



# GREEN LAKE COUNTY

571 County Road A, Green Lake, WI 54941

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July 7, 2016

**The following documents are included in the packet for the Land Use Planning & Zoning Committee meeting on Thursday, July 7, 2016:**

Packet Pages:

1. **Amended** Agenda
- 2-9. Draft meeting minutes from 06/02/16
10. Claims
- 11-15. Monthly reports for May
- 16-19. Permit reports
- 20-21. Violation reports
- 22-24. Information on raising backyard chickens
- 25-75. Draft Chapter 338 Shoreland Protection Ordinance
76. Public hearing notice
- 77-86. Item I: John F. & Diana M. Werth rezone request information



**GREEN LAKE COUNTY**  
**Land Use Planning & Zoning Committee**

Michael Starshak, Chairman  
Harley Reabe

Robert Lyon  
Rich Slate

**AMENDED AGENDA (amended items \*)**

**Date: Thursday, July 7, 2016 Time: 4:30 p.m.**

**Government Center, West Wing, Lower Level, County Board Room**

*All line items are subject to any and all action by this committee, unless noted.*

1. Call to order
2. Pledge of Allegiance
3. Certification of open meeting law
4. Roll call
5. Approval of agenda
6. Approval of 06/02/16 minutes
7. Public comments – 3 minute limit
8. Public appearances
9. Correspondence
10. Purchases
11. Claims
12. Department activity reports
  - a. Permits & others
  - b. Violation reports
13. Department/Committee Activity
  - a. Chickens in residential zoning districts update
  - b. Update on shoreland zoning ordinance
  - c. Cell tower siting language
  - d. Exclusive agriculture zoning district update
  - e. Agricultural Enterprise Zoning Areas
  - f. Permit tracking software update
  - \*g. ~~Code enforcement officer~~ Hiring processes
  - h. Board of Adjustment update
14. Future Committee Activities
  - a. Future agenda items
  - b. Meeting date(s)  
August 4, 2016  
Business meeting 4:30 p.m.  
Public hearing 5:30 p.m.

**5:30 p.m. Public Hearing**

**Item I: Owners/Applicants:** John F & Diana M Werth **General legal description:** N2347 County Road A, Parcel #010-00052-0000, Part of the NW¼ of Section 3, T14N, R13E, Town of Mackford, ±25 acres **Request:** Rezone request from A-1 Exclusive Agriculture District to A-2 General Agriculture District

- a) Public Hearing
- b) Committee Discussion & Deliberation
- c) Committee Decision
- d) Execute Determination Form/Ordinance

15. Adjourn

***Note: The meeting area is accessible to the physically disabled. Anyone planning to attend who needs visual or audio assistance should contact Carole DeCramer at (920) 294-4156 prior to noon the day before the meeting.***

**GREEN LAKE COUNTY  
LAND USE PLANNING AND ZONING COMMITTEE  
MEETING MINUTES  
Thursday, June 2, 2016**

**CALL TO ORDER**

Committee Secretary Carole DeCramer called the meeting of the Land Use Planning and Zoning Committee to order at 4:31 p.m. in the Green Lake County Government Center, County Board Room #0902, Green Lake, WI. The requirements of the open meeting law were certified as being met.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

**Present: Robert Lyon, Harley Reabe, Rich Slate**

**Absent: Ben Moderow, Michael Starshak**

**Also Present: Missy Sorenson, Code Enforcement Officer**

**Matt Kirkman, Interim Department Head/Code Enforcement Officer**

**Carole DeCramer, Committee Secretary**

**Dawn Klockow, Corporation Counsel**

Since the Committee Chair and Vice Chair are absent, DeCramer asked for nominations for a Pro Tem Chair for this evening's meeting.

Reabe nominated Slate. No other nominations.

On a motion by Reabe/Lyon, unanimously carried, to cast a unanimous ballot for Slate as Pro Tem Chair.

Slate proceeded with the meeting.

**APPROVAL OF AGENDA**

**Motion by Lyon/Reabe, unanimously carried, to approve the amended agenda.**

**APPROVAL OF MINUTES**

**Motion by Reabe/Lyon, unanimously carried, to approve the minutes of 05/05/16.**

**PUBLIC COMMENT** - None

**PUBLIC APPEARANCES**

- a. Kristen Annoye & Kassiani Walejko, Town of Brooklyn, related to allowing chickens in R-1 Single-Family Residence District**

Kassiani Walejko and Leslie Wood, residents of Green Lake County, representing a growing group of people who are interested in bringing chickens to Green Lake County, asked if they could bring information back to the next meeting.

Slate asked them to bring the information back to the July 7<sup>th</sup> meeting for further discussion.

**CORRESPONDENCE** - None

**PURCHASES** - None

**CLAIMS**

Claims totaling \$1,580.01 were submitted.

**Motion by Reabe/Lyon, unanimously carried, to approve for payment the claims in the amount of \$1,580.01.**

**DEPARTMENT ACTIVITY REPORTS**

**a. Permits & others**

Kirkman – Discussed the monthly financials and the land use permits.

Sorenson – Discussed the monthly sanitary permits.

**b. Violations**

Kirkman and Sorenson – Discussed the land use and sanitary violation reports.

**DEPARTMENT/COMMITTEE ACTIVITY**

**a. Update on shoreland zoning ordinance**

The committee reviewed the proposed Chapter 338 Shoreland Protection Ordinance. Kirkman explained changes that the Department of Natural Resources made and changes staff made to customize the model ordinance to the County’s needs. After discussion, it was decided that Kirkman do more research on the following: definition of blinds; the procedure for establishing Planned Unit Developments, requiring earth-toned colors for boathouses, and existing exempt structures. The committee will review this again at the July 7<sup>th</sup> committee meeting starting with the appendix. Those not present at this meeting should contact Kirkman with comments, concerns, and corrections.

**5:32 p.m. Motion by Reabe/Lyon, unanimously carried, to recess for a few minutes.**

**5:36 p.m. Pro Tem Chair Slate convened the meeting of the Land Use Planning and Zoning Committee for public hearing items and read the rules of public hearing.**

**PUBLIC HEARING ITEMS**

*Audio of committee discussion is available upon request from the Green Lake County Land Use Planning and Zoning Department.*

**Item I: Owners:** Richard R. Waldvogel **Agent:** Thomas A. Graff **General legal description:** W2015 Center Road, Parcels #006-00310-0100, #006-00311-0000, #006-00313-0000, Part of the SW¼ of Section 17, T15N, R13E, Town of Green Lake, ±11.3 acres **Request:** Rezone request from A-1 Exclusive Agriculture District to A-2 General Agriculture District.

a) Public Hearing

No one appeared.

Public hearing closed.

b) Committee Discussion & Deliberation

Kirkman explained the request to include an issue with the property. Kirkman met at the site with Land Conservation staff and Supervisor Moderow regarding a livestock sediment basin

having no filter screens, a large manure storage tank, and a grass waterway that runs near the site that conveys manure into the waterway.

Green Lake County Land Conservationist Paul Gunderson – The system on this site was installed in the 1980's. The Land Conservation Department will cost-share this project with the property owners in restoring it to the original condition. This project is on the right track. Land Conservation will make sure that it is done properly.

Kirkman went through the zoning criteria regarding this request. The Town of Green Lake has approved of the request as long as the Graffs continue to work with Land Conservation.

Lyon asked, if the property owners decide not to proceed or back out of the deal with Land Conservation, is there any recourse?

Gunderson responded that there are options in enforcing this to include the Department of Natural Resources getting involved.

c) Committee Decision

**Motion by Lyon/Reabe, unanimously carried on roll call (3 -eyes, 0-nays), to approve the rezone request as presented and forward to the county board for final action.**

d) Execute Determination Form/Ordinance

**Item II: Owners:** Dukelow Farms, Inc. – Richard Dukelow and Timothy N. & Kim T. Graff  
**Agents:** Timothy N. & Kim T. Graff **General legal description:** W2188 County Road X, Parcel Numbers #006-00348-0100 & #006-00348-0200, Lot 1 Certified Survey Map 2452, Part of the NE¼ of Section 19, T15N, R13E, Town of Green Lake, ±4.0 acres **Request:** Rezone request from A-1 Exclusive Agriculture District to R-4 Rural Residential District.

a) Public Hearing

Richard Dukelow, W2026 County Road B – Spoke in favor of the request. Expressed concern about the right-of-way.

