

**REGULAR SESSION  
of the  
JACKSON COUNTY BOARD OF SUPERVISORS**

**October 20, 2025**

The Regular Session of the Jackson County Board of Supervisors was called to order at 5:30 P.M., on Monday, October 20, 2025, at the Jackson County Courthouse in the County Board Room by Chairman Amo.

County Clerk, Cindy Altman, took roll call with all 19 members present.

The Pledge of Allegiance was given.

Chairman Amo asked if there were any corrections or additions to the minutes of the previous meeting. Supervisor Higgins made a motion to approve the minutes. This was seconded by Supervisor Peloquin. Voice vote was taken with 19 present voting Aye.

Supervisor Peloquin made a motion to read the following ordinance changes only one time. This was seconded by Supervisor Chamberlain. Voice vote was taken with 19 present voting Aye.

**RESOLUTION NO. 36-10-2025**

**TO: HONORABLE MEMBERS OF THE JACKSON COUNTY BOARD OF SUPERVISORS**

**RE: TEXT AMENDMENT TO CHAPTER 16, JACKSON COUNTY SHORELAND ZONING ORDINANCE**

WHEREAS, the Jackson County Zoning Department is responsible for regulating the Jackson County Shoreland Zoning standards, and

WHEREAS, the Jackson County shoreland areas are defined as areas within 300' of a navigable river, creek, or stream and 1000' of a navigable lake, flowage or pond, and

WHEREAS, the WDNR has updated their model ordinance, these changes will bring the ordinance into full compliance with Chapter NR 115 and Wisconsin Statutes Section 59.692, and

WHEREAS, the Jackson County Shoreland Zoning Ordinance is in affect in all unincorporated areas of the county.

THEREFORE, BE IT RESOLVED, that the Jackson County Zoning and Land Information Committee hereby recommends that the Jackson County

Board of Supervisors adopts the amendments to the Chapter 16 Shoreland Zoning Ordinance to be updated to the most current WDNR model ordinance, amended as attached, and

BE IT RESOLVED that these proposed text amendments will take affect upon the publication of the official business by the Jackson County Board of Supervisors.

RESPECTFULLY SUBMITTED BY:

Jackson County Zoning and  
Land Information Committee  
s/Hoyt Strandberg, Chairman  
s/Ed Chamberlain, Vice Chairman  
s/Jerry Schmidt  
s/Dale Hoff  
s/Brian Bethke

Jackson County Executive, Finance &  
Personnel Committee  
Jeff Amo, Chairman  
s/Ron Carney, Vice Chairman  
s/John Higgins, 2<sup>nd</sup> Vice Chairman  
s/Garth Rolbiecki  
s/Sarah Peloquin  
s/Ed Chamberlain  
s/Mike Kunes

Supervisor Peloquin made a motion to adopt this resolution. This was seconded by Supervisor Chamberlain. Jon Hemp, Zoning Administrator and Cody Brommerich, County Surveyor were both present for questions. Discussion took place. Voice vote was taken with 19 present voting Aye.

Chapter 16  
Shoreland Zoning Ordinance

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**16.011 STATUTORY AUTHORIZATION**

This ordinance is adopted pursuant to the authorization in Wis. Stat. § 59.692 to implement Wis. Stat. § 59.692, and Wis. Stat. § 281.31.

**16.012 FINDING OF FACT**

Uncontrolled use of the shorelands and pollution of the navigable waters of Jackson County adversely affect 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.

### **16.013 PURPOSE**

To promote and protect the public trust in navigable waters and to effect the purposes of Wis. Stat. § 281.31, by aiding in the fulfillment of the state's role as trustee of its navigable waters; limiting the direct and cumulative impacts of shoreland development; and promoting the public health, safety, convenience and general welfare, this ordinance has been established to:

- (1) Further the maintenance of safe and healthful conditions and prevent and control water pollution through:
  - a. Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
  - b. Establishing minimum lot sizes to provide adequate area for private onsite wastewater treatment systems.
  - c. Controlling filling and grading to prevent serious soil erosion problems.
  - d. Limiting impervious surfaces to control runoff which carries pollutants.
- (2) Protect spawning ground, fish and aquatic life through:
  - a. Preserving wetlands and other fish and aquatic habitat.
  - b. Regulating pollution sources.
  - c. Controlling shoreline alterations, dredging and lagooning.
- (3) Control building sites, placement of structures and land uses through:
  - a. Prohibiting certain uses detrimental to the shoreland-wetland area.
  - b. Setting minimum lot sizes and widths.
  - c. Setting minimum building setbacks from waterways.
  - d. Setting the maximum height of near shore structures.
- (4) Reserve shore cover and natural beauty through:

- a. Restricting the removal of natural shoreland cover.
- b. Preventing shoreline encroachment by structures.
- c. Controlling shoreland excavation and other earth moving activities.
- d. Regulating the use and placement of boathouses and other structures.

## **16.014 TITLE**

Jackson County Chapter 16 Shoreland Zoning Ordinance.

## **16.020 GENERAL PROVISIONS**

### **16.021 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:

- (1) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages or within one thousand (1,000) feet of the high-water mark of navigable glacial pothole lakes.
- (2) 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.
- (3) The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas, unless specifically exempted by law, all cities, villages, towns, counties and when Wis. Stat. § 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 zoning ordinance if Wis. Stat. § 30.2022(1m) applies. Shoreland zoning requirements in annexed or incorporated areas are provided in Wis. Stat. § 61.353 and Wis. Stat. § 62.233.
- (4) 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. The County may work with surveyors with regard to Wis. Stat. § 59.692(1h).

(5) Under Wis. Stat. § 281.31(2m), notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:

- a. Lands adjacent to farm drainage ditches if:
  - I. Such lands are not adjacent to a natural navigable stream or river.
  - II. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- b. Land adjacent to artificially constructed drainage ditches, ponds, or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

### **16.022 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, other structures, and land disturbances (including filing and grading, etc.) shall require a permit unless otherwise expressly excluded by a provision of this ordinance.

### **16.023 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 Wis. Stat. § 13.48(13), applies. The construction, reconstruction, maintenance and repair of State highways and bridges by the Department of Transportation are exempt when Wis. Stat. § 30.2022(1), applies.

### **16.024 ABROGATION AND GREATER RESTRICTIONS**

The provisions of this ordinance supersede all the provisions of any county zoning ordinance adopted under Wis. Stat. § 59.692, which relate to shorelands. In other words, if a zoning standard only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this ordinance supersedes those provisions. However, where an ordinance adopted under a statute other than Wis. Stat. § 59.692, does not solely relate to shorelines and is more restrictive than the provisions contained in this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions.

- (1) This ordinance shall not require approval or be subject to disapproval by any town or town board.
- (2) 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.
- (3) 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.
- (4) This ordinance shall accord and be consistent with any comprehensive zoning plan or general zoning ordinance applicable, so far as practicable.
- (5) This ordinance may establish standards to regulate matters that are not regulated in Ch. NR 115(1), Wis. Admin. Code, but that further the purposes of shoreland zoning as described in section 16.013(3) of this ordinance.
  - a. Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.

#### **16.025 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.

#### **16.030 SHORELAND – WETLAND DISTRICT**

##### **16.031 DESIGNATION**

This district shall include all wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.

##### **16.032 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 within the shoreland zone, and all other purposed that are in the best interests of Jackson County. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

##### **16.033 SHORELAND-WETLAND MAPS**

The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer is made part of this ordinance. The maps can be viewed at <https://dnrm.wisconsin.gov/H5/?Viewer=SWDV>

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

### **16.034 PERMITTED USES**

Ch. NR 115, Wis. Admin. Code currently contains absolute standards for permitted uses in shoreland wetlands which cannot be made more or less restrictive. Ch. NR 115, Wis. Admin. Code does not prohibit counties to protect wetlands outside of the shoreland jurisdictional area.

The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance:

- (1) 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.
  - a. Hiking, fishing, trapping, hunting, swimming and boating;
  - b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
  - c. The pasturing of livestock and the construction and maintenance of fences;
  - d. The cultivation of agricultural crops;
  - e. The practice of silviculture, including the planting, thinning and harvesting of timber; and
  - f. The construction or maintenance of duck blinds.

- (2) Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating as necessary but only to the extent specifically provided below:
- a. The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries.
  - b. 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.
  - c. The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges.
- (3) Uses which require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:
- a. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
    - I. The road cannot as a practical matter be located outside the wetland;
    - II. The road designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in section 16.036(2);
    - III. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
    - IV. Road construction activities are carried out in the immediate area of the roadbed only.
    - V. The construction of a road for silvicultural activities for temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.
  - b. The 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:

- I. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in section 16.036(2).
  - c. The construction or maintenance of railroad lines provided that:
    - I. The railroad lines cannot, as a practical matter, be located outside the wetland;
    - II. Such construction or maintenance is done in a manner designed to minimize flooding and adverse impact upon the natural functions of the wetland enumerated in section 16.036(2).
- (4) Uses which require the issuance of a zoning permit and must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating:
- a. The construction or maintenance of piers, docks or walkways built on pilings.
  - b. The construction or maintenance of non-residential buildings, provided that all of the following apply:
    - I. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or used solely for a purpose which is compatible for wetland preservation;
    - II. The building cannot, as a practical matter, be located outside the wetland;
    - III. Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and
  - c. The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, provided:
    - I. No filling is done
    - II. Any private wildlife habitat area is used exclusively for that purpose.
    - III. Any ditching, excavating, dredging, dike and dam construction shall be allowed in wildlife refuges, game preserves, and private wildlife habitat areas for the purpose of improving wildlife habitat or to otherwise enhance wetland values. Any of these activities shall

comply with the floodplain ordinance and secure all other required permit related to dike and dam construction.

### **16.035 PROHIBITED USES**

- 1) Any use not listed in section 16.034 is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 16.036 of this ordinance and Wis. Stat. § 59.69(5)(e).
- 2) Within 300 feet of the ordinary high water mark of a navigable body of water it will be unlawful and shall constitute a public nuisance for the owner, lessee, or person in possession or control of a parcel of land to fail to keep the parcel free from garbage, hazardous waste, junk, litter, refuse, rubbish, more than two inoperable motor or unlicensed motor vehicles, inoperable or unused appliances, household furniture, used motor vehicle tires, materials within the water that may accumulate or which may shelter or encourage the growth of insects, rodents, or snakes, or materials which generate obnoxious odors, or which offend the aesthetics of the community and thereby, cause a diminution in the value of other property or which threaten the health or safety of any citizen. Property owners will be held responsible if there is a violation of the section. Violations are subject to section 16.170.

### **16.036 REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT**

- (1) For all proposed shoreland-wetland rezoning requests under this ordinance, the appropriate office with the Wisconsin Department of Natural Resources shall be provided with the following:
  - a. A copy of every proposed petition for a shoreland-wetland rezoning request under this ordinance, within five (5) days of the filing of such request with the Jackson County Zoning Department.
  - b. Written notice of the public hearing to be held on a proposed shoreland-wetland rezoning request at least ten (10) days prior to such hearing.
  - c. A copy of the Jackson County Zoning Department's findings and recommendations on each proposed shoreland-wetland rezoning request within ten (10) days after the submission of those findings and recommendations to the county board; and
  - d. Written notice of the county board's decision on the proposed shoreland-wetland rezoning request within ten (10) days after it is issued.
- (2) 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:

- a. Storm and flood water storage capacity;
  - b. 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;
  - c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
  - d. Shoreline protection against soil erosion;
  - e. Fish spawning, breeding, nursery or feeding grounds;
  - f. Wildlife habitat;
  - g. Areas of special recreational, scenic, or scientific interest, including scarce wetland types.
- (3) If the Wisconsin Department of Natural Resources notifies the Jackson County Zoning Department that a proposed shoreland wetland rezoning request under this ordinance may have a significant adverse impact upon any of the criteria listed in section 16.036(2) of this ordinance, that shoreland wetland rezoning request, if approved by the county board, shall contain the following provision:

“This shoreland wetland rezoning 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 Wis. Stat. § 59.692(6). If the WI-DNR does so notify the county board, the effect of this amendment shall be stayed until the Wis. Stat. § 59.692(6) adoption procedure is completed or otherwise terminated.”

