may appear in person or by agent or by attorney.

6) FEES. The Zoning and Land Information Committee may adopt fees for the following:

a) Land Use Permits.

b) Certificates of compliance.

c) Planned Unit Development reviews.

- d) Public hearings.
- e) Legal notice publications.
- f) Conditional Use Permits.
- g) Variances.
- h) Administrative Appeals.
- i) Other duties as determined by the county board.

16.16 CHANGES AND AMENDMENTS. The county board may from time to time alter, supplement or change the regulations contained in this ordinance in accordance with the requirements of § 59.69 (5) (e), Ch. NR115, Wis. Adm. Code and this ordinance where applicable.

- 1) **AMENDMENTS.** To this ordinance may be made on petition of any interested party as provided in § 59.69 (5).
- 2) **SHORELAND WETLAND MAP AMENDMENTS.** Every petition for a shoreland-wetland map amendment shall be filed with the Jackson County Zoning Department. A copy of each petition shall be provided to the appropriate Office of the Wisconsin Department of Natural Resources within five (5) days of the filing of the petition with the Jackson County Zoning Department. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate Office of the Wisconsin Department of Natural Resources at least ten (10) days prior to the hearing.
 - a) A copy of the county board's decision on each proposed amendment shall be forwarded to the appropriate Office of the Wisconsin Department of Natural Resources within ten (10) days after the decision is issued.

16.17 ENFORCEMENT AND PENALTIES.

- 1) Any development, building or structure constructed, moved or structurally altered or any use established after the effective date of this ordinance or ordinance amendment, in violation of the provisions of this ordinance as amended by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation.
- 2) The Zoning Administrator or the Jackson County Zoning and Land Information Committee shall refer violations to Corporation Counsel, who shall

expeditiously prosecute the violations.

- 3) Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$10.00 or more than \$500.00 per offense, together with the taxable costs of action. Each day of continued violation shall constitute a separate offense.
- 4) Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the County, State or any citizen thereof, pursuant to § 87.30(2).
- 5) There shall be a penalty fee of ten (10) times the effective permit fee in those cases where building or construction commenced without first obtaining the required Land Use Permit, provided the building is in conformance to all applicable ordinances.
- 6) The Jackson County Zoning Administrator is authorized to post an order stopping work upon land, which has had a permit revoked or on land currently undergoing activity in violation of this ordinance. Notice is given by both posting upon the land where the violation occurs with a stop work placard and by mailing a copy of the order by certified mail to the person whose activity is in violation of this ordinance. The order shall specify that the activity must cease or be brought into compliance immediately.

16.18 DEFINITIONS.

- 1) For the purpose of administering and enforcing this ordinance the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.
- 2) The following terms used in this chapter mean:

ACCESSORY STRUCTURE OR USE. A subordinate structure or a use which is clearly incident to and customarily found in connection with the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.

ACCESS AND VIEWING CORRIDOR. A strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

BLUFFLINE. A line along the top of a slope connecting the points at which the slope proceeding away from the river becomes less than 20%.

BOATHOUSE. A permanent structure used for the storage of watercraft, and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.

BUILDING ENVELOPE. The three dimensional space within which a structure is built.

COMMITTEE. That committee also known as Zoning and Land Information created or designated by the County Board under § 59.69(2) (a), to act in all matters pertaining to county planning and zoning.

CONDITIONAL USE OR SPECIAL EXCEPTION. A use which is permitted by this chapter provided that certain conditions specified in this chapter are met and that a permit is granted by the Board of Adjustment or where appropriate, the Zoning and Land Information Committee of the County Board.

DEPARTMENT. Wisconsin Department of Natural Resources.

DRAINAGE SYSTEM. One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

DEVELOPMENT. Any manmade change to improved or unimproved real estate including, but not limited to, the construction of buildings, structures or accessory alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, filling, lagooning, dredging, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

EXISTING DEVELOPMENT PATTERN. That principal structures exist within two hundred fifty (250) feet of a proposed principal structure in both directions along the shoreline.

FLOODPLAIN. The land which has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in Ch. NR 116, Wis. Adm. Code.

GENERALLY ACCEPTED FORESTRY MANAGEMENT PRACTICES. Forestry management practices that promotes sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the Wisconsin Department of Natural Resources publication known as "Wisconsin Forest Management Guidelines" and identified as PUB FR-226.

IMPERVIOUS SURFACE. An area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surface excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in section 340.01 (54), Wis. Adm. Code, or sidewalks as defined in section 340.01 (58), Wis. Adm. Code, are not considered impervious surfaces.

MAIN BUILDING. Habitable structure (dwelling) or building in which the principal use is conducted.

MAINTENANCE AND REPAIR. Includes such activities as interior remodeling, painting, decorating, paneling, plumbing, insulation, and replacement of windows, doors, wiring, siding, roof and other nonstructural components; and the repair of cracks in foundations, sidewalks, walkways and the application of waterproof coatings to foundations.

MITIGATION. The balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

NAVIGABLE WATERS. Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters which are navigable under the laws of this state. Under § 281.31 (2) (m), notwithstanding any other provision of law or administrative rule promulgated hereunder, shoreland ordinances required under § 59.692, and Ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:

1. Such lands are not adjacent to a natural navigable stream or river.
2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching.
3. Such lands are maintained in nonstructural agricultural use.

ORDINARY HIGH WATERMARK. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

PERMIT. A land use or zoning permit issued by the Zoning Administrator.

REGIONAL FLOOD. A flood determined to be representative of large floods

known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics once in every one hundred (100) years.

ROUTINE MAINTENANCE OF VEGETATION. The normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

SHORELAND. Lands within the following distances from the ordinary high water mark of navigable waters: one thousand (1,000) feet from a lake, pond or flowage; and three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

SHORELAND SETBACK ALSO KNOWN AS THE SHORELAND SETBACK AREA. An area in a shoreland that is within a certain distance of the ordinary high water mark in which the construction or placement of buildings or structures has been limited or prohibited under an ordinance enacted under § 59.692.

SHORELAND – WETLAND ZONING DISTRICT. The zoning district created as a part of this Shoreland Zoning Code, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps which have been adopted and made a part of this ordinance.

STRUCTURE. Means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or fire pit.

UNNECESSARY HARDSHIP. Circumstances where special conditions which were not self-created affect a particular property and make strict conformity with restrictions governing area, setback, 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 or structure in a manner that deviates from the dimensional standards of this ordinance.

WETLAND. Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

ZONING ADMINISTRATOR. The individual or his/her assignee responsible for the regulation of this ordinance.