Slate explained that Mr. Dukelow must deal with that at the time that the certified survey map is done. This is not in the jurisdiction of the committee.

Public hearing closed.

b) Committee Discussion & Deliberation

Kirkman explained the request and the criteria for rezoning the property. The Town of Green Lake does not object to the request

c) Committee Decision

**Motion by Reabe/Lyon, unanimously carried on roll call (3-eyes, 0-nays), to approve the rezone request as presented and forward to the county board for final action.**

d) Execute Determination Form/Ordinance

**Item III: Owners:** Daniel & Jennifer Vinz **General legal description:** W4644 County Road X, Parcel ##012-00345-0000, A part of the SE¼ of Section 18, T14N, R12E, Town of Manchester, ±23.5 acres **Request:** Rezone request from A-1 Exclusive Agriculture District to R-4 Rural Residential District (±3.00 not to include right-of-way) and A-2 General Agriculture District (±20.5 acres).

a) Public Hearing

Daniel W4611 County Road X – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion & Deliberation

Sorenson explained the request and read through the zoning criteria. She reported that the Town of Manchester approved of the request.

c) Committee Decision

**Motion by Reabe/Lyon, unanimously carried on roll call (3-ayes, 0-nays), to approve the rezone request as presented and forward to the county board for final action.**

d) Execute Determination Form/Ordinance

**Item IV: Owner:** Marjorie E. Lind **Agent:** Ryan A. Dobbs **General legal description:** White Ridge Road, Parcels #002-00209-0000, #002-00214-0000, #002-00215-0000, & #002-00216-0000, Part of the NE¼ of Section 13, T17, R13E, Town of Berlin **Request:** Rezone request from A-1 Exclusive Agriculture District to R-4 Rural Residential

a) Public Hearing

Ryan Dobbs, W2246 Century Drive, Kaukauna – Spoke in favor of the request.

Public hearing closed.

b) Committee Discussion & Deliberation

Sorenson explained the request. The vast majority of the land mass falls within the ETZA. The request is consistent with the county comprehensive plan. The request also met the rezone criteria, which was reviewed by the committee. The Town of Berlin approves of the request.

c) Committee Decision

**Motion by Reabe/Lyon, unanimously carried on roll call (3-ayes, 0-nays), to approve the rezone request as presented and forward to the county board for final action.**

c) Execute Determination Form/Ordinance

**6:10 p.m. The business meeting resumed following the public hearing.**

**b. Cell tower siting language**

Kirkman was directed to put this on the July 7<sup>th</sup> agenda.

**c. Exclusive Agriculture Zoning District Update**

**1. Consultant quotes**

Kirkman requested quotes from MSA and Martenson & Eisele for quotes to do the consulting work on the exclusive agriculture zoning district update. MSA consultant, Jason Valerius, submitted a letter stating that MSA is not interested in submitting a quote, and that it would be in the best interest of Green Lake County to retain the services of the consultant that worked on the Farmland Preservation Plan (Ken Jaworski, Marten & Eisele). Kirkman suggested that the A-1 and A-2 districts be updated at the same time. This needs to be done by the end of the year.

**Motion by Reabe/Lyon, unanimously carried on roll call (3-eyes, 0-nays), to contract with Martenson & Eisele for services related to the agriculture zoning districts update, time and materials, not to exceed \$10,000.**

**d. Agenda amended to delete this item from the agenda**

**e. Permit tracking software update**

Kirkman reported that the Land Conservation Department and the Land Use Planning & Zoning Department attended a software demonstration by Transcendent for a software program that could track the Farmland Preservation Program and permits issued by this department. Kirkman will work on getting some prices for the software and report back at the July 7<sup>th</sup> meeting.

**f. Possible merging of departments**

Slate stated that the Land Conservation Committee voted to not merge the two departments. It is now up to this committee to voice their opinion on the potential merger. Lyon stated that he feels the two departments should stay separate. They are working together now and shouldn't have an extra layer of management. Reabe agreed with Lyon. According to the flow chart of comparison costs (provided by Land Conservation), merging the two departments would, ultimately, cost more. Reabe further added that there are not enough similarities to join the two departments.

**Motion by Reabe/Lyon, unanimously carried, to retain the present structure of the Land Use Planning and Zoning Department.**

After further discussion, the committee agreed that the wording of the motion should be clearer.

**Motion by Slate/Reabe to reconsider the previous motion. Vote: Lyon – nay, Reabe – nay, Slate – nay. Motion denied.**

**6:32 p.m. On a motion by Lyon/Reabe, unanimously carried, to take a five-minute recess.**

**6:38 p.m. The meeting reconvened.**

**Motion by Lyon/Reabe, unanimously carried, to not merge the Land Use Planning and Zoning Department with the Land Conservation Department.**

**g. Land Use Planning & Zoning Director vacancy review**

Kirkman read through the process for the vacancy review that includes a four-point analysis. The committee made some changes to Kirkman's findings.

**Motion by Reabe/Lyon, unanimously carried, to approve the analysis with committee changes.**

**h. Land Use Planning & Zoning Director job description**

Kirkman reviewed the director's job description with modifications he had made. The committee added their own modifications as well.

**Motion by Lyon/Reabe, unanimously carried, to approve the Land Use Planning and Zoning Director job description as modified and forward to the Personnel Committee for final approval.**

**i. Resolution Relating to Restructuring the Land Use Planning & Zoning Department as it relates to the Director and County Surveyor**

The committee discussed the proposed resolution relating to restructuring the Land Use Planning & Zoning Department as it relates to the Director and County Surveyor. The resolution would separate the director and county surveyor positions.

**Motion by Reabe/Lyon, unanimously carried on roll call (3-ayes, 0-nays), to approve Resolution 15-2016 and forward to the Personnel Committee for their approval before going to the County Board for final approval.**

**RESOLUTION NO. 15 –2016**

**Relating to Restructuring the Land Use Planning and Zoning Department as it Relates to the Director and County Surveyor**

The County Board of Supervisors of Green Lake County, Green Lake Wisconsin, duly assembled at its regular meeting begun on the 21<sup>st</sup> day of June, 2016, does resolve as follows:

**WHEREAS**, on October 15, 1996, by Resolution Number 39-96 the County Board of Supervisors created the position of County Land Use Planning and Zoning Director; and,

**WHEREAS**, on June 15, 2004, by Resolution Number 22-2004 the County Board of Supervisors combined the position of County Land Use Planning and Zoning Director and the position of County Surveyor into one position of a County Surveyor/Land Development Director; and,

**WHEREAS**, through attrition the position of County Surveyor/Land Development Director has become vacant as of April 4, 2016; and,

**WHEREAS**, this position has been reviewed by the Interim Planning and Zoning Director, the Administrative Coordinator, the Land Use Planning and Zoning Committee, and the Personnel Committee; and,

With recommendation/no recommendation Personnel Committee

Roll Call on Resolution No. 15-2016

Submitted by Land Use Planning and Zoning Committee

Aye \_\_, Nay \_\_, Absent \_\_, Abstain \_\_

\_\_\_\_\_

Michael Starshak, Chair

Passed & Adopted/Rejected this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_

Ben Moderow

\_\_\_\_\_  
County Board Chair

\_\_\_\_\_  
Attest: County Clerk

Approved as to form:

\_\_\_\_\_  
Corporation Counsel

\_\_\_\_\_  
*/s/ Robert Lyon*  
Robert Lyon

\_\_\_\_\_  
*/s/ Harley Reabe*  
Harley Reabe

\_\_\_\_\_  
*/s/ Rich Slate*  
Rich Slate

**i. Fill vacant code enforcement officer position if Land Use Planning & Zoning Director is filled internally**

Kirkman explained that he slightly modified the job description for the code enforcement officer position. The committee reviewed the description submitted by Kirkman. Corporation Counsel Klockow advised that Kirkman, as acting department head, can do the four-point analysis.