## **16.040 LAND DIVISION REVIEW AND SANITARY REGULATIONS**

### **16.041 LAND DIVISION REVIEW**

Pursuant to Wis. Stat. § 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:

- (1) Hazards to the health, safety or welfare of future residents.
- (2) Proper relationship to adjoining areas.

- (3) Public access to navigable waters, as required by law.
- (4) Adequate storm water drainage facilities.
- (5) Conformity to state law and administrative code provisions.

**16.042 PLANNED RESIDENTIAL UNIT DEVELOPMENT (PUD)**

- (1) 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 at the time of its approval.
- (2) 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 the following facts exist
  - a. Area. A 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.
  - b. Individual Lots.
    - I. Riparian lots need to meet the requirements of section 16.052 and section 16.053.
    - II. Non-riparian lots may be less than the required minimums found in section 16.051 and section 16.052. The zoning committee shall consider whether the proposed lot sizes and widths provide adequate building area after considerations of all setbacks and required impervious surface percentages are met as well as reviewing potential impacts to prevent pollution, erosion and impacts to natural scenic beauty.
  - c. The vegetative buffer on a lot within a proposed planned unit development shall be greater than 35 feet landward of the ordinary high-water mark. Recommended buffers of 50 -70 feet shall help offset the impacts of the reduced lots on habitat, water quality and natural scenic beauty. An increased vegetative buffer shall be a condition of approval.
  - d. In exchange for the allowance of reduced non-riparian lots, the shoreland setback shall be greater than 75 feet from the ordinary high-water mark. Recommended setbacks of 100 – 150 feet from the ordinary high-water mark shall help offset the impacts of the reduced lots on habitat, water

quality and natural scenic beauty. An increased shoreland setback shall be a condition of approval.

- e. All impervious surface requirements shall be met. There is no relaxation for required impervious surface ratio maximums.

### (3) Application and Permit Requirements

- a. An application for a conditional use permit shall be required.
- b. Information on the total area of the lot, to-scale map showing location and size of all proposed lots, any preserved open space, number and type of dwelling units, other buildings and other requested information to describe the project.
- c. Proposed greater shoreland setback and greater vegetative buffer that offsets the development impacts for committee consideration.
- d. Location of shoreland-wetlands.
- e. A recorded plat or certified survey map is required prior to any construction activities.
- f. No construction activities shall commence without the issuance of a regular zoning permit for each structure.

## **16.043 SANITARY REGULATIONS**

Each county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.

Where public water supply systems are not available, private well construction shall be required to conform to Ch. NR 812, Wis. Admin. Code.

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, Wis. Admin. Code, and after June 30, 1980, be governed by a private sewage system ordinance adopted by the county under Wis. Stat. § 59.70(5).

## **16.050 MINIMUM LOT SIZE (NR 115.05(1))**

### **16.051 PURPOSE**

Minimum lot sizes in the shoreland area have been 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.

#### **16.052 LOTS SERVED BY PUBLIC SANITARY SEWER**

For each lot served by public sanitary sewer the minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65 feet with at least 65 feet of frontage width at the ordinary high-water mark.

#### **16.053 LOTS NOT SERVED BY PUBLIC SANITARY SEWER**

For each lot not served by public sanitary sewer the minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet with at least 100 feet of frontage width at the ordinary high-water mark.

#### **16.054 SUBSTANDARD LOTS**

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:

- (1) 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.
- (2) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
- (3) The substandard lot or parcel is developed to comply with all other ordinance requirements.

#### **16.055 OTHER SUBSTANDARD LOTS**

Except for lots which meet the requirements of section 16.054, a land use permit for the improvement of a lot having lesser dimensions than those stated in section 16.052 and section 16.053 shall be issued only if a variance is granted by the Jackson County Board of Adjustment.

#### **16.056 INTENT**

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 conforming) 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 taxing/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.

### **16.057 ILLEGALLY CREATED LOTS**

An illegally created lot is one that was created in violation of the required minimum area and minimum average width requirements of the County's shoreland zoning ordinance at the time of creation. Illegally created lots shall not be used for construction purposes without the granting of a variance.

## **16.060 BUILDING/STRUCTURE SETBACKS**

### **16.061 PURPOSE**

Setbacks within the shoreland area have been established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards, protect against water pollution, and otherwise limit the direct and cumulative impacts of shoreland development of the adjacent water body.

### **16.062 SHORELAND SETBACKS**

Unless exempt under section 16.063 or reduced under section 16.064, 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.

### **16.063 EXEMPT STRUCTURES**

All of the following structures are exempt from the shoreland setback established under section 16:

(1) Dry Boathouses.

- a. Boathouses located entirely above the ordinary high-water mark, entirely within the access and viewing corridor, that do not contain plumbing and are not used for human habitation. The roof of a boathouse may be used as a deck provided that:
  - b. The boathouse has a flat roof.
  - c. The roof has no side walls or screens.

- d. The roof may have a railing that meets the Department of Safety and Professional Services standards.
- (2) No side, open-sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area, provided the following requirements of Wis. Stat. § 59.692(1v) are met:
  - a. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary-high-water mark.
  - b. The total floor area of all the structures in the shoreland setback area of the property will not exceed 200 square feet. Boathouses shall be excluded from the calculation.
  - c. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
  - d. The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.
- (3) Fishing rafts that are authorized on the Wolf River and Mississippi River under Wis. Stat. § 30.126.
- (4) Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.
- (5) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, and private on-site wastewater treatment systems that comply with Ch. SPS 383, Wis. Admin. Code, and other utility structures that have no feasible alternative location outside of the minimum setback and that are constructed and placed using best management practices to infiltrate or otherwise control storm water runoff from the structure.
- (6) A walkway, stairway, or rail system that is necessary to provide pedestrian access to the shoreline and is a maximum of 60-inches in width.
- (7) Devices or systems used to treat runoff from impervious surfaces, provided the requirements of Wis. Stat. § 59.692(1k)(a)6, and Wis. Stat. § 59.692(1k)(am)1, are met.
- (8) A fence along a roadway that meets all of the following requirements:
  - a. Is not taller than 15 feet.

- b. Is located not less than 2 feet landward of the ordinary high-water mark.
  - c. Is located entirely outside of a highway right-of-way.
  - d. Is located not less than 10 feet from the edge of a roadway and not more than 40 feet from the edge of a roadway or highway right-of-way, whichever is greater.
  - e. Is generally perpendicular to the shoreline.
- (9) A bridge for which the department has issued a permit under Wis. Stat. § 30.123.

### **16.064 REDUCED STRUCTURE SETBACK**

- (1) Where there are existing principal structures in both directions of a new proposed principal structure, a shoreland setback less than the required 75-foot setback from the ordinary high-water mark of section 16.062 shall be permitted for a new proposed principal structure provided all of the following are met:
- a. Both of the existing principal structures are located on lots immediately adjacent to the lot of the proposed new principal structure.
  - b. Both of the existing principal structures are located within 250 feet of the proposed new principal structure.
  - c. Both of the existing principal structures are the closest principal structure on their respective lots to the new proposed principal structure.
  - d. Both of the existing principal structures are located less than 75 feet from the ordinary high-water mark.
  - e. The reduced shoreland setback shall equal the average of the distances that the two existing principal structures are set back from the ordinary high-water mark.
  - f. The reduced shoreland setback shall not be reduced to less than 35 feet from the ordinary high-water mark.
- (2) Where there is an existing principal structure in only one direction of a new proposed principal structure, a shoreland setback less than the required 75' setback from the ordinary high-water mark of section 16.062 may be permitted for a new proposed principal structure provided all of the following are met Wis. Stat. § 59.692(1n)(bm):

- a. The existing principal structure is located on a lot immediately adjacent to the lot of the proposed new principal structure.
- b. The existing principal structure is located within 250 feet of the proposed new principal structure.
- c. The existing principal structure is the closest principal structure on its lot to the new proposed principal structure.
- d. The existing principal structure is located less than 75 feet from the ordinary high-water mark.
- e. The reduced shoreland setback shall equal the average of 75 feet and the distance that the existing principal structure is set back from the ordinary high-water mark.
- f. The reduced shoreland setback shall not be reduced to less than 35 feet from the ordinary high-water mark.

#### **16.065 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.

#### **16.066 FLOODPLAIN STRUCTURES**

Building and structures to be constructed or placed in a floodplain shall be required to comply with any applicable floodplain zoning ordinance.

#### **16.067 INCREASED SHORELAND SETBACK FOR A NEW PRINCIPAL STRUCTURE**

Where there are existing principal structures in both directions of a new proposed principal structure, a shoreland setback greater than the required 75-foot setback from the ordinary high-water mark of section 16.062 may be permitted for a new proposed principal structure provided all of the following are met:

- (1) Both of the existing principal structures are located on lots immediately adjacent to the lot of the proposed new principal structure.
- (2) Both of the existing principal structures are located within 200 feet of the proposed new principal structure.

- (3) Both of the existing principal structures are the closest principal structure on their respective lots to the new proposed principal structure.
- (4) Both of the existing principal structures are located greater than 75 feet from the ordinary high-water mark.
- (5) Both of the existing principal structures when built were required to be located at a shoreland setback greater than 75 feet from the ordinary high-water mark.
- (6) The increased shoreland setback shall equal the average of the distances that the two existing principal structures are set back from the ordinary high-water mark.
- (7) The increased shoreland setback shall not apply if the resulting setback limits the placement to an area on which the structure cannot be built.

## **16.070 VEGETATION**

### **16.071 PURPOSE**

To protect natural scenic beauty, fish and wildlife habitat, and water quality, vegetation removal shall be regulated in a manner to protect water quality and reduce soil erosion and the flow of effluents, sediments and nutrients.

### **16.072 ACTIVITIES ALLOWED WITHIN A VEGETATIVE BUFFER ZONE**

A vegetative buffer zone is maintained or created to protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote the preservation and restoration of native vegetation. The vegetative buffer zone is the area that extends from the ordinary high-water mark to 35 feet landward. Removal or destruction of vegetation in the vegetative buffer zone shall be prohibited except as follows:

- (1) Routine maintenance of vegetation which means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.
- (2) The removal or destruction of vegetation for the creation of an access and viewing corridor provided the following requirements are met:
  - a. The access and viewing corridor remains a strip of vegetated land for the purpose of providing safe pedestrian access to the shore through the vegetative buffer zone.
  - b. The access and viewing corridor may be 35% of the shoreline frontage but in no case shall it be less than 10 feet or greater than 200 feet.

- c. The viewing corridor may run contiguously for the entire maximum width allowed based on the shoreline frontage owned.

**NOTE:** The county may require a property owner to maintain a vegetative buffer zone that existed on July 14, 2015, in concert with the provisions of section 16.072.

- (3) The removal of trees and shrubs on a parcel with 10 or more acres of forested land consistent with “generally accepted forestry management practices” as defined in Ch. NR 1.25(2)(b), Wis. Admin. Code, and described in Department publication “Wisconsin Forest Management Guidelines” (publication FR-226), provided that vegetation removal be consistent with these practices.
- (4) The removal of vegetation to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard provided that any vegetation removed be replaced by replanting in the same area with native species as soon as practicable.
- (5) The County may authorize by permit additional vegetation management activities such as prescribed burns or other vegetation management or removal activities where there is a demonstrable need for the additional management activity. Any permit issued by the County under this section shall include an enforceable restriction to preserve the newly restored area. Prior to issuing a permit under this Section, the County shall require the following information to be provided by the permittee:
  - a. Detailed plans documenting the need and purpose are submitted and approved by the County.
  - b. Sufficient information within the plans showing that it is designed to:
    - I. Control erosion by limiting sedimentation into the waterbody;
    - II. Improve the plant community by replanting in the same area; and
    - III. Maintain and monitor the newly restored area.

**16.080 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING**

**16.081 PURPOSE**

To protect natural scenic beauty, fish and wildlife habitat, and water quality, land disturbances may be allowed and authorized only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

### **16.082 APPLICABILITY**

Filling, grading, lagooning, dredging, ditching, and excavating may be authorized by permit according to section 16.086.

### **16.083 GENERAL REQUIREMENTS**

In order to implement section 16.082, a permit for filling, grading, lagooning, dredging, ditching or excavating within the shoreland area may be granted provided that:

- (1) A permit is required to be issued for filling, grading, lagooning, dredging, ditching, or excavating within 300 feet of the ordinary high-water mark of navigable waters.
- (2) It is not done within the vegetative buffer zone unless necessary for establishing or expanding the vegetative buffer or for the construction of an exempt structure under section 16.063.
- (3) It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.
- (4) Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland district meets the requirements of section 16.030.
- (5) All applicable federal, state, and local authority is obtained in addition to a permit under this ordinance.
- (6) Any fill placed in the shoreland area is protected against erosion by the use of vegetative cover or stabilized in another acceptable and approved manner.
- (7) Permittee follows all other conditions placed in the Permit by the issuing authority.

### **16.084 PERMIT REQUIRED**

Except as provided in section 16.085, a permit is required:

- (1) For any filling or grading of any area which is within three hundred (300) feet landward of the Ordinary High-Water Mark (OHWM) of navigable water and which has surface drainage toward the water.
- (2) 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-Water Mark (OHWM) of a navigable

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

### **16.085 SOIL CONSERVATION PRACTICES**

- (1) Soil conservation practices such as tiled terraces, runoff diversions and grassed waterways used for erosion control shall not require a permit under section 16.084 (2), when designed and constructed to Natural Resources Conservation Service technical standards.
- (2) The maintenance of existing agricultural drainage systems shall be permitted in conformity with the following construction standards:
  - a. The maintenance dredging of farm drainage ditches is limited to reestablishing the original ditch cross section unless a special exception permit under section 16.084(2) is obtained.
  - b. Ditch banks shall be constructed at a slope of 2 horizontal to 1 vertical (50% grade) or flatter.
  - c. Ditch banks shall be maintained in a sod cover and free of woody vegetation.
  - d. A thirty-five (35) foot wide buffer strip of untilled, ungrazed sod cover shall be maintained adjacent to the ditch bank.

### **16.086 PERMIT CONDITIONS**

In granting a permit under section 16.084 the county shall attach the following conditions, where appropriate, in addition to those provisions specified in section 16.152 and section 16.153.

- (1) The smallest amount of bare ground shall be exposed for as short a time as feasible.
- (2) Temporary ground cover (such as mulch or jute netting) shall be used and permanent ground cover shall be established.
- (3) Diversion berms or bales, silting basins, terraces, filter fabric fencing and other methods shall be used to prevent erosion.
- (4) Lagoons shall be constructed to avoid fish trap conditions.
- (5) Fill shall be stabilized according to accepted engineering standards.

- (6) Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.
- (7) Construction associated with land disturbances are encouraged to incorporate slopes of two (2) units' horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated and stabilized.
- (8) Other project-related conditions may be considered.

## **16.090 IMPERVIOUS SURFACE STANDARDS**

### **16.091 PURPOSE**

Impervious surface standards shall be established to protect water quality, fish and wildlife habitat, and to protect against pollution of navigable waters.

This section 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 16.072(1) and section 16.072(3) and the non-conforming structure provisions in section 16.110.

### **16.092 APPLICABILITY**

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 or will be located within 300 feet of the ordinary high-water mark of any navigable waterway on any of the following:

- (1) A riparian lot or parcel.
- (2) A non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

### **16.093 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 16.096 shall be excluded from the calculation of impervious surface on a lot or parcel. If an out lot lies between the ordinary high-water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the out lot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

### **16.094 IMPERVIOUS SURFACES STANDARD**

The percentage of impervious surface allowed on a lot or parcel described under section 16.092 and as calculated under section 16.093 shall not exceed 15%.

### **16.095 MAXIMUM IMPERVIOUS SURFACE**

A lot or parcel may exceed the impervious surface standard under section 16.094 provided the following standards are met:

- (1) A lot or parcel described under section 16.092, calculated under section 16.093, and under the general impervious surface standard of section 16.094 may have greater than 15% impervious surface but not more than 30% impervious surface.
- (2) For lots or parcels that exceed the standard under section 16.094 but do not exceed the maximum standard section 16.095, a permit can be issued for development with a mitigation plan that meets the standards found in section 16.130.

### **16.096 TREATED IMPERVIOUS SURFACES**

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 16.093.

- (1) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration boxes, rain gardens, bio-swales or other engineered systems.
- (2) 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.

### **16.097 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 16.093 or the maximum impervious surface standards in section 16.094 the property owner may do any of the following:

- (1) Maintain and repair the existing impervious surfaces;
- (2) Replace existing impervious surfaces with similar surfaces within the existing building envelope;

- (3) 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 16.060.

### **16.098 ROADWAYS & SIDEWALKS**

Roadways defined in Wis. Stat. § 340.01(54), Stats, and sidewalks defined in Wis. Stat. § 340.01(58), Stats, shall be excluded from the impervious surface calculation under section 16.093.

NOTE: The roadways and sidewalks of section 16.098 are only those as defined. The exclusion from the impervious surface calculation does not apply to all driveways and sidewalks.

### **16.100 HEIGHT**

#### **16.101 PURPOSE**

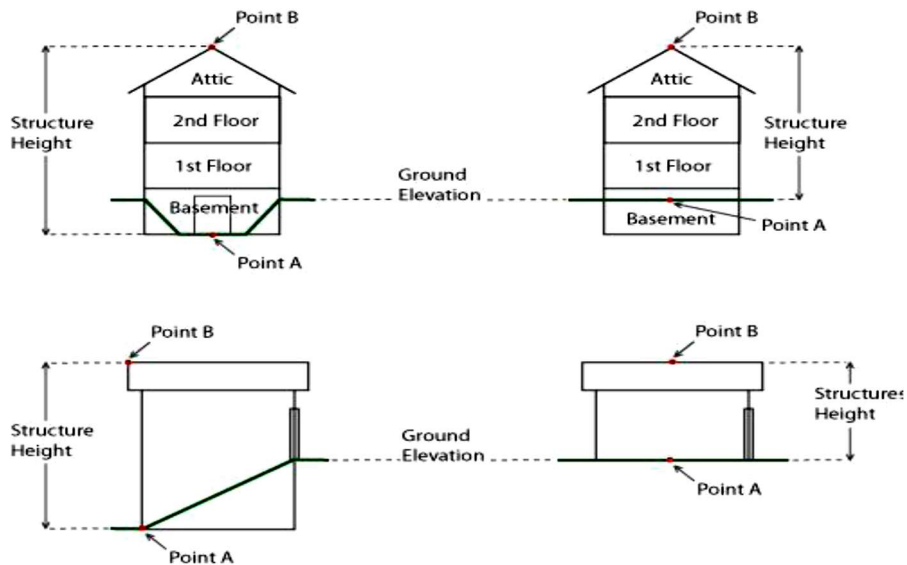
To protect and preserve wildlife habitat and natural scenic beauty.

#### **16.102 HEIGHT STANDARD**

A structure taller than 35 feet within 75 feet of the ordinary high-water mark of any navigable waters is prohibited.

#### **16.103 MEASURING HEIGHT**

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 (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this code.



## **16.110 NON-CONFORMING USES**

### **16.111 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.

### **16.112 APPLICABILITY**

This section applies to a use of a dwelling, building, or parcel of land that existed lawfully before the existing zoning ordinance was enacted or amended, but that does not conform to the allowed uses in the current ordinance.

### **16.113 GENERAL RULE**

- (1) The continuance of the lawful use of any building, premises, structure, or fixture for any trade or industry for which such building, premises, structure, or fixture is used at the time that the ordinance takes effect may not be prohibited.
- (2) The alteration of, or addition to, or repair in excess of 50 percent of its assessed value of any existing building, premises, structure, or fixture for the purpose of carrying on any prohibited trade or new industry within the district where such buildings, premises, structures, or fixtures are located, may be prohibited.
- (3) The county may prohibit the continuance of the non-conforming use of a temporary structure.
- (4) If the non-conforming use is discontinued for a period of 12 months, any future use of the building, premises, structure, or fixture shall conform to the ordinance.

(5) A manufactured home community licensed under Wis. Stat. § 101.935, that is a non-conforming use continues to be a non-conforming use notwithstanding the occurrence of any of the following activities within the community:

- a. Repair or replacement of homes.
- b. Repair or replacement of infrastructure.

**NOTE:** Under general zoning any change of use must meet underlying zoning provisions

#### **16.114 DISCONTINUED NON-CONFORMING USE**

If a non-conforming use is discontinued for a period of twelve (12) consecutive months, any future use of the building, structure or property shall conform to the ordinance.

#### **16.120 NON-CONFORMING STRUCTURES**

##### **16.121 APPLICABILITY**

This section applies to an existing principal or accessory structure that was lawfully placed when constructed but that does not comply with the current required ordinary high-water mark setback of a navigable waterway.

##### **16.122 MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF NON-CONFORMING STRUCTURES**

A structure that was lawfully placed when constructed but that does not comply with the required shoreland setback per section 16.070 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the non-conforming structure. Further, a 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 extends more than thirty-five (35) feet above grade level. Counties may allow the expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

##### **16.123 LATERAL EXPANSION OF NON-CONFORMING PRINCIPAL STRUCTURES WITHIN THE SETBACK**

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 16.072 may be expanded laterally, provided that all of the following requirements are met:

- (1) The use of the structure has not been discontinued for a period of twelve (12) consecutive months or more if a non-conforming use.

- (2) The existing principal structure is at least thirty-five (35) feet from the ordinary high-water mark.
- (3) Lateral expansion is 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.
- (4) 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 16.130.
- (5) All other provisions of the Jackson County Shoreland Zoning Ordinance shall be met.
- (6) Permittee must follow all other conditions placed in the Permit by the issuing authority.

#### **16.124 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 16.072 may be expanded horizontally landward or vertically provided that the expanded area meets the building setback requirements per section 16.072 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 16.095.

#### **16.125 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 16.072 may be relocated on the property provided all of the following requirements are met:

- (1) The use of the structure has not been discontinued for a period of twelve (12) months or more.
- (2) The existing principal structure is at least thirty-five (35) feet from the ordinary high-water mark.
- (3) 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.