**Motion by Lyon/Reabe, unanimously carried, to approve the code enforcement officer job description.**

**Motion by Reabe/Lyon, unanimously carried, to fill the code enforcement officer position if the Land Use Planning and Zoning Director is filled internally.**

**j. Staff shortage: summer intern**

Slate explained that he asked this to be placed on the agenda in the event the hiring process is time consuming and help is needed now. There is money available due to the previous director's retirement. Reabe stated that it would have to be reviewed in 60 days. Kirkman stated that he would like to talk to Paul Gunderson about this since his department (Land Conservation) regularly hires interns. Slate advised that various parameters would need to be discussed; i.e., pay, hours, etc. Slate said that he is in favor of hiring an intern. Reabe added that it may be the way to screen someone for the code enforcement officer position.

**Motion by Slate/Lyon, unanimously carried, to allow the Interim Department Head to hire an intern at his discretion.**

**CLOSED SESSION PER WIS. STAT. S. 19.85(1)(G) TO CONFER WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS OR IS LIKELY TO BECOME INVOLVED. RE: THIS CLOSED SESSION IS IN REFERENCE TO A RECENT BOARD OF ADJUSTMENT DECISION WHICH MAY ADVERSELY AFFECT THE COUNTY.**

**7:12 p.m.**

**Motion by Slate/Reabe, unanimously carried on roll call (3-ayes, 0-nays) to move to closed per Wis. Stat. S. 19.85(1)(G) To confer with legal counsel for the governmental body who is rendering**

oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved. Re: This closed session is in reference to a recent Board of Adjustment decision which may adversely affect the county.

**RECONVENE TO OPEN SESSION FOR FINDINGS OF CLOSED SESSION.**

**7:26 p.m. Motion by Lyon/Reabe, unanimously carried on roll call (3-ayes, 0-nays) to reconvene to open session for findings of closed session.**

The committee excused Corporation Counsel at 7:29 p.m.

**FUTURE COMMITTEE ACTIVITIES**

- a. Future agenda items**  
Chickens in residential areas of the zoned townships
- b. Meeting dates**  
August 4, 2016  
Business Meeting 4:30 p.m.  
Public Hearing 5:30 p.m.

**ADJOURN**

**7:44 p.m. On a motion by Lyon/Reabe, unanimously carried, to adjourn.**

**RECORDED BY**

Carole DeCramer, Committee Secretary

**APROVED ON:**

**GREEN LAKE COUNTY**  
**LAND USE PLANNING AND ZONING COMMITTEE**  
**July 7, 2016**

We, the undersigned members of the Land Use Planning and Zoning Committee, Green Lake County Board of Supervisors, have of this date reviewed the below listed *Claims for Payment* as indicated:

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Berlin Journal P&Z Public Hearing Notice 06/02/16	16-100-10-53610-320-001	406.00
Green Lake Surveying Company Don Lenz, RLS CSM review – Weaver	16-100-10-53610-210-002	100.00
Green Lake County Highway Dept. Zoning fuel for the month of May	16-100-10-53610-352-000	33.30
<b><u>Total Claims</u></b>		<b><u>\$539.30</u></b>

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**Michael Starshak, Committee Chair**

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**Harley Reabe**

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**Robert Lyon**

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**Rich Slate**

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**Vacant**

**GREEN LAKE COUNTY  
LAND USE PLANNING ZONING DEPARTMENT**

FEES RECEIVED		May				YEAR TO DATE				BUDGET
		2015		2016		2015		2016		2016
		NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT	
<b>LAND USE PERMITS</b>										
Residential	New	5	1,000	8	2,000	30	4,600	20	4,950	-
	Alterations	3	450	5	650	29	3,850	20	2,750	-
Commercial	New	8	800	-	-	9	1,100	4	600	-
	Alterations	-	-	-	-	1	300	-	-	-
Agricultural	New	3	250	3	300	17	3,000	6	750	-
	Alterations	-	-	2	300	3	450	2	300	-
Other	New	-	-	-	-	-	-	-	-	-
	Alterations	-	-	-	-	-	-	-	-	-
Other	New	-	-	-	-	-	-	-	-	-
	Alterations	-	-	-	-	-	-	-	-	-
Misc.	Denied/Refunded	-	-	-	-	-	-	-	-	-
	Permit Renewals	-	-	-	-	-	-	-	-	-
<b>Total</b>		19	\$ 2,500	18	\$ 3,250	89	\$ 13,300	52	\$ 9,350	\$ 25,000
<b>SANITARY PERMITS (POWTS)</b>										
Residential	New	4	1,120	-	-	10	2,875	3	840	-
	Replacement	5	1,400	9	2,595	13	3,715	18	5,190	-
	Reconnect	1	280	-	-	2	560	-	-	-
	Modify	1	150	2	300	4	600	2	300	-
	Repairs	-	-	-	-	-	-	-	-	-
	Additional Fees	-	-	-	-	-	-	-	-	-
Commercial	New	-	-	-	-	1	355	1	355	-
	Replacement	-	-	1	280	-	-	1	280	-
	Reconnect	-	-	-	-	-	-	-	-	-
	Modify	-	-	-	-	-	-	-	-	-
	Additional Fees	-	-	-	-	-	-	-	-	-
<b>Total</b>		11	\$ 2,950	12	\$ 3,175	30	\$ 8,105	25	\$ 6,965	\$ 15,000
<b>NON-METALLIC MINING PERMITS</b>										
Annual Permit Fees		-	-	-	-	18	14,300	18	14,300	-
<b>Total</b>		-	\$ -	-	\$ -	18	\$ 14,300	18	\$ 14,300	\$ -
<b>BOARD OF ADJUSTMENT</b>										
Special Exception		-	-	-	-	-	-	-	-	-
Variances		-	-	-	-	1	375	2	750	-
Appeals		-	-	-	-	-	-	-	-	-
<b>Total</b>		-	\$ -	-	\$ -	1	\$ 375	2	\$ 750	\$ 2,000
<b>PLANNING &amp; ZONING COMMITTEE</b>										
Zoning Change		-	-	-	-	1	375	8	3,000	-
Conditional Use Permits		1	375	-	-	1	375	1	375	-
Variances/Amendments		-	-	-	-	-	-	-	-	-
<b>Total</b>		1	\$ 375	-	\$ -	2	\$ 750	9	\$ 3,375	\$ 5,000
<b>MISC.</b>										
Rental Weatherization		-	-	2	50	5	150	4	100	500
Wisconsin Fund		-	-	-	-	-	-	-	-	500
Applied Funds - Code Enforcement		-	-	-	493	-	-	-	11,010	-
<b>Total</b>		-	\$ -	2	\$ 543	5	\$ 150	-	\$ 11,110	\$ 1,000
<b>SURVEYOR</b>										
Certified Survey Maps		-	-	1	165	8	1,380	11	1,875	4,000
Preliminary Plats		-	-	-	-	-	-	-	-	-
Final Plats		-	-	-	-	-	-	-	-	-
<b>Total</b>		-	\$ -	1	\$ 165	8	\$ 1,380	11	\$ 1,875	\$ 4,000
<b>GIS (Geographic Information System)</b>										
Map Sales		-	105	2	150	-	120	2	200	500
Land Records Transfer		-	2,272	-	2,344	-	10,680	-	10,872	25,000
<b>Total</b>		-	\$ 2,377	2	\$ 2,494	-	\$ 10,800	2	\$ 11,072	\$ 25,500
<b>GRAND TOTAL</b>		31	8,202	33	9,627	153	49,160	117	58,797	\$ 77,500