- (4) The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for replacement or relocation that will result in compliance with the shoreland setback requirement per section 16.072.
- (5) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 16.130 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.
- (6) All other provisions of the Jackson County Shoreland Zoning Ordinance shall be met.
- (7) Permittee must follow all other conditions placed in the Permit by the issuing authority.

#### **16.126 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 Wis. Stat. § 30.121.

#### **16.127 MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY A VARIANCE**

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 extends more than thirty-five (35) feet above grade level. Counties may allow the expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

#### **16.128 MAINTENANCE, REPAIR, OR REPLACEMENT OF AN EXISTING EXEMPT STRUCTURE IN THE SHORELAND SETBACK AREA**

- (1) All or any part of an existing exempt structures under section 16.063, Wis. Stat. § 59.692(1n)(d), may be maintained, repaired, replaced, restored, rebuilt or

remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure.

- (2) An activity allowed under section 16.128(1) shall be allowed to expand the footprint of the structure provided it is the minimal expansion necessary to comply with applicable state or federal requirements.

### **16.129 MAINTENANCE, REPAIR, OR REPLACEMENT OF A BUILDING OR STRUCTURE IN VIOLATION OF A COUNTY SHORELAND ZONING ORDINANCE THAT MAY NOT BE ENFORCED**

An enforcement action may not commence against a person who owns a building or structure that is in violation of a shoreland zoning standard or this shoreland zoning ordinance if it has been in place for more than ten years.

A building or structure that is in violation of a shoreland zoning standard or this shoreland zoning ordinance but has been in place for more than ten years may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. However, the structure may not be vertically or laterally expanded.

### **16.130 MITIGATION**

#### **16.131 PURPOSE**

The purpose of mitigation is to establish and maintain measures adequate to offset the impacts of development on water quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic beauty.

#### **16.132 APPLICABILITY**

When the county issues a permit requiring mitigation under section 16.095, section 16.123 and section 16.126, 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.

### **16.133 MITIGATION SYSTEM**

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

(1) 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 ate setback, section 16.123 **(-) 3 points**.
- d. Relocation of a non-conforming principal structure within the shoreland setback section 16.126 **(-) 1 point**.

(2) Opportunities to earn mitigation points are available as follows:

- a. Removal of a structure within the shoreland setback based on the following:
  - I. 0 to 250 sq. feet **(+) 1 point**.
  - II. 251 to 750 sq. feet **(+) 2 points**.
  - III. 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**.

### **16.140 SIGNS**

- (1) 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-water mark, 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. (3), (4) and (7).
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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.

- (8) 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 section 16.110.
- (9) 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.

## **16.150 ADMINISTRATIVE PROVISIONS**

### **16.151 ZONING ADMINISTRATOR**

The Zoning Administrator shall have the following duties and powers:

- (1) A system of permits for establishing uses, land disturbances, new construction, development, reconstruction, structural alteration or moving of buildings and structures, unless prohibited by Wis. Stat. § 59.692(1k). A copy of applications shall be required to be filed in the Office of Jackson County Zoning Administrator.
- (2) Regular inspection of permitted work in progress to ensure compliance of finished structures or completed land disturbance activities with the terms of the ordinance.
- (3) 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 as long as the granting of a variance does not have the effect of granting or increasing any use of property which is prohibited in that zoning district by the shoreland zoning ordinance.
- (4) A conditional use permit (special exception permit) procedure in which a permit states that a use permitted as a conditional use (special exception) may be

established, expanded, or enlarged subject to any conditions placed on the authorization and the provisions of this ordinance. The conditions (exceptions) should not be contradictory to the purposes of this ordinance as identified in section 16.013.

- (5) The county shall keep a complete record of all proceedings before the Jackson County Board of Adjustment and the Jackson County Zoning Department.
- (6) 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, administrative appeal for a map or text interpretation, map or text amendment. 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 16.152.
- (7) Submission of copies of all proposed land divisions to the appropriate department staff within 10 days after they are submitted to the county for review under section 16.040.
- (8) 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.
- (9) Development and maintenance of an official map of all mapped zoning district boundaries, amendments, and recordings. The official map for the shoreland-wetland zoning district is the Wisconsin Wetland Inventory found on the department's Surface Water Data Viewer.
- (10) 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 Wis. Stat. § 59.69(11).
- (11) The prosecution of violations of the shoreland zoning ordinance.
- (12) Shoreland wetland rezone (map amendment) procedures according to Ch. NR 115.04, Wis. Admin. Code. Every petition for a shoreland-wetland map amendment filed with the county clerk shall be referred to the county zoning agency and shall follow section 16.036.
- (13) The zoning administrator may issue a special permit to relax the standards of this ordinance to provide reasonable accommodations as required by provisions of federal and state law. Such relaxation shall be the minimum necessary to be consistent with federal guidelines for accommodation of

persons 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 filed with the register of deeds

### **16.152 PERMITS**

#### (1) 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 is commenced, which otherwise is not prohibited by any Jackson County Ordinance.

#### (2) 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:

- a. Name and address of applicant and/or property owner.
- b. Legal description of the property and type of proposed use.
- c. 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-water mark of any abutting waterways.
- d. Location and description of any existing private water supply or sewage system or notification of plans for any such installation.
- e. Plans for appropriate mitigation when required.
- f. Payment of the appropriate fee.
- g. Additional information required by the Zoning Administrator.

#### (3) Expiration of Permit

Land use permits shall expire in six (6) months from date issue.

### **16.153 FEES**

The Zoning and Land Information Committee shall adopt fees for the following:

- (1) Land Use Permits.
- (2) Certificates of compliance.
- (3) Planned Unit Development reviews.
- (4) Public hearings.
- (5) Legal notice publications.
- (6) Conditional Use Permits.
- (7) Variances.
- (8) Administrative Appeals.
- (9) Other duties as determined by the county board.

#### **16.154 BOARD OF ADJUSTMENT**

Wis. Stat. § 59.694 (as may be amended) is hereby adopted regarding the creation of a Board of Adjustment to handle appeals under this Chapter.

#### **16.160 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 Wis. Stat. § 59.69(5)(e), Ch. NR 115, Wis. Admin. Code and this ordinance where applicable.

#### **16.161 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. 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 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.

#### **16.170 ENFORCEMENT AND PENALTIES**

- (1) The Zoning Administrator or the Jackson County Zoning and Land Information Committee shall refer violations of the chapter to Corporation Counsel, who shall expeditiously prosecute the violations.
- (2) 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.
- (3) 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 Wis. Stat. § 87.30(2).
- (4) 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.
- (5) 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.

## **16.180 DEFINITIONS**

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.

The following terms used in this chapter mean:

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

**ACCESSORY STRUCTURE OR USE.** A subordinate structure which is devoted to a use incidental to the principal use of the property. Accessory structures include, but are not limited to, a detached garage, shed, barn, boathouse, gazebo, patio, deck, porch, fire pit, swimming pool, hot tub, fence, retaining wall, driveway, parking lot, sidewalk, walkway, detached stairway and lift.

ATTIC. A room or space just below the roof of a building.

BASEMENT. A part of a structure that is completely or partially below the ground surface.

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 Wis. Stat. § 59.69(2)(a), to act in all matters pertaining to county planning and zoning.

COUNTY ZONING AGENCY. A committee or commission created or designated by the county board under Wis. Stat. § 59.69(2)(a), Stats, to act in all matters pertaining to county planning and zoning.

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. Admin. Code.

FOOTPRINT The land area covered by a structure at ground level measured on a horizontal plane. The footprint of a residence or building includes the horizontal plane bounded by the furthest exterior wall and eave if present, projected to natural grade. For structures without walls (decks, stairways, patios, carports) a single horizontal

plane bounded by the furthest portion of the structure projected to natural grade. Note: For the purposes of replacing or reconstructing a non-conforming building with walls, the footprint shall not be expanded by enclosing the area that is located within the horizontal plane from the exterior wall to the eaves projected to natural grade. This constitutes a lateral expansion under Ch. NR 115, Wis. Admin. Code and would need to follow Ch. NR 115.05 (1)(g)5, Wis. Admin. Code.

FLOOR. Levels of a structure below the attic and above the basement (or crawlspace) that can be used for living, work, storage or recreation.

GARBAGE. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food, including wastes from markets, storage facilities, handling and sale of produce and other food products and excepting such materials that may be serviced by garbage grinders and handled as household sewage.

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

HAZARDOUS WASTES. Those wastes defined in the Hazardous Waste Management Act of 1978.

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 Wis. Stat. § 340.01 (54), or sidewalks as defined in section Wis. Stat. § 340.01 (58), are not considered impervious surfaces. "Roadway" means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term "roadway" refers to each roadway separately but not to all such roadways collectively. "Sidewalk" means that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, constructed for use of pedestrians.

JUNK. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

LOT The continuous parcel of land, not divided by a public right-of-way, and sufficient in size to meet the lot width and lot area provisions of this ordinance.

**LOT AREA** The area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high-water mark of navigable waters.

**LOT OF RECORD** Any lot, the description of which is properly recorded with the Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

**LITTER.** Rubbish, refuse, waste material, garbage, dead animals or fowl, offal, paper, glass, cans, bottles, trash, scrap metal, debris, or any foreign substance of whatever kind and description.

**MAINTENANCE AND/OR 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 Wis. Stat. § 281.31(2)(m), notwithstanding any other provision of law or administrative rule promulgated hereunder, shoreland ordinances required under Wis. Stat. § 59.692, and Ch. NR 115, Wis. Admin. Code, do not apply to lands adjacent to:

- a) Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
- b) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body

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

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

**PREVIOUSLY DEVELOPED.** A lot or parcel that was developed with a structure legally placed upon it.

**REFUSE.** Nonhazardous solid waste that requires collection and transport to a processing or disposal site. Refuse includes garbage and rubbish. Garbage is mostly decomposable food waste or yard waste that is highly putrescible, while rubbish is mostly dry material such as glass, paper, cloth, or wood that does not readily decompose.

**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 every one hundred (100) years.

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

**RUBBISH.** Non-putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes. Combustible rubbish includes paper, rags, cartons, wood, furniture, rubber, plastics, yard trimmings, leaves, and similar materials. Noncombustible rubbish includes glass, crockery, metals cans, metal furniture, and like materials.

**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 Wis. Stat. § 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.

**SPECIAL EXCEPTION (CONDITIONAL USE)** A use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the board of adjustment or, where appropriate, the planning and zoning committee or county board.

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

SUBSTANDARD LOTS A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current requirements for a new lot.

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.

RESOLUTION NO. 37-10-2025

TO: HONORABLE MEMBERS OF THE JACKSON COUNTY BOARD OF SUPERVISORS

RE: TEXT AMENDMENT TO CHAPTER 18, JACKSON COUNTY SUBDIVISION AND PLATTING ORDINANCE

WHEREAS, a provision has been added to clarify when remaining acreage is required to be surveyed from a Certified Survey Map; and

WHEREAS, the correct section number in the ordinance was clarified for easement requirements; and

THEREFORE, BE IT RESOLVED, that the Jackson County Zoning and Land Information Committee hereby recommends that the Jackson County Board of Supervisors adopt the proposed text amendments to Chapter 18, Jackson County Subdivision and Platting Ordinance as attached.

BE IT FURTHER RESOLVED, that these proposed text amendments will take effect upon the publication of the official business by the Jackson County Board of Supervisors.

RESPECTFULLY SUBMITTED BY:

Jackson County Zoning and  
Land Information Committee

Jackson County Executive, Finance &  
Personnel Committee

s/Hoyt Strandberg, Chairman  
s/Ed Chamberlain, Vice Chairman  
s/Jerry Schmidt  
s/Dale Hoff  
s/Brian Bethke

Jeff Amo, Chairman  
s/Ron Carney, Vice Chairman  
s/John Higgins, 2<sup>nd</sup> Vice Chairman  
s/Garth Rolbiecki  
s/Sarah Peloquin  
s/Ed Chamberlain  
s/Mike Kunes

Supervisor Peloquin made a motion to adopt this resolution. This was seconded by Supervisor Rolbiecki. Voice vote was taken with 19 present voting Aye.

#### Summary of Proposed Subdivision and Platting Text Amendments

**18.10: ADD 18.10 (6)**

When dividing a parent parcel by Certified Survey Map and the remaining acreage is less than 20 acres, but adjoining and contiguous parcels are owned by the same party and the total acreage will be greater than or equal to 20 acres, a certified survey of the remaining acreage would not be required.

**18.39: 18.39 (1) (c):  
CHANGE TO:**

Refer to Section 18.61 (11) of this chapter for easement requirements.

#### Resolution 38-10-2025

TO: HONORABLE MEMBERS OF THE JACKSON COUNTY BOARD OF SUPERVISORS

RE: TEXT AMENDMENT TO CHAPTER 20, JACKSON COUNTY FLOODPLAIN ZONING ORDINANCE

WHEREAS, the Jackson County Zoning Department is responsible for regulating the Jackson County Floodplain Zoning standards, and

WHEREAS, the Jackson County Floodplain areas are defined on the FEMA FIRM Maps, and

WHEREAS, the WDNR has updated their model ordinance, these changes will bring the ordinance into full compliance with Chapter NR 116 and Wisconsin Statutes Section 87.30, and

WHEREAS, the Jackson County Floodplain Zoning Ordinance is in effect in all unincorporated areas of the county.

THEREFORE, BE IT RESOLVED, that the Jackson County Zoning and Land Information Committee hereby recommends that the Jackson County Board of Supervisors adopts the amendments to the Chapter 20 Floodplain Zoning Ordinance to be updated to the most current WDNR model ordinance, amended as attached, and

BE IT RESOLVED that these proposed text amendments will take effect upon the publication of the official business by the Jackson County Board of Supervisors.

RESPECTFULLY SUBMITTED BY:

Jackson County Zoning and  
Land Information Committee  
s/Hoyt Strandberg, Chairman  
s/Ed Chamberlain, Vice Chairman  
s/Jerry Schmidt  
s/Dale Hoff  
s/Brian Bethke

Jackson County Executive, Finance &  
Personnel Committee  
Jeff Amo, Chairman  
s/Ron Carney, Vice Chairman  
s/John Higgins, 2<sup>nd</sup> Vice Chairman  
s/Garth Rolbiecki  
s/Sarah Peloquin  
s/Ed Chamberlain  
s/Mike Kunes

Supervisor Peloquin made a motion to adopt this resolution. This was seconded by Supervisor Chamberlain. Voice vote was taken with 19 present voting Aye.

Chapter 20  
Floodplain Zoning Ordinance

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**20.010 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE, AND GENERAL PROVISIONS**

**20.011 STATUTORY AUTHORIZATION**

This ordinance is adopted pursuant to the authorization in Wis. Stat. § 59.694 for counties; and the requirements in Wis. Stat. § 87.30.

**20.012 FINDING OF FACT**

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare, and tax base.

**20.013 STATEMENT OF PURPOSE**

This ordinance is intended to regulate floodplain development to:

- (1) Protect life, health and property;
- (2) Minimize expenditures of public funds for flood control projects;

- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (4) Minimize business interruptions and other economic disruptions;
- (5) Minimize damage to public facilities in the floodplain;
- (6) Minimize the occurrence of future flood blight areas in the floodplain;
- (7) Discourage the victimization of unwary land and homebuyers;
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

#### **20.014 TITLE**

This ordinance shall be known as the Floodplain Zoning Ordinance for Jackson County, Wisconsin.

#### **20.015 GENERAL PROVISIONS**

##### (1) Areas to be Regulated

This ordinance regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30 or AE on the Flood Insurance Rate Map. Additional areas identified on maps approved by the Department of Natural Resources (DNR) and local community may also be regulated under the provisions of this ordinance, where applicable.

##### (2) Official Maps and Revisions

Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH or AD in the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subd. (a) below. Additional flood hazard areas subject to regulation under this ordinance are identified on maps based on studies approved by the DNR and listed in subd. (b) below. These maps and revisions are on file in the office of the Jackson County Floodplain Zoning Administrator, Jackson County Courthouse, Black River Falls, WI.

###### a. Official maps: Based on the Flood Insurance Study (FIS):

- I. Flood Insurance Rate Map (FIRM), panel numbers 55053C0008C, 55053C0009C, 55053C0020C, 55053C0028C, 55053C0029C,

55053C0045C, 55053C0065C, 55053C0070C, 55053C0090C,  
55053C0110C, 55053C0120C, 55053C0130C, 55053C0135C,  
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55053C0340C, 55053C0345C, 55053C0355C, 55053C0360C,  
55053C0369C, 55053C0379C, 55053C0383C, 55053C0385C,  
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55053C0568C, 55053C0576C, 55053C0578C, 55053C0580C,  
55053C0585C, 55053C0595C, 55053C0605C, 55053C0615C,  
55053C0709C, 55053C0726C, 55053C0727C, 55053C0728C,  
55053C0729C, dated 09/28/2012.

- II. Based on the Flood Insurance Study (FIS): Flood Insurance Rate Map (FIRM), panel number 55053C0386D, dated 09/29/201.
  - III. Flood Insurance Study (FIS) volume 55053CV000B for Jackson County, dated 09/29/2017.
  - IV. Letter of Map Revision 16-05-4012P, effective 02/09/2017. Approved by: The DNR and FEMA
- b. Official maps: Based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.
- I. Trows (Trow Lake) Dam Failure Analysis approved by the Department of Natural Resources on November 2, 1989 including:
    - (a) Map titled Attachment 11: Halls Creek Below Merrilan 100-Year Hydraulic Shadow, found in Preliminary Dam Hazard Rating and Design Spillway Capacity report, dated November 25, 1985.

- (b) Flood profiles dated January 27, 1986 and titled Revised Attachment 10: Halls Creek Flood Profiles and Routing Cross-Sections.
- II. Millston (Lee Lake) Dam Failure Analysis approved by the Department of Natural Resources on August 26, 1998, including:
  - (a) Map dated September 5, 1996 and titled Hydraulic Shadow Map.
  - (b) Floodway data table titled Table 4: Hydraulic Shadow Floodway Data found in Hazard Rating Assessment report, dated September 1996.
  - (c) Flood profiles dated September 17, 1996 and titled Dam Break Flood Profiles – Breach profile.
- III. Merrilan Mills (Oakwood Lake) Dam Failure Analysis approved by the Department of Natural Resources on April 1, 1998, including:
  - (a) Map dated March 3, 1998 and titled Hydraulic Shadow Map.
- IV. May Coulee (Bloom) Dam Failure Analysis approved by the Department of Natural Resources on January 19, 2006, including:
  - (a) Map titled Figure 4: Bloom Dam Failure Analysis 100-Year Flood Map, found in Dam Failure Analysis report, dated June 6, 2005.
  - (b) Floodway data table titled Table 3: Hydraulic Shadow Floodway Data, found in Dam Failure Analysis report, dated June 6, 2005.
  - (c) Flood profiles titled Figure 5: Maximum Water Surface Profile: Bloom Dam, found in Dam Failure Analysis report, dated June 6, 2005.
- V. Sherwood Dam Failure Dam Failure Analysis approved by the Department of Natural Resources on March 17, 2000, including:
  - (a) Map dated October 1998 and titled Hydraulic Shadow Map.
  - (b) Floodway data table titled Table 4 Hydraulic Shadow Floodway Data, found in Dam Hazard Assessment report, dated October 13, 1998.
  - (c) Flood profiles dated October 1998 and titled Dam Break Flood Profiles – Breach profile.

- VI. Melrose Mill Dam Failure Analysis approved by the Department of Natural Resources on August 17, 2012, including:
  - (a) Map dated December 21, 2011 and titled Melrose Dam Failure Map – Q100 with Dam Failure boundary.
  - (b) Floodway data table titled Table 3 Hydraulic Shadow Floodway Data, found in Dam Hazard Assessment report, dated December 22, 2011.
  - (c) Flood profiles dated December 13, 2011 and titled 2011 Melrose DFA 1213 (HEC-RAS profile output) – Q100 Fail profile.
  
- VII. Resettlement Admin. 12 (East Seventeen Flowage) Dam Failure Analysis approved by the Department of Natural Resources on July 8, 2013, including:
  - (a) Map dated February 14, 2013 and titled East Seventeen Dam Hydraulic Shadow Detail Sheet.
  - (b) Floodway data table titled Table 7 Hydraulic Shadow Floodway Data, found in Dam Hazard Analysis East Seventeen Flowage Dam report, dated February 28, 2013.
  - (c) Flood profiles dated February 27, 2013 and titled East Seventeen Flowage Dam DFA (HEC-RAS profile output) – Breach profile.
  
- VIII. Resettlement Admin. 17 (West Seventeen) Dam Failure Analysis approved by the Department of Natural Resources on July 8, 2013, including:
  - (a) Map dated February 14, 2013 and titled West Seventeen Dam Hydraulic Shadow Detail Sheet.
  - (b) Floodway data table titled Table 7 Hydraulic Shadow Floodway Data, found in Dam Hazard Analysis West Seventeen Flowage Dam report, dated March 1, 2013.
  - (c) Flood profiles dated February 28, 2013 and titled West Seventeen Flowage Dam DFA (HEC-RAS profile output) – Breach profile.
  
- IX. Resettlement Admin. 23 (Pigeon Creek Flowage) Dam Failure Analysis approved by the Department of Natural Resources on June 24, 2013, including:

- (a) Map dated March 15, 2013 and titled Pigeon Creek Flowage Dam Hydraulic Shadow Detail Sheet.
  - (b) Floodway data table titled Table 7 Hydraulic Shadow Floodway Data, found in Dam Hazard Analysis Pigeon Creek Flowage Dam report, dated March 2, 2013.
  - (c) Flood profiles dated March 8, 2013 and titled Pigeon Creek Flowage DFA (HEC-RAS profile output) – Breach profile.
- X. Beaver Creek (Northfield Hatchery) Dam Failure Analysis approved by the Department of Natural Resources on September 30, 2014, including:
  - (a) Map dated September 9, 2014 and titled Site Map Beaver Creek DFA.
  - (b) Floodway data table titled Beaver Creek Dam Failure Floodway Data, found in Dam Failure Analysis and Assessment for Beaver Creek report, dated September 8, 2014.
  - (c) Flood profiles titled Beaver Creek Dam Failure Analysis Hydraulic Shadow Profile, found in Dam Failure Analysis and Assessment for Beaver Creek report, dated September 8, 2014.
- XI. Trump Lake Dam Failure Analysis approved by the Department of Natural Resources on November 10, 2014, including:
  - (a) Map dated September 18, 2014 and titled DFA Floodplain Trump Lake DFA.
  - (b) Floodway data table titled Trump Dam Failure Floodway Data, found in Dam Failure Analysis and Assessment for Trump Lake Dam report, dated September 22, 2014.
  - (c) Flood profiles titled Trump Dam Failure Analysis Hydraulic Shadow Profile, found in Dam Failure Analysis and Assessment for Trump Lake Dam report, dated September 22, 2014.
- XII. Ludeman Dam Failure Analysis approved by the Department of Natural Resources on March 3, 2015, including:
  - (a) Map dated December 16, 2014 and titled Exhibit 4 100-Year Flood Map, Dam In Place with Failure (Hydraulic Shadow).