GREEN LAKE COUNTY

For 05/01/16 - 05/31/16

Revenue Summary Report

FJRES01A

Periods 05 - 05

Land Use & Zoning Month End Revenue

MER100-10-SHUTE

<u>Account No/Description</u>	<u>Budget Amount</u>	<u>Period Amount</u>	<u>Y-T-D Amount</u>	<u>Balance</u>	<u>Percent Received</u>
10 Land Use Planning and Zoning					
16-100-10-43589-000-000 Rental Weatherization	500.00	50.00	100.00	400.00	20.00
16-100-10-44400-000-000 Land Use Permits	25,000.00	3,250.00	9,350.00	15,650.00	37.40
16-100-10-44400-001-000 BOA Public Hearing	2,000.00	.00	750.00	1,250.00	37.50
16-100-10-44400-002-000 PZ Public Hearing	5,000.00	.00	3,375.00	1,625.00	67.50
16-100-10-44409-000-000 Non-Metallic Mining	.00	.00	14,300.00	-14,300.00	.00
16-100-10-44410-000-000 Sanitary Permits	15,000.00	3,175.00	6,965.00	8,035.00	46.43
16-100-10-44411-000-000 Wisconsin Fund Applications	500.00	.00	.00	500.00	.00
16-100-10-46131-001-000 GIS Map Sales	500.00	150.00	200.00	300.00	40.00
16-100-10-46762-000-000 Certified Survey Maps	4,000.00	165.00	1,875.00	2,125.00	46.88
16-100-10-47411-000-000 Interdepartment transfer/Land Records	25,000.00	.00	.00	25,000.00	.00
16-101-10-49320-000-000 Applied Funds Code Enforcement	197,385.31	492.82	11,010.43	186,374.88	5.58
10 Land Use Planning and Zoning	274,885.31	7,282.82	47,925.43	226,959.88	17.43

For 05/01/16 - 05/31/16

Expenditure Summary Report

FJEXS01A

Periods 05 - 05

Land Use & Zoning Month End Expenses

MEE100-10-SHUTE

<u>Account No/Description</u>	<u>Adjusted Budget</u>	<u>Y-T-D Encumb</u>	<u>Period Expended</u>	<u>Y-T-D Expended</u>	<u>Available Balance</u>	<u>Percent Used</u>
<b>10 Land Use Planning and Zoning</b>						
<b>53610 Code Enforcement</b>						
16-100-10-53610-110-000	Salaries	290,700.80	.00	16,664.00	134,072.20	156,628.60 46.12
16-100-10-53610-140-000	Meeting Payments	1,000.00	.00	.00	.00	1,000.00 .00
16-100-10-53610-151-000	Social Security	22,238.61	.00	1,256.85	11,435.60	10,803.01 51.42
16-100-10-53610-153-000	Ret. Employer Share	19,186.25	.00	1,099.82	7,501.97	11,684.28 39.10
16-100-10-53610-154-000	Health Insurance	47,888.58	.00	2,434.28	19,710.88	28,177.70 41.16
16-100-10-53610-155-000	Life Insurance	885.24	.00	34.57	290.45	594.79 32.81
16-100-10-53610-210-001	Professional Services-LD	5,000.00	.00	.00	.00	5,000.00 .00
16-100-10-53610-210-002	Professional Services-SRV	5,000.00	.00	250.00	250.00	4,750.00 5.00
16-100-10-53610-210-003	Miscellaneous Fees	1,000.00	.00	.00	.00	1,000.00 .00
16-100-10-53610-310-000	Office Supplies	200.00	.00	.00	85.00	115.00 42.50
16-100-10-53610-312-000	Field Supplies	300.00	.00	.00	.00	300.00 .00
16-100-10-53610-320-000	Publications-BOA Public Hearing	1,000.00	.00	277.50	594.50	405.50 59.45
16-100-10-53610-320-001	Publications-PZ Public Hearing	1,500.00	.00	139.25	892.75	607.25 59.52
16-100-10-53610-321-000	Seminars	1,000.00	99.00	.00	493.00	408.00 59.20
16-100-10-53610-324-000	Member Dues	500.00	.00	40.00	380.00	120.00 76.00
16-100-10-53610-330-000	Travel	1,000.00	.00	.00	135.54	864.46 13.55
16-100-10-53610-352-000	Vehicle Maintenance	1,000.00	.00	29.74	120.31	879.69 12.03
16-100-10-53610-810-000	Capital Equipment-CEO Vehicle Purchase	2,000.00	.00	.00	.00	2,000.00 .00
<b>53610 Code Enforcement</b>		<b>401,399.48</b>	<b>99.00</b>	<b>22,226.01</b>	<b>175,962.20</b>	<b>225,338.28 43.86</b>
<b>53610 Code Enforcement</b>						
16-101-10-53610-999-000	Carryover Non-Metallic Mining	62,862.00	.00	.00	.00	62,862.00 .00
16-101-10-53610-999-001	Carryover Code Enforcement Veh Purchase	25,907.20	.00	.00	.00	25,907.20 .00
16-101-10-53610-999-004	Professional Services	108,616.11	.00	.00	812.45	107,803.66 .75
<b>53610 Code Enforcement</b>		<b>197,385.31</b>	<b>.00</b>	<b>.00</b>	<b>812.45</b>	<b>196,572.86 .41</b>
<b>10 Land Use Planning and Zoning</b>		<b>598,784.79</b>	<b>99.00</b>	<b>22,226.01</b>	<b>176,774.65</b>	<b>421,911.14 29.54</b>

GREEN LAKE COUNTY

For 05/01/16 - 05/31/16

Revenue Summary Report

FJRES01A

Periods 05 - 05

Land Use & Zoning Month End Revenue

MER100-20-SHUTE

<u>Account No/Description</u>	<u>Budget Amount</u>	<u>Period Amount</u>	<u>Y-T-D Amount</u>	<u>Balance</u>	<u>Percent Received</u>
20 GIS					
16-100-20-43691-000-000 Land Info Bd Grant	75,000.00	.00	71,912.00	3,088.00	95.88
16-100-20-43691-301-000 WLIP Education Grant	1,000.00	.00	1,000.00	.00	100.00
16-100-20-43691-301-001 WLIP Strategic Grant	50,000.00	25,000.00	25,000.00	25,000.00	50.00
16-100-20-46131-000-000 County Land Records	25,000.00	2,344.00	10,872.00	14,128.00	43.49
20 GIS	151,000.00	27,344.00	108,784.00	42,216.00	72.04

For 05/01/16 - 05/31/16

Expenditure Summary Report

FJEXS01A

Periods 05 - 05

Land Use & Zoning Month End Expenses

MEE100-20-SHUTE

<u>Account No/Description</u>	<u>Adjusted Budget</u>	<u>Y-T-D Encumb</u>	<u>Period Expended</u>	<u>Y-T-D Expended</u>	<u>Available Balance</u>	<u>Percent Used</u>
<b>20 GIS</b>						
<b>100 General Fund</b>						
16-100-20-51711-120-000 GIS Specialist Wage Cont Interdept Trans	25,000.00	.00	.00	.00	25,000.00	.00
16-100-20-51711-240-000 WLIP Base Grant	75,000.00	.00	2,750.00	14,602.00	60,398.00	19.47
16-100-20-51711-246-000 WLIP Education Grant	1,000.00	.00	.00	565.36	434.64	56.54
16-100-20-51711-301-000 WLIP Strategic Grant	50,000.00	.00	.00	.00	50,000.00	.00
<b>100 General Fund</b>	<b>151,000.00</b>	<b>.00</b>	<b>2,750.00</b>	<b>15,167.36</b>	<b>135,832.64</b>	<b>10.04</b>
<b>20 GIS</b>	<b>151,000.00</b>	<b>.00</b>	<b>2,750.00</b>	<b>15,167.36</b>	<b>135,832.64</b>	<b>10.04</b>