(b) Floodway data table titled Table 4 Hydraulic Shadow Floodway Data, found in Dam Failure Analysis Harold Ludeman Dam report, dated December 2014.

(c) Flood profiles dated December 12, 2014 and titled Ludeman DFA-Dec 5 – WS Max Q100 Failure profile.

XIII. Lower May Coulee (May Coulee #2) Dam Failure Analysis approved by the Department of Natural Resources on July 7, 2017 including:

(a) Map titled Hydraulic Shadow, found in Dam Failure Analysis May Coulee #2 Dam report, dated December 2016.

(b) Floodway data table titled Table 3 Hydraulic Shadow Floodway Data, found in Dam Failure Analysis May Coulee #2 Dam report, dated December 2016.

(c) Flood profiles dated December 21, 2016 and titled MayCoulee2: MC2 Dam in Place Breach – WS Max profile.

XIV. Humbird Dam Failure analysis approved by the Department of Natural Resources on November 17, 2017, including:

(a) Map dated October 4, 2017 and titled Hydraulic Shadow.

(b) Floodway data table titled Table 5: Hydraulic Shadow Floodway Data, found in Dam Failure Analysis report, dated November 2017.

(c) Flood profiles dated October 4, 2017 and titled Town of Mentor DFA 8-20-17 (HEC-RAS profile output) – Plan: 100 Year Failure.

### (3) Establishment of Floodplain Zoning Districts

The flood hazard areas regulated by this ordinance are divided into districts as follows:

- a. The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to section 20.051(5).
- b. The Floodfringe District (FF) is that portion of a riverine special flood hazard area outside the floodway within AE Zones on the FIRM, or, when floodway limits have been determined according to section 20.051(5),

within A Zones shown on the FIRM.

- c. The General Floodplain District (GFP) is riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.

#### (4) Locating Floodplain Boundaries

Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions may be resolved using the criteria in subd (a) or (b) below. If a significant difference exists, the map shall be amended according to section 20.080. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to section 20.073(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to section 20.080.

- a. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- b. Where flood profiles do not exist for projects, including any boundary of zone A or AO, the location of the boundary shall be determined by the map scale.

#### (5) Removal of Land from Floodplain

- a. Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to section 20.080.
- b. The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:

- I. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;
- II. The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F;
- c. Removal of lands from the floodplain may also occur by operation of Wis. Stat. Wis. Stat. § 87.30(1)(e). if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

(6) Compliance

- a. No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.
- b. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with section 20.090.
- c. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with section 20.090.

(7) 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 section Wis. Stat. § 13.48(13), applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Wis. Stat. § 30.2022, applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards. If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under Wis. Stat. § 30.2022, then the road project design documents (including appropriate detailed plans and

profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply: The applicant provides documentation to the Floodplain Administrator that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location, the project is exempt from a DNR permit under Wis. Stat. § 30.123(6)(d), the capacity is not decreased, the top road grade is not raised, and no floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

#### (8) Abrogation and Greater Restrictions

- a. This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under Wis. Stat. § 59.69, Wis. Stat. § 59.692, Wis. Stat. § 59.694 for counties; Wis. Stat. § 87.30, which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- b. This ordinance is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

#### (9) Interpretation

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by Ch. NR 116, Wis. Admin. Code, is unclear, the provision shall be interpreted in light of the 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.

#### (10) Warning and Disclaimer of Liability

The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur, or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

#### (11) Severability

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

## **20.020 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS**

### **20.021 General**

The County shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding and assure that all necessary permits have been received from those governmental agencies whose approval is required by federal or state law.

- (1) If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:
  - a. be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  - b. be constructed with flood-resistant materials;
  - c. be constructed by methods and practices that minimize flood damages; and
  - d. Mechanical and utility equipment must be elevated to or above the flood protection elevation.
  
- (2) If a subdivision or other proposed new development is in a flood-prone area, the County shall assure that:
  - a. such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;
  - b. public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
  - c. adequate drainage is provided to reduce exposure to flood hazards.

All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in section 20.071(2).

## **20.022 HYDRAULIC AND HYDROLOGIC ANALYSES**

- (1) No floodplain development shall:
  - a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
  - b. Cause any increase in the regional flood height due to the loss of floodplain storage area.
- (2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of section 20.080 are met.

## **20.023 WATERCOURSE ALTERATIONS**

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of section 20.021 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to section 20.080, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

## **20.024 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT**

Development which requires a permit from the Department, under Wis. Stat. § Ch. 30 and Wis. Stat. § Ch. 31, such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to section 20.080.

## **20.025 PUBLIC OR PRIVATE CAMPGROUNDS**

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (1) The campground is approved by the Department of Agriculture, Trade and Consumer Protection;
- (2) A land use permit for the campground is issued by the zoning administrator;

- (3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the floodplain zoning agency or zoning administrator, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state Department of Agriculture, Trade and Consumer Protection and all other applicable regulations;
- (6) All mobile recreational vehicles placed on site must meet one of the following:
  - a. Be fully licensed, if required, and ready for highway use; or
  - b. Not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or
  - c. Meet the requirements in either section 20.030, section 20.040 or section 20.051 for the floodplain district in which the structure is located;

A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

- (7) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit consistent with section 20.025(6) and shall ensure compliance with all the provisions of this section;
- (8) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- (9) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued;

and

- (10) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.
- (11) Standards for structures in a campground:
  - a. All structures must comply with section 20.025 or meet the applicable requirements in section 20.030, section 20.040 or section 20.051 for the floodplain district in which the structure is located;
  - b. Deck/landing-a portable landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with section 20.025(4). Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
  - c. Decks/patios that are constructed completely at grade may be allowed but must also comply with applicable shoreland zoning standards.
  - d. Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with section 20.025(4).
  - e. Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with section 20.025(4).
- (12) A land use permit shall be obtained as provided under section 20.071(2) before any development; repair, modification, or addition to an existing

structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.

## **20.030 FLOODWAY DISTRICT (FW)**

### **20.031 APPLICABILITY**

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to section 20.051(5).

### **20.032 PERMITTED USES**

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District. If they are not prohibited by any other ordinance, they meet the standards in section 20.033 and section 20.034, and all permits or certificates have been issued according to section 20.071.

- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
- (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
- (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap, and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of section 20.033(4).
- (4) Uses or structures accessory to open space uses or classified as historic structures that comply with section 20.033 and section 20.034.
- (5) Extraction of sand, gravel or other materials that comply with section 20.033(4).
- (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Wis. Stat. § Ch. 30 and Wis. Stat. § Ch. 31.
- (7) Public utilities, streets and bridges that comply with section 20.033(3).
- (8) Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Admin. Code.
- (9) Public or private wells used to obtain potable water for recreational areas that

meet the requirements of local ordinances and Ch. NR 811, Wis. Admin. Code and Ch. NR 812, Wis. Admin. Code.

- (10) Wastewater treatment ponds or facilities permitted under Ch. NR 110.15(3)(b), Wis. Admin. Code.
- (11) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

### **20.033 STANDARDS FOR DEVELOPMENT IN THE FLOODWAY**

#### (1) General

- a. Any development in the floodway shall comply with section 20.020 and have a low flood damage potential.
- b. Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to section 20.021 and section 20.071(2)(c). The analysis must be completed by a registered professional engineer in the state of Wisconsin.
- c. Any encroachment in the regulatory floodway is prohibited unless the data submitted for section 20.033(1)(b) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in section 20.015(5).

#### (2) Structures

Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- a. Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
- b. Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
  - I. Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;

- II. Have structural components capable of meeting all provisions of Section 20.033(2)(g) and;
  - III. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 20.033(2)(g).
- c. Must be anchored to resist flotation, collapse, and lateral movement;
  - d. Mechanical and utility equipment must be elevated to or above the flood protection elevation; and
  - e. Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
  - f. For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets section 20.033(2)(a) through section 20.033(2)(e) and meets or exceeds the following standards:
    - I. The lowest floor must be elevated to or above the regional flood elevation;
    - II. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - III. the bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.
    - IV. The use must be limited to parking, building access or limited storage.
  - g. Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:
    - I. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
    - II. Construction of wells, water supply systems and waste treatment

systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in section 20.034(4) and section 20.034(5);

- III. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
- IV. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
- V. Placement of utilities to or above the flood protection elevation.

### (3) Public Utilities, Streets and Bridges

Public utilities, streets and bridges may be allowed by permit, if:

- a. Adequate flood proofing measures are provided to the flood protection elevation; and
- b. Construction meets the development standards of section 20.022.

### (4) Fills or Deposition of Materials

Fills or deposition of materials may be allowed by permit, if:

- a. The requirements of section 20.022 are met;
- b. No material is deposited in navigable waters unless a permit is issued by the Department pursuant to Wis. Stat. § Ch. 30 and a permit pursuant to section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
- c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- d. The fill is not classified as a solid or hazardous material.

## **20.034 PROHIBITED USES**

All uses not listed as permitted uses in section 20.032 are prohibited, including the following uses:

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Admin. Code;
- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Ch. NR 811 Wis. Admin. Code and Ch. NR 812, Wis. Admin. Code;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under Ch. NR 110.15(3)(b), Wis. Admin. Code; and
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

## **20.040 FLOODFRINGE DISTRICT (FF)**

### **20.041 APPLICABILITY**

This section applies to all areas shown on the floodplain zoning maps and those identified pursuant to section 20.051(5).

### **20.042 PERMITTED USES**

Any structure, land use, or development is allowed in the floodfringe district if the standards in section 20.043 are met, the use is not prohibited by this, or any other ordinance or regulation and all permits or certificates specified in section 20.071 have been issued.

### **20.043 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE**

- (1) Section 20.020 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of section 20.060.
- (2) Residential Uses

Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following

standards. Any existing structure in the floodfringe must meet the requirements of section 20.060;

- a. All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet section 20.015(5).
- b. Notwithstanding section 20.043 (2)(a), a basement or crawlspace floor may be placed at the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation;
- c. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).
- d. In developments where existing street or sewer line elevations make compliance with subd. (c) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
  - I. The municipality has written assurance from police, fire and emergency services that rescue, and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
  - II. The municipality has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.

### (3) Accessory Structures or Uses

In addition to section 20.020, new construction and substantial improvements of Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

### (4) Commercial Uses

In addition to section 20.020, any commercial structure which is erected, altered, or moved into the floodfringe shall meet the requirements of section 20.043(1). Subject to the requirements of section 20.043(5), storage yards,

surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) Manufacturing and Industrial Uses

In addition to section 20.020, any manufacturing or industrial structure which is erected, altered, or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in section 20.075. Subject to the requirements of section 20.043(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(6) Storage of Materials

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish, or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with section 20.075. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(7) Public Utilities, Streets, and Bridges

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

- a. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with section 20.075.
- b. Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(8) Sewage Systems

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to section 20.075(3), to the flood protection elevation and meet the provisions of all local ordinances and Ch. SPS 383, Wis. Admin. Code.

(9) Wells

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to section 20.075(3), to the flood protection elevation

and shall meet the provisions of Ch. NR 811 Wis. Admin. Code and Ch. NR 812, Wis. Admin. Code.

(10) Solid Waste Disposal Sites

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(11) Deposition of Materials

Any deposited material must meet all the provisions of this ordinance.

(12) Manufactured Homes

- a. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
- b. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
  - I. have the lowest floor elevated to the flood protection elevation; and
  - II. be anchored so they do not float, collapse, or move laterally during a flood
- c. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in section 20.043(1).

(13) Mobile Recreational Vehicles

All mobile recreational vehicles must be on site for less than 180 consecutive days and be either:

- a. Fully licensed and ready for highway use; or
- b. Shall meet the elevation and anchoring requirements in section 20.043(12)(b) and (c).

A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

## **20.050 OTHER FLOODPLAIN DISTRICTS**

### **20.051 GENERAL FLOODPLAIN DISTRICT (GFP)**

#### (1) Applicability

The provisions for the General Floodplain District shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in section 20.015(2)(a).

#### (2) Floodway Boundaries

For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified section 20.015(2)(a), the boundaries of the regulatory floodway shall be determined pursuant to section 20.051(5). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of section 20.030. If the development is located entirely within the floodfringe, the development is subject to the standards of section 20.040.

#### (3) Permitter Uses

Pursuant to section 20.051(5) it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (section 20.032) and Floodfringe (section 20.042) Districts are allowed within the General Floodplain District, according to the standards of section 20.051(4) provided that all permits or certificates required under section 20.071 have been issued.

#### (4) Standards for Development in the General Floodplain District

Section 20.030 applies to floodway areas, determined to pursuant to section 20.051(5); Section 20.040 applies to floodfringe areas, determined to pursuant to section 20.051(5).

- a. New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated:
  - I. To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade; or
  - II. If the depth is not specified on the FIRM, to or above two (2) feet above the highest adjacent natural grade.

- b. New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
- c. In AO/AH zones, provide adequate drainage paths to guide floodwaters around structures.
- d. All development in zones AO and zone AH shall meet the requirements of section 20.040 applicable to flood fringe areas.

(5) Determining Floodway and Floodfringe Limits

Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the zoning administrator shall:

- a. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures and the flood zone as shown on the FIRM.
- b. Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
  - I. A Hydrologic and Hydraulic Study as specified in section 20.071(2)(c).
  - II. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
  - III. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

**20.060 NONCONFORMING USES**

**20.061 GENERAL**

(1) Applicability

- a. The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with Wis. Stat. § 87.30, and Ch. NR 116.12-14, Wis. Admin. Code and 44 CFR 59-72, these standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.
  - b. As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value, and a list of the costs of those activities associated with changes to those buildings.
- (2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

- a. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

- b. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- c. The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and

the percentage of the structure's total current value those modifications represent;

- d. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with section 20.043(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- e. No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with section 20.043(1). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.
- f. If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with section 20.043(1).
- g. Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- h. For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size

and use in effect prior to the damage event, provided that the following minimum requirements are met, and all required permits have been granted prior to the start of construction:

I. Residential Structures

- (a) Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts, or perimeter walls. Perimeter walls must meet the requirements of section 20.075(2).
- (b) Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.
- (c) Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (d) In A Zones, obtain, review, and utilize any flood data available from a federal, state or other source.
- (e) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in section 20.051(4).
- (f) In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

II. Nonresidential Structures

- (a) Shall meet the requirements of section 20.061(2)(h)i.
- (b) Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in section 20.075(1) or section 20.075(2).
- (c) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in section 20.051(4).

- (3) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with section 20.033(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with section 20.075 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of section 20.061(2)(h) if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

## **20.062 FLOODWAY DISTRICT**

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
- a. Has been granted a permit or variance which meets all ordinance requirements;
  - b. Meets the requirements of section 20.061
  - c. Shall not increase the obstruction to flood flows or regional flood height;
  - d. Any addition to the existing structure shall be floodproofed, pursuant to section 20.075, by means other than the use of fill, to the flood protection elevation; and,
  - e. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
    - I. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
    - II. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
    - III. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
    - IV. The use must be limited to parking, building access or limited storage.

- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, section 20.075(3) and Ch. SPS 383, Wis. Admin. Code.
- (3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair, or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, section 20.075(3) and Ch. NR 811 Wis. Admin. Code and Ch. NR 812, Wis. Admin. Code.

### **20.063 FLOODFRINGE DISTRICT**

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of section 20.043 except where section 20.063(2) is applicable.
- (2) Where compliance with the provisions of subd. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in section 20.073, may grant a variance from those provisions of subd. (1) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
  - a. No floor is allowed below the regional flood elevation for residential or commercial structures;
  - b. Human lives are not endangered;
  - c. Public facilities, such as water or sewer, shall not be installed;
  - d. Flood depths shall not exceed two feet;
  - e. Flood velocities shall not exceed two feet per second; and
  - f. The structure shall not be used for storage of materials as described in section 20.043(5).
- (3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the

applicable provisions of all local ordinances, section 20.075(3) and Ch. SPS 383, Wis. Admin. Code.

- (4) All new wells, or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this ordinance, section 20.075(3) and Ch. NR 811 Wis. Admin. Code and Ch. NR 812, Wis. Admin. Code.

## **20.070 ADMINISTRATION**

### **20.071 ZONING ADMINISTRATOR**

Where a zoning administrator, planning agency or a board of adjustment has already been appointed to administer a zoning ordinance adopted under Wis. Stat. § 59.69, Wis. Stat. § 59.692, or Wis. Stat. § 62.23(7), these officials shall also administer this ordinance.

#### 1) Duties and Powers

The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

- a. Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- b. Issue permits and inspects properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate
- c. Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- d. Keep records of all official actions such as:
  - I. All permits issued, inspections made, and work approved;
  - II. Documentation of certified lowest floor and regional flood elevations;
  - III. Floodproofing certificates.
  - IV. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
  - V. All substantial damage assessment reports for floodplain structures.
  - VI. List of nonconforming structures and uses.

e. Submit copies of the following items to the Department Regional office:

- I. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
- II. Copies of case-by-case analyses and other required information.
- III. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- IV. Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- V. Submit copies of amendments to the FEMA Regional office.

## 2) Land Use Permits

A land use permit shall be obtained before any development; or repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

### a. General Information

- I. Name and address of the applicant, property owner and contractor;
- II. Legal description, proposed use, and whether it is new construction or a modification;

### b. Site Development Plan

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

- I. Location, dimensions, area and elevation of the lot;
- II. Location of the ordinary highwater mark of any abutting navigable waterways;
- III. Location of any structures with distances measured from the lot lines and street center lines;
- IV. Location of any existing or proposed on-site sewage systems or private water supply systems;

- V. Location and elevation of existing or future access roads;
- VI. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
- VII. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
- VIII. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of section 20.030 or section 20.040 are met; and
- IX. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to section 20.022. This may include any of the information noted in section 20.033(1).

c. Hydraulic and Hydrologic Studies to Analyze Development

All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

- I. Zone A floodplains and in AE zones within which a floodway is not delineated:

(a) Hydrology

- i. The appropriate method shall be based on the standards in Ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

(b) Hydraulic modeling

The regional flood elevation shall be based on the standards in Ch. NR 116.07(3), Wis. Admin. Code,, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:

- i. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.

- ii. Channel sections must be surveyed.
- iii. Minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
- iv. A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
- v. The most current version of HEC-RAS shall be used.
- vi. A survey of bridge and culvert openings and the top of road is required at each structure.
- vii. Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
- viii. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high-water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
- ix. The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

(c) Mapping

A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
- ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

## II. Zone AE Floodplains

### (a) Hydrology

If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on Ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

### (b) Hydraulic model

The regional flood elevation shall be based on the standards in Ch. NR 116.07(3), Wis. Admin. Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:

- i. Duplicate Effective Model
- ii. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
- iii. Corrected Effective Model.
- iv. The Corrected Effective Model shall not include any man-made physical changes since the effective model date but shall import the model into the most current version of HEC-RAS for Department review.
- v. Existing (Pre-Project Conditions) Model.

- vi. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
- vii. Revised (Post-Project Conditions) Model.
- viii. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
- ix. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
- x. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross-sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

(c) Mapping

Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

- i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
- ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
- iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
- iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation

or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

- v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross-section lookup table shall be included to relate to the model input numbering scheme.
- vii. Both the current and proposed floodways shall be shown on the map.
- viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

d. Expiration

All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.

3) Certificate of Compliance

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt, or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

- a. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- b. Application for such certificate shall be concurrent with the application for a permit;
- c. If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;

- d. The applicant shall submit a certification signed by a registered professional engineer, architect, or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of section 20.075 are met.
- e. Where applicable pursuant to section 20.051(4), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.
- f. Where applicable pursuant to section 20.051(4), the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by section 20.051(4).

#### 4) Other Permits

Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

### **20.072 ZONING AGENCY**

- 1) The Jackson County Zoning and Land Information Committee shall:
  - a. oversee the functions of the office of the zoning administrator; and
  - b. review and advise the governing body on all proposed amendments to this ordinance, maps, and text.
  - c. publish adequate notice pursuant to Wis. Stat. § 985, specifying the date, time, place, and subject of the public hearing.
- 2) The Jackson County Zoning and Land Information Committee shall not:
  - a. grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or
  - b. amend the text or zoning maps in place of official action by the governing body.

## **20.073 BOARD OF ADJUSTMENT/APPEALS**

The Board of Adjustment, created under Wis. Stat. § 59.694 for counties is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.

### 1) Powers and Duties

The Board of Adjustment shall:

- a. Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance;
- b. Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and
- c. Variances - Hear and decide, upon appeal, variances from the ordinance standards.

### 2) Appeals to the Board

- a. Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.
- b. Notice and Hearing for Appeals Including Variances
  - I. Notice - The board shall:
    - (a) Fix a reasonable time for the hearing;
    - (b) Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place, and subject of the hearing; and
    - (c) Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
  - II. Hearing - Any party may appear in person or by agent. The board shall:

- (a) Resolve boundary disputes according to section 20.073(3);
- (b) Decide variance applications according to section 20.073(4); and
- (c) Decide appeals of permit denials according to section 20.074.

c. Decision

The final decision regarding the appeal or variance application shall:

- I. Be made within a reasonable time;
- II. Be sent to the Department Regional office within 10 days of the decision;
- III. Be a written determination signed by the chairman or secretary of the Board;
- IV. State the specific facts which are the basis for the Board's decision;
- V. 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 grant or deny the variance application; and
- VI. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

3) Boundary Disputes

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- a. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.
- b. The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
- c. If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to section 20.080.