## Land Use Permits      May 2016

<i>Mncp</i>	<i>Last Name</i>	<i>First Name</i>	<i>Site Address</i>	<i>Prn/Acc</i>	<i>New/Alt</i>	<i>Res/Com/Ag</i>	<i>Project Cost</i>	<i>LUP Fee</i>
<i>TBE</i>								
	Silloway	James/Vicky	N7752 Forest Ridge Rd	Prn	New	Res	\$325,000.00	\$500.00
	Silloway	James/Vicky	N7752 Forest Ridge Rd	Acc	New	Ag	\$60,000.00	\$0.00
	Mertens	Kevin	W1171 Super Sport Dr	Prn	Alt	Res	\$125,000.00	\$150.00
<i>Summary for 'Mncp' = TBE (3 detail records)</i>								
<b>Sum</b>							<b>\$510,000.00</b>	<b>\$650.00</b>
<b>Standard</b>							<b>39.16%</b>	<b>20.00%</b>
<i>TBY</i>								
	Howard E. Hamilton Jr. Living		N5501 County Road A	Prn	Alt	Res	\$300.00	\$50.00
	Coehoorn	Erik/Peggy	N7080 Forest Ridge Rd	Prn	New	Res	\$250,000.00	\$400.00
	Kilgore	Paul/Susan	N6711 Forest Ridge Rd	Acc	New	Ag	\$18,000.00	\$150.00
	Peggy Lamb Ramette Rev. Tru		W3111 Orchard Ave	Acc	Alt	Res	\$30,000.00	\$150.00
	Sweeney	Tim	W614 State Road 23	Acc	New	Ag	\$15,000.00	\$150.00
<i>Summary for 'Mncp' = TBY (5 detail records)</i>								
<b>Sum</b>							<b>\$313,300.00</b>	<b>\$900.00</b>
<b>Standard</b>							<b>24.06%</b>	<b>27.69%</b>
<i>TGL</i>								
	Mazurek	Don/Cynthia	W2724 Menomonee Ct	Acc	New	Res		
	Barkow	Brian	W1325 Spring Grove Rd #2	Prn	Alt	Res	\$15,000.00	\$150.00
	Schwartz/Roeper	Tanya/Randy	N4855 County Road A	Prn	New	Res	\$354,101.00	\$500.00
	Mazurek	Don/Cynthia	W2724 Menomonee Ct	Acc	New	Res	\$21,000.00	\$150.00
	Laper	Randy/Judy	N3831 County Road O	Prn	Alt	Res	\$0.00	\$150.00
<i>Summary for 'Mncp' = TGL (5 detail records)</i>								
<b>Sum</b>							<b>\$390,101.00</b>	<b>\$950.00</b>
<b>Standard</b>							<b>29.95%</b>	<b>29.23%</b>
<i>TMC</i>								
	Post	Kyle/Peggy	W1810 County Road X	Acc	New	Res	\$25,000.00	\$150.00

<i>Mncp</i>	<i>Last Name</i>	<i>First Name</i>	<i>Site Address</i>	<i>Prn/Acc</i>	<i>New/Alt</i>	<i>Res/Com/Ag</i>	<i>Project Cost</i>	<i>LUP Fee</i>
<i>Summary for 'Mncp' = TMC (1 detail record)</i>								
<b>Sum</b>							\$25,000.00	\$150.00
<b>Standard</b>							1.92%	4.62%
<i>TMN</i>								
	Bontrager	David	W4001 Grand River Rd	Acc	Alt	Ag	\$30,000.00	\$150.00
	Schrock	Joseph	W4083 Yunker Rd	Prn	New	Res	\$20,000.00	\$150.00
	Witthun	Rodney	N216 Jones Rd	Acc	New	Res	\$4,000.00	\$150.00
	Bontrager	David	W4001 Grand River Rd	Acc	New	Ag	\$0.00	\$0.00
<i>Summary for 'Mncp' = TMN (4 detail records)</i>								
<b>Sum</b>							\$54,000.00	\$450.00
<b>Standard</b>							4.15%	13.85%
<i>TPR</i>								
	Hoffman	Steven	N4210 Lakeview Dr	Acc	New	Res	\$10,000.00	\$150.00
<i>Summary for 'Mncp' = TPR (1 detail record)</i>								
<b>Sum</b>							\$10,000.00	\$150.00
<b>Standard</b>							0.77%	4.62%
<b>Grand Total</b>							\$1,302,401.00	\$3,250.00

## Sanitary Permits May 2016

<i>Mncp Code</i>	<i>New/Repl</i>	<i>Last Name</i>	<i>First Name</i>	<i>Site Address</i>	<i>Structure</i>	<i>Prmt Fee</i>
<i>TBY</i>						
	Mod	Goodwin	James & Margaret	N6123 Lark Ln	single fam frame exist	\$150.00
	Repl	Walker et al	Dolores	W1937 S Lawson Dr	single fam frame exist	\$280.00
	Repl	Nye	Nate	N5271 Prospect Dr	single fam frame exist	\$280.00
<i>Summary for 'Mncp Code' = TBY (3 detail records)</i>						
<b>Sum</b>						\$710.00
<b>Standard</b>						22.36%
<i>TGL</i>						
	Repl	Kuehl	William	W1491 CTH K	single fam frame exist	\$280.00
	Repl	Kimnitz	Roger	W1532 Lakeview Rd	single fam frame exist	\$280.00
	Repl	O'Connor	Matthew	W1850 Woodbine Ave	single fam frame new	\$280.00
<i>Summary for 'Mncp Code' = TGL (3 detail records)</i>						
<b>Sum</b>						\$840.00
<b>Standard</b>						26.46%
<i>TMN</i>						
	Repl	Properties Inc	Canaan	W4481 CTH GG	cheese factory & house	\$280.00
<i>Summary for 'Mncp Code' = TMN (1 detail record)</i>						
<b>Sum</b>						\$280.00
<b>Standard</b>						8.82%
<i>TPR</i>						
	Repl	Klein	James	N4486 Birch Ln	mobil home exist	\$280.00
	Mod	Barzano Jr	William	N4435 STH 23	mobil home exist	\$150.00
	Repl	II LLC	Our Home	W5802 Oxbow Trl	single fam frame exist	\$355.00
	Repl	Gauthier	Steven	W5599 Bend Rd	cottage	\$280.00
<i>Summary for 'Mncp Code' = TPR (4 detail records)</i>						
<b>Sum</b>						\$1,065.00
<b>Standard</b>						33.54%

Thursday, June 02, 2016

Page 1 of 2

<i>Mncp Code</i>	<i>New/Repl</i>	<i>Last Name</i>	<i>First Name</i>	<i>Site Address</i>	<i>Structure</i>	<i>Prmt Fee</i>
<i>TST</i>						
	Repl	Trapp	Jerome P & Debra L	W2461 CTH CC	single fam frame exist	\$280.00
<i>Summary for 'Mncp Code' = TST (1 detail record)</i>						
<b>Sum</b>						\$280.00
<b>Standard</b>						8.82%
<b>Grand Total</b>						\$3,175.00

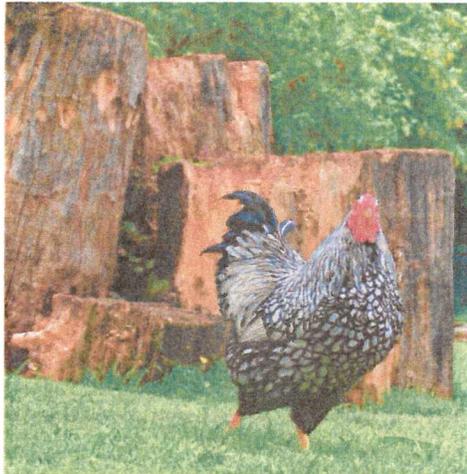
## *Land Use Violations and Citations*

<i>Mncp</i>	<i>First Name</i>	<i>Last Name</i>	<i>Site Address</i>	<i>Notice</i>	<i>Corp Counsel</i>	<i>Disposition</i>	<i>Violation Notes</i>
<i>TBY</i>							
		Yukon Storage et al.	W1734 North St	10/5/2015			No LUP for Mini-Warehousing Expansion, Needs CUP, Update(6-10-16) CUP applied for on 5-23-16.
	Keith A	Meyer	N6640 County Road PP	1/22/2010	2/17/2010		Subdivided lands without CSM and proper rezone (Update 6-10-16) Phone Status Conference July 13th.
<i>TMC</i>							
	Randall/Deborah	Schure	Schure Rd	4/5/2010			Land division without CSM or rezone. C.Counsel to resolve after Meyer violation or if lot sizes are amended in A-1 District.