#### 4) Variance

- a. The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
  - I. Literal enforcement of the ordinance will cause unnecessary hardship;
  - II. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
  - III. The variance is not contrary to the public interest; and
  - IV. The variance is consistent with the purpose of this ordinance in section 20.013.
- b. In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:
  - I. The variance shall not cause any increase in the regional flood elevation;
  - II. The applicant has shown good and sufficient cause for issuance of the variance;
  - III. Failure to grant the variance would result in exceptional hardship;
  - IV. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
  - V. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.
- c. A variance shall not:
  - I. Grant, extend or increase any use prohibited in the zoning district;
  - II. Be granted for a hardship based solely on an economic gain or loss;
  - III. Be granted for a hardship which is self-created.
  - IV. Damage the rights or property values of other persons in the area;

- V. Allow actions without the amendments to this ordinance or map(s) required in section 20.080; and
  - VI. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- d. When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. Flood insurance premiums could increase \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

### **20.074 TO REVIEW APPEALS OF PERMIT DENIALS**

- (1) The Zoning Agency (section 20.072) or Board shall review all data related to the appeal. This may include:
- a. Permit application data listed in section 20.071(2);
  - b. Floodway/floodfringe determination data in section 20.051(5);
  - c. Data listed in section 20.033(1)(b) where the applicant has not submitted this information to the zoning administrator; and
  - d. Other data submitted with the application or submitted to the Board with the appeal.
- (2) For appeals of all denied permits the Board shall:
- a. Follow the procedures of section 20.073;
  - b. Consider zoning agency recommendations; and
  - c. Either uphold the denial or grant the appeal.
- (3) For appeals concerning increases in regional flood elevation the Board shall:
- a. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of section 20.080; and
  - b. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

## **20.075 FLOODPROOFING STANDARDS**

- (1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA Floodproofing Certificate. Floodproofing is not an alternative to the development standards in section 20.020, section 20.030, section 20.040 or section 20.051.
- (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
  - a. Certified by a registered professional engineer or architect; or
  - b. Meeting or exceeding the following standards:
    - I. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - II. The bottom of all openings shall be no higher than one foot above grade; and
    - III. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (3) Floodproofing measures shall be designed, as appropriate, to:
  - a. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
  - b. Protect structures to the flood protection elevation;
  - c. Anchor structures to foundations to resist flotation and lateral movement;
  - d. Minimize or eliminate infiltration of flood waters;
  - e. Minimize or eliminate discharges into flood waters;
  - f. Placement of essential utilities to or above the flood protection elevation; and
  - g. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

- I. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
- II. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
- III. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
- IV. The use must be limited to parking, building access or limited storage.

## **20.076 PUBLIC INFORMATION**

- (1) Place marks on structures to show the depth of inundation during the regional flood.
- (2) All maps, engineering data and regulations shall be available and widely distributed.
- (3) Real estate transfers should show what floodplain district any real property is in.

## **20.080 AMENDMENTS**

### **20.081 GENERAL**

- (1) Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with section 20.081.
  - a. In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with section 20.081. Any such alterations must be reviewed and approved by FEMA and the DNR.
  - b. In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official

floodplain zoning maps, floodway lines, and water surface profiles, in accordance with section 20.081.

- (2) The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in section 20.082 below. Actions which require an amendment to the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:
- a. Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
  - b. Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
  - c. Any changes to any other officially adopted floodplain maps listed in section 20.015 (2)(b);
  - d. Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
  - e. Correction of discrepancies between the water surface profiles and floodplain maps;
  - f. Any upgrade to a floodplain zoning ordinance text required by Ch. NR 116.05, Wis. Admin. Code, or otherwise required by law, or for changes by the municipality; and
  - g. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

### **20.082 PROCEDURES**

Ordinance amendments may be made upon petition of any party according to the provisions of Wis. Stat. § 59.69, for counties. The petitions shall include all data required by section 20.051(5) and section 20.071(2). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of Wis. Stat. § 59.69, for counties.
- (2) No amendments shall become effective until reviewed and approved by the Department.

- (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

## **20.090 ENFORCEMENT AND PENALTIES**

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance, and the creation may be enjoined, and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to Wis. Stat. § 87.30.

## **20.100 DEFINITONS**

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

AH ZONE – See “AREA OF SHALLOW FLOODING”.

AO ZONE – See “AREA OF SHALLOW FLOODING”.

ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building. An accessory structure shall not be used for human habitation.

ALTERATION – An enhancement, upgrade or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined

channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

**BASE FLOOD** – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

**BASEMENT** – Any enclosed area of a building having its floor sub-grade, on all sides.

**BREAKAWAY WALL** – A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**BUILDING** – See STRUCTURE.

**BULKHEAD LINE** – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to Wis. Stat. § 30.11, and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

**CAMPGROUND** – Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

**CAMPING UNIT** – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.

**CERTIFICATE OF COMPLIANCE** – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

**CHANNEL** – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

**CRAWLWAYS or CRAWL SPACE** – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

**DECK** – An unenclosed exterior structure that has no roof or sides and has a permeable floor which allows the infiltration of precipitation.

**DEPARTMENT** – The Wisconsin Department of Natural Resources.

**DEVELOPMENT** – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

**DRYLAND ACCESS** – A vehicular access route which is above the regional flood elevation, and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

**ENCROACHMENT** – Any fill, structure, equipment, use or development in the floodway.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)** – The federal agency that administers the National Flood Insurance Program.

**FLOOD INSURANCE RATE MAP (FIRM)** – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

**FLOOD or FLOODING** – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- The overflow or rise of inland waters;
- The rapid accumulation or runoff of surface waters from any source;
- The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
- The sudden increase caused by an unusually highwater level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

**FLOOD FREQUENCY** – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.

**FLOODFRINGE** – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

**FLOOD HAZARD BOUNDARY MAP** – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

**FLOOD INSURANCE STUDY** – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

**FLOODPLAIN** – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.

**FLOODPLAIN ISLAND** – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

**FLOODPLAIN MANAGEMENT** – Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

**FLOOD PROFILE** – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

**FLOODPROOFING** – Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

**FLOOD PROTECTION ELEVATION** – An elevation of two feet of freeboard above the Regional Flood Elevation. (Also see: FREEBOARD.)

**FLOOD STORAGE** – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

**FLOODWAY** – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

**FREEBOARD** – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed

urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

**HABITABLE STRUCTURE** – Any structure or portion thereof used or designed for human habitation.

**HEARING NOTICE** – Publication or posting meeting the requirements of Wis. Stat. § 985. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

**HIGH FLOOD DAMAGE POTENTIAL** – Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

**HIGHEST ADJACENT GRADE** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE** – Any structure that is either:

- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

**INCREASE IN REGIONAL FLOOD HEIGHT** – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

**LAND USE** – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.

LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement).

MAINTENANCE – The act or process of ordinary upkeep and repairs, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems, or structures.

MANUFACTURED HOME – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

MOBILE RECREATIONAL VEHICLE – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

**MODEL, EFFECTIVE** – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

**MODEL, EXISTING (PRE-PROJECT)** – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

**MODEL, REVISED (POST-PROJECT)** – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

**MUNICIPALITY or MUNICIPAL** – The county, city or village governmental units enacting, administering, and enforcing this zoning ordinance.

**NAVD or NORTH AMERICAN VERTICAL DATUM** – Elevations referenced to mean sea level datum, 1988 adjustment.

**NGVD or NATIONAL GEODETIC VERTICAL DATUM** – Elevations referenced to mean sea level datum, 1929 adjustment.

**NEW CONSTRUCTION** – Structures for which the start of construction commenced on or after the effective date of a floodplain zoning regulation adopted by this community and includes any subsequent improvements to such structures.

**NON-FLOOD DISASTER** – A fire or an ice storm, tornado, windstorm, mudslide, or other destructive act of nature, but excludes a flood.

**NONCONFORMING STRUCTURE** – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

**NONCONFORMING USE** – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

**OBSTRUCTION TO FLOW** – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

OFFICIAL FLOODPLAIN ZONING MAP – That map, adopted and made part of this ordinance, as described in section 20.015(2), which has been approved by the Department and FEMA.

OPEN SPACE USE – Those uses having a relatively low flood damage potential and not involving structures.

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

PERSON – An individual, or group of individuals, corporation, partnership, association, municipality, or state agency.

PRIVATE SEWAGE SYSTEM – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.

PUBLIC UTILITIES – Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer, and storm sewer.

REASONABLY SAFE FROM FLOODING – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

REGIONAL FLOOD – A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

START OF CONSTRUCTION – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory

buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE** – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lakebed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

**SUBDIVISION** – Has the meaning given in Wis. Stat. § 236.02(12).

**SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

**UNNECESSARY HARDSHIP** – Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

**VARIANCE** – An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

**VIOLATION** – The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

**WATERSHED** – The entire region contributing runoff or surface water to a watercourse or body of water.

WATER SURFACE PROFILE – A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

WELL – Means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

RESOLUTION NO. 39-10-2025

**TO:** HONORABLE COUNTY BOARD OF SUPERVISORS

**RE:** Jackson County PSAP Grant Program – Matching Fund Source

**WHEREAS**, the Jackson County Sheriff's Office has completed the FY26 PSAP Grant Application requesting funds to offset the cost of a pending NG-911 improvement and upgrade project for the County's designated Public Safety Answering Point (PSAP) which is the Jackson County Communications Center, and.

**WHEREAS**, Under the FY2026 PSAP Grant Program, there is a 10% cost share/match requirement. Cash match only. Cash (hard) match includes non-state or federal cash spent for project related costs, according to the program guidance. Allowable cash match must only include those costs that are eligible expenses under the grant program, and.

**WHEREAS**, the scope of the project complies with the grant allowable expenses, more specifically (1) Upgrade NG-911 hardware and software; (2) Provide specific and advanced telecommunicator training; (3) Enhance PSAP Operations; (4) Complete any expenses for enabling and implementing the NG-911 services, and.

**WHEREAS**, the proposed budget request for the FY2026 PSAP Grant Program for the NG-911 project is \$417,514.99, the County's match amount would be \$41,751.50, and.

**WHEREAS**, the proposed timeline for the NG-911 – PSAP Grant project will begin upon grant award notification and end no later than June 1, 2027. Most of the scope of work and implementation of the services will occur in the year 2026, and.

**NOW THEREFORE BE IT RESOLVED**, the Honorable Jackson County Board of Supervisors hereby approves the 10 % County Matching Fund Source to use Ho-Chunk Reserve Fund Balance in the amount indicated in the final grant award, not to exceed the proposed budget amount of \$41,751.50.

Resolution dated, 10/20, 2025.

Respectfully submitted,

**LAW ENFORCEMENT**

s/Garth Rolbiecki

s/William Laurent

s/Ron Carney

s/Russell Anderson

**EXECUTIVE, FINANCE, PERSONNEL**

s/Ron Carney

s/John Higgins

s/Ed Chamberlain

s/Sarah Peloquin

s/Garth Rolbiecki

s/Mike Kunes

Supervisor Cooper made a motion to adopt this resolution. This was seconded by Supervisor Peloquin. Sheriff Waldera was present for questions. Voice vote was taken with 19 present voting Aye.

**RESOLUTION: 40-10-2025**

RE: Approve Issuance of Tax Deed

WHEREAS, Wisconsin State Statutes 75.14 (1) requires the county board to pass a resolution to order issuance of deeds for tax delinquent properties; and

WHEREAS, all procedures were executed to provide proper notice to the landowner and creditors.

NOW THEREFORE BE IT RESOLVED that the Jackson County Board of Supervisors orders the issuance of deeds for:

Stephen J Doerr – parcel #136-0465.0000

Village of Hixton: Tax Years 2019 – 2024

Main Street Auto Repair – parcel #101-0059.0000

Village of Alma Center: Tax Years 2019 – 2024

Juanita Orozco-Roberts & Annie Orozco – parcels #002-0030.0005 & #002-0137.0005

Town of Adams: Tax Years 2019 – 2024

Thomas Smith – parcel #022-0086.0005

Town of Garfield: Tax Years 2021 – 2024

Respectfully Submitted;

Executive & Finance Committee

s/John Higgins

s/Ed Chamberlain

s/Sarah Peloquin

s/Garth Rolbiecki

s/Ron Carney

s/Mike Kunes

Supervisor Peloquin made a motion to adopt this resolution. This was seconded by Supervisor Hart. Tabitha Chonka-Michaud, County Treasurer was present for questions. Discussion took place. Voice vote was taken with 19 present voting Aye.

Chairman Amo asked for committee reports. Chairpersons and/or Board Representatives of the various committees reported on the activities in their committees.

Supervisor Cooper made a motion to adjourn. This was seconded by Supervisor Peloquin. All present voted Aye by voice vote. Meeting adjourned at 6:09 P.M.