## *Sanitation Violation Report*

<i>Mncp</i>	<i>Current First</i>	<i>Current Last</i>	<i>Site Address</i>	<i>Complaint Invest</i>	<i>Vio Notice</i>	<i>C Counsel</i>	<i>Disposition</i>	<i>Violation Notes</i>
<i>TBY</i>	Keith A	Meyer	N6640 CTH PP		7/1/2015	8/27/2015		Al's Pumping found a problem with the pump. Mr. Meyer called a plumber to fix. Gave him a two week extension.
<i>TPR</i>	Monina	Thatcher	N5818 Oak Tree Acr		11/5/2015	4/6/2016		

# Going “Green” in Green Lake County with Backyard Chickens



Green Lake County Zoning Board  
June 2, 2016

## Going “Green” in Green Lake County with Backyard Chickens

Backyard chickens (aka: urban chickens): a rapidly growing movement in which people are searching out more local, fresh, healthier, organic food and trying to improve their relationship with the Earth.

### **Top 3 Backyard Chicken Myths:**

1. Chickens are stinky:
  - a. A 40lb dog generates  $\frac{3}{4}$  lb of waste per day
  - b. 10 chickens generate  $\frac{1}{2}$  lb of waste per day
    - i. Chicken droppings can be used for composting and recycled into gardens
2. Hens are noisy:
  - a. Laying hens — at their loudest — have about the same decibel level as human conversation (65 decibels). There are cases of flocks being kept for years without the next door neighbors even knowing it.
3. Chickens attract predators:
  - a. It is true that predators such as foxes, skunks, raccoons and hawks often eat chickens if they can catch them. However, these same predators would eat cats, rabbits and even small dogs if given the opportunity. Chickens do not *attract* predators any more than these other animals. Predators and rodents are already living in urban areas. Wild bird feeders, pet food, gardens, fish ponds, bird baths, trash waiting to be collected all attract raccoons, foxes, rodents and flies.

### **Top 3 Health Benefits:**

1. Control over the quality and care of the animal increases nutrients of the eggs:
  - a. When you have your own chickens you can regulate their feed, exercise, environmental exposures & medicinal impacts which relates to the quality of the eggs that are output
2. Higher quality food at a reduced cost:
  - a. Free range, organic eggs purchased at a local grocery store are \$3.98 (cheapest found) per dozen.
  - b. Backyard (urban) chickens fed a standard feed will cost roughly \$.82 per dozen.
  - c. Backyard (urban) chickens fed a specialty feed (organic, non-GMO, non-soy, non-gluten) based feed will cost roughly \$1.75 per dozen.
3. Higher quality eggs:
  - a. With more control over what goes into the chickens the benefit is more nutrient packed eggs.
  - b. Eggs from backyard (urban) chickens have:
    - i. 3 times more Vitamin A
    - ii. 2 times more Omega-3's
    - iii. 7 times more Beta-carotene
    - iv. 6 times more Vitamin D

### ***Top 3 Community Benefits:***

1. Increased property value:
  - a. In Forbes “Most Desirable Cities” 7 out of 10 had ordinances in FAVOR of backyard chickens
  - b. Realtors are starting to give free coops with the sale of homes
  - c. People actively look for the allowance of chickens when purchasing a new home
2. Decreased use of pesticides & chemical insect control:
  - a. Chickens love to eat protein-packed insects including ticks, flies and other pests
  - b. They also love to eat many weeds
  - c. Due to the natural bug and weed control from chickens it reduces the need for chemical applications to yards for weed and bug control.
3. Chickens are natural composters:
  - a. 1 chicken can compost 7 lbs of waste per month
  - b. A city in Belgium is giving 2,000 homes 3 chickens to assist in reducing the large waste levels in landfills

### ***3 Wisconsin Communities with Backyard (Urban) Chicken ordinances:***

1. Madison
  - a. 4 domestic fowl, No roosters, \$10 annual permit
  - b. no slaughtering, poultry shall be kept in a secure enclosure, enclosures shall be located no closer than 25’ from nearest neighbors residence
2. Fort Atkinson
  - a. 6 hens, No roosters, No permit
  - b. No coop restrictions
3. Town of Turtle
  - a. 20 hens, No roosters, No permit
  - b. Sanitation, zoning, proximity, and noise restrictions apply

**Backyard chickens are good for everyone and everything involved: your family, your land, your wallet, your community, your chickens, your health and you!**

Information and excerpts from, “Why you should keep backyard chickens”, by Daniel Payne. “Five reasons to raise chickens”, by Leah Zerbe, [www.backyardchickens.com](http://www.backyardchickens.com) and “6 Reasons to keep backyard chickens”, by DaNelle at [weedemandreap.com](http://weedemandreap.com)

# Chapter 338

## Shoreland Protection Ordinance

### Green Lake County, Wisconsin

#### Related to structure

1.0	Article
338-15.	Section
338-66.A.	Subsection
338-10.(1)	Paragraph
338-35.(3)(a)	Subdivision
338-33.(1)(a)1.	Sub-paragraph
338-25.(2)(b)2.a.	not designated

#### Color Code

Black text is DNR Model Ordinance

Red text is Appendix Option from DNR Model Ordinance

Blue text is County P&Z Staff or current Ordinance

Green Text is Act 167 & Act 391

**Model County**  
**SHORELAND PROTECTION ZONING ORDINANCE**

**Statutory References and Policy Options**

Adjacent to each section of the Model, the Department has referenced where that section is located in NR 115 or in other Statutes and Codes. A County is not required to adopt these references in its ordinance, but may utilize the references for organizational purposes in ordinance development. Additionally, this document contains text referencing policy options in Appendix A. These policy options are not required under NR 115 or Ch. 59 of the Wisconsin Statutes, but are provided as suggestions for counties in the effective implementation of their shoreland protection zoning ordinance.

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<b>338-1. 1.1</b> Statutory authorization	
<b>338-2. 1.2</b> Finding of Fact	
<b>338-3. 1.3</b> Purpose & Intent	
<b>338-4. 1.4</b> Title	
<b>338-5. Effective</b>	
<b><u>ARTICLE 2.0 General Provisions</u></b>	
<b>338-6. 2.1</b> Areas to be regulated	
<b>338-7. 2.2</b> Shoreland-Wetland maps	
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<b>338-30. Other substandard lots and parcels</b>	

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338-33. ~~6.3~~ Floodplain structures

338-34. and 338-35. Reserved

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338-36. ~~7.1~~ Purpose

338-37. ~~7.2~~ Establishment of a Vegetative buffer zone

338-38. and 338-39. Reserved

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338-40. Land disturbing activity

~~8.0 Filling, Grading, Lagooning, Dredging, Ditching and Excavating~~

338-41. General standards

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338-43. Permit conditions

338-44. Reserved

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338-47. ~~9.3~~ Impervious surface standards

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338-53. Reserved

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338-54. ~~11.1~~ Discontinued nonconforming use

338-55. ~~11.2~~ Maintenance, repair, replacement or vertical expansion of nonconforming structure

338-56. ~~11.3~~ Lateral expansion of nonconforming principal structure within the Setback

338-57. ~~11.4~~ Expansion of Nonconforming principal structure beyond the setback

338-58. ~~11.5~~ Relocation of Nonconforming principal structure

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338-73. Injunctions

338-74. Emergency conditions

338-75. Reserved

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338-76. Fees

338-77. Reserved

ARTICLE 17.0 Definitions

338-78. Definitions

Appendix A

Shoreland Zone Determination Criteria

Appendixes

- ~~A) Background Information Regarding Impervious Surfaces and General Suggestions for Implementing Impervious Surface Standards~~
- ~~B) Suggested Policy Options~~
- ~~C) Sample Affidavit and sample affidavit instructions~~

## NOTICE AND HEARING REQUIRED

A Class 2 notice under ch. 985, Wis. Stats. is required prior to county adoption of a shoreland zoning ordinance and a public hearing. A Class 2 notice consists of publication of the hearing notice on 2 consecutive weeks, the last at least 7 days prior to the hearing. Notice to the Department of Natural Resources Shoreland-Wetland zoning program of the proposed hearing and language. A request and issuance of a certificate of compliance is also required prior to final adoption.

## PREFACE

### Revision Required

This Model Shoreland Zoning Ordinance is an update of the Wisconsin Shoreland Protection Ordinance developed by the Department of Natural Resources in December of 1967 and updated in 1985, in 2010, in 2014, and again in 2015. Initial revision was necessary when ch. NR 115, Wis. Adm. Code, was repealed and recreated in November 1980 to include wetland protection in shoreland areas. This model was written to assure compliance with the objectives of shoreland zoning enabling statutes 281.31 and 59.692 and to parallel as closely as possible the regulatory provisions of ch. NR 115, Wis. Adm. Code, and the statutory language reflected in Act 55.

### Provisions Deleted

These modifications are necessary to accomplish the purpose and goals of NR 115 as published on October 1, 2014. This model is one way to meet the standards as adopted including relevant case laws. As experience and case law demands we will periodically modify this language to stay consistent with current standards.

### Shoreland Wetland Provisions

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

### Shoreland Zoning Standards

Previous shoreland zoning standards contained in NR 115 allowed counties to adopt more restrictive land use regulations, however Act 55 does not allow for a shoreland zoning ordinance to regulate a matter more restrictively than the matter is regulated by a shoreland zoning standard. However, counties can continue to regulate a matter that is not regulated by a shoreland zoning standard.

### Adopt the Model or Amend Your Existing Ordinance?

The adoption of this model ordinance will meet the required minimum standards contained in NR 115 and the maximum standards as required by Act 55, which may be found at <http://legis.wisconsin.gov/vs/code/nr/nr115.pdf> An existing ordinance may afford more effective shoreland management than what may be afforded by the model by creating standards for areas of NR 115 and by addressing other matters that may be regulated. The model ordinance at minimum will need to be adopted in order to be in

compliance.

## ARTICLE 1.0

### Introduction

#### SHORELAND PROTECTION ORDINANCE

#### 1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE AND TITLE

**338-1. 1.1 Statutory authorization.** This ~~chapter ordinance~~ is adopted pursuant to the authorization in ss. 59.692 Wis. Stats, to implement 59.692 and 281.31, Stats.

**338-2. 1.2 Finding of Fact.** Uncontrolled use of the shorelands and pollution of the navigable waters of ~~Green Lake~~ County will adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by ~~Green Lake~~ County, Wisconsin.

**338-3. 1.3 Purpose and Intent.** ~~NR415.04~~ For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this ~~chapter ordinance~~ has been established to:

- A. ~~1.31~~ Further the maintenance of safe and healthful conditions and prevent and control water pollution through:
  - (1) Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
  - (2) Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.
  - (3) Controlling filling and grading to prevent soil erosion problems.
  - (4) Limiting impervious surfaces to control runoff which carries pollutants.
- B. ~~1.32~~ Protect spawning grounds, fish and aquatic life through:
  - (1) Preserving wetlands and other fish and aquatic habitat.
  - (2) Regulating pollution sources.
  - (3) Controlling shoreline alterations, dredging and lagooning.
- C. ~~1.33~~ Control building sites, placement of structures and land uses through:
  - (1) Prohibiting certain uses detrimental to the shoreland-wetlands.
  - (2) Setting minimum lot sizes and widths.
  - (3) Setting minimum building setbacks from waterways.
  - (4) Setting the maximum height of near shore structures.
- D. ~~1.34~~ Preserve and restore shoreland vegetation and natural scenic beauty through:
  - (1) Restricting the removal of natural shoreland cover.
  - (2) Preventing shoreline encroachment by structures.
  - (3) Controlling shoreland excavation and other earth moving activities.

- (4) Regulating the use and placement of boathouses and other structures.

**338-4. 4.4 Title.** This chapter shall be known, cited and referred to as the Shoreland Protection Ordinance for Green Lake County, Wisconsin.

**338-5. Effective.** This chapter shall be effective upon final adoption by the Green Lake County Board and publication as provided for in the Wisconsin Statutes. Prior to final adoption the Department shall issue a certificate of compliance for this chapter.

Any previously adopted versions of Chapter 338 shall be replaced with this chapter in its entirety upon the effective date of this chapter.

## ARTICLE 2.0

### General Provisions

#### 2.0 GENERAL PROVISIONS.

**338-6. 2.1 Areas to be regulated.** Areas regulated by this chapter ordinance shall include all the lands, referred to herein as shorelands, in the unincorporated areas of Green Lake County which are:

- A. ~~2.11~~ Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. ~~(NR 115.03(8))~~ Navigability of lakes, ponds, or flowages in Green Lake County shall be determined based on criteria established in Appendix A of this chapter and revisions thereto.

See Policy Option in Appendix B (Did not use)

- B. ~~2.12~~ 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. ~~(NR 115.03(8))~~ Navigability of rivers and streams in Green Lake County shall be determined based on criteria established in Appendix A of this chapter and revisions thereto.

See Policy Option in Appendix B (Did not use)

- C. ~~2.13~~ 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 s. 13.48 (13), Wis. Stats., applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances this chapter. 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 ordinances this chapter if s. 30.2022 (1), Wis. Stats., applies. ~~(NR 115.02)~~

Shoreland zoning requirements in annexed or incorporated areas are provided in s. 61.353 and s. 62.233, Wis. Stats.

- D. ~~2.14~~ Determinations of navigability and ordinary high-water mark location shall initially be made by the [Land Use Planning and Zoning Department zoning administrator](#). When questions arise, the [Land Use Planning and Zoning Department zoning administrator](#) shall contact the appropriate office of the Department for a final determination of navigability or ordinary high-water mark. [The County may work with surveyors with regards to s. 59.692\(1h\).](#)
- E. ~~2.15~~ Under s. 281.31(2m) Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, this [chapter shoreland zoning ordinance](#) does not apply to:
- (1) lands adjacent to farm drainage ditches if:
    - (a) Such lands are not adjacent to a natural navigable stream or river;
    - (b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
  - (2) Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

**338-7. 2.2 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 [chapter ordinance](#).

These maps may be viewed at:

<http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>

These maps may also be viewed from the GIS Viewer at the County's website:

<http://gis.co.green-lake.wi.us/>

**338-8. 2.3 Compliance.** (NR-115.04) The use of any land, the size, shape and placement of lots [and parcels](#), the use, size, type and location of structures on lots [and parcels](#), the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation, the subdivision of lots [and parcels](#), shall be in full compliance with the terms of this [chapter ordinance](#) and other applicable local, state or federal regulations. Buildings and other structures shall require a permit unless otherwise expressly excluded by a provision of this [chapter ordinance](#). [The property owner\(s\), builders and or the contractor\(s\) under the direction of the property owner\(s\)](#) are responsible for compliance with the terms of this [chapter ordinance](#).

**338-9. 2.4 Municipalities and state agencies regulated.** Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this [chapter ordinance](#) and obtain all necessary permits. State agencies are required to comply when s. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.2022(1) Wis. Stats., applies.

**338-10. 2.5 Abrogation and greater restrictions.** (~~s. 59.692(5) Wis. Stats.~~) [When](#)

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

A. ~~2.51 (s. 59.692(2)(a), Wis. Stats.)~~ This chapter ordinance shall not require approval or be subject to disapproval by any town or town board.

B. ~~2.52 (s. 59.692(2)(b), Wis. Stats.)~~ If an existing town ordinance relating to shorelands is more restrictive than this chapter ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.

C. ~~2.53~~ This chapter ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this chapter ordinance imposes greater restrictions, the provisions of this chapter ordinance shall prevail.

~~2.54 The following provisions of the County Zoning Ordinance are hereby incorporated by reference; these provisions shall only apply to the shoreland area where they impose greater restrictions than this ordinance otherwise imposes.~~

D. ~~2.55 (s. 59.692(1d)(b), Wis. Stats.)~~ This chapter ordinance may establish standards to regulate matters that are not regulated in NR 115, but that further the purposes of shoreland protection zoning as described in section 338-3. ~~4.3~~ of this chapter ordinance,

E. ~~2.56 (s. 59.692(1k)(a)1., Wis. Stats.)~~ Counties may not establish shoreland zoning standards in a shoreland protection zoning ordinance that requires any of the following:

(1) Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.

(2) Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.

F. (s.59.692(7), Stats) The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if:

(1) The department issued all required permits or approvals authorizing the construction or maintenance under ch. 30, 31, 281 or 283.

A "facility" means any property or equipment of a public utility, as defined in

s.196.01(5), or a cooperative association organized under ch.185 for the purpose of producing or furnished heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat light or power.

**338-11. 2-6 Interpretation.** ~~(59-69(13))~~ In their interpretation and application, the provisions of this ~~chapter ordinance~~ shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ~~chapter ordinance~~ is required by statute and a standard in chapter NR 115, Wis. Adm. Code, and where the ~~chapter ordinance~~ provision is unclear, the provision shall be interpreted in light of the statute and chapter NR 115 standards in effect on the date of the adoption of this ~~chapter ordinance~~ or in effect on the date of the most recent text amendment to this ~~chapter ordinance~~.

**338-12. 2-7 Severability.** If any portion of this ~~chapter ordinance~~ is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ~~chapter ordinance~~ shall not be affected.

**338-13. thru 338-15. Reserved**

## ARTICLE 3.0

### Shoreland-Wetland District

~~3.0 SHORELAND-WETLAND DISTRICT. (NR 115.04)~~

**338-16. 3-1 Designation.** This district shall include all shorelands within the jurisdiction of this ~~chapter ordinance~~ which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as ~~referenced in Section 338-7.~~ depicted on the Department of Natural Resources Surface Water Data Viewer.

See Note section in Appendix B. (Did not use)

~~3.1 Note: Be sure to include reference to the most recent version of the Wisconsin Wetland Inventory. Many counties have received new inventory data in the past several years but have not initiated an amendment to incorporate that into their ordinance. It is recommended that instead of making a specific reference to the year of the update that you make reference the Department of Natural Resources Surface Water Data Viewer for your mapping reference. It is also important to recognize that there is no specific reference to acreage and should not be referenced in ordinance text.~~

- A. ~~3-11~~ Locating Shoreland-Wetland boundaries. ~~(NR 115.04(b)2.note)~~ Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory and actual field conditions, the county shall contact the Department to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland **land use 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.

**338-17. 3-2 Purpose.** This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

**338-18. 3-3 Permitted uses.** (NR 115.04(3)) The following uses shall be allowed, subject to general shoreland protection zoning regulations contained in this chapter ordinance, the provisions of chapters. 30, 31 and 281.36, Wis. Stats. and the provisions of other applicable local, state and federal laws:

- A. ~~3-34~~ Activities and uses which do not require the issuance of a land use zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating except as allowed under Subsections ~~338-18.A. 3-34~~ or ~~338-18.B. 3-32~~.
- (1) Hiking, fishing, trapping, hunting, swimming, and boating;
  - (2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
  - (3) The pasturing of livestock;
  - (4) The cultivation of agricultural crops;
  - (5) The practice of silviculture, including the planting, thinning, and harvesting of timber; and
  - (6) The construction or maintenance of duck hunting blinds.
- B. ~~3-32~~ Uses which do not require the issuance of a land use zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
- (1) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
  - (2) The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries,
  - (3) The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible;
  - (4) The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
  - (5) The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and

- (6) The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- C. 3.33 Uses which require the issuance of a **land use zoning** permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:
- (1) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
    - (a) The road cannot as a practical matter be located outside the wetland;
    - (b) The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in **Subsection 338-20.B.3-52**;
    - (c) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
    - (d) Road construction activities are carried out in the immediate area of the roadbed only.
  - (2) The construction or maintenance of nonresidential buildings, provided that:
    - (a) The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
    - (b) The building cannot, as a practical matter, be located outside the wetland;
    - (c) Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and
    - (d) Only limited filling or excavating necessary to provide structural support for the building is authorized.
  - (3) The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
    - (a) Any private development is used exclusively for the permitted use and the applicant has received a permit or license under chapter 29, Wis. Stats., where applicable;
    - (b) Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in ~~section 3.33(1)(a)-(d)~~ **Subdivisions 338-18.C.(1)(a)-(d)** and;
    - (c) Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is

allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

- (4) The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:
  - (a) The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
  - (b) Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in [Subsection 338-20.B. 3-52](#).

**338-19. 3-4 Prohibited uses.** NR 115.04(4) Any use not listed in [Subsections 338-18.A., 3-31, 3-32 338-18.B. or 338-18.C. 3-33](#) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this [chapter ordinance](#) in accordance with Section [3-5 338-20](#) of this [chapter ordinance](#) and s. 59.69(5)(e), Wis. Stats.

**338-20. 3-5 Rezoning of lands in the Shoreland-Wetland District.** (NR 115.04(2))

- A. [3-54](#) For all proposed text and map amendments to the shoreland-wetland provisions of this [chapter ordinance](#), the appropriate office with the Department shall be provided with the following:
  - (1) A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this [chapter ordinance](#), within 5 days of the filing of such petition with the county clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this [chapter ordinance](#) describing any proposed rezoning of a shoreland-wetland;
  - (2) Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;
  - (3) A copy of the [County Land Use Planning and Zoning Committee's zoning agency's](#) findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the county board; and
  - (4) Written notice of the county board's decision on the proposed amendment within 10 days after it is issued.
- B. [3-52](#) A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
  - (1) Storm and flood water storage capacity;
  - (2) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;

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

C. ~~3.53~~ If the Department notifies the [Land Use Planning and Zoning Committee](#) ~~county zoning agency~~ that a proposed text or map amendment to the shoreland-wetland provisions of this ~~chapter ordinance~~ may have a significant adverse impact upon any of the criteria listed in [Subsection 338-20.B. 3.52](#) of this ~~chapter ordinance~~, that amendment, if approved by the county board, shall contain the following provision:

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

### 338-21. Reserved

## ARTICLE 4.0

### Land Division and Sanitary Regulations

#### ~~4.0 LAND DIVISION REVIEW AND SANITARY REGULATIONS (NR 115.05(2))~~

**338-22. 4.1 Land division review.** ~~(NR 115.05(2))~~The county shall review, pursuant to s. 236.45, Wis. Stats., all land divisions in shoreland areas which create 3 or more [lots or](#) parcels or building sites of 5 acres each or less within a 5-year period. In such review all of the following factors shall be considered:

- A. Hazards to the health, safety or welfare of future residents.
- B. Proper relationship to adjoining areas.
- C. Public access to navigable waters, as required by law.
- D. Adequate stormwater drainage facilities.
- E. Conformity to state law and administrative code provisions.

**338-23. 4.2 Planned unit development (PUD). (NR 115.05(1)(a)4.)**

- A. ~~4.24~~ Purpose. The Planned Unit Development is intended to permit smaller non-riparian lots and parcels where the physical layout of the lots and parcels is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots and parcels were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Unit Development at the time of its approval. A condition of all Planned Residential Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.
- B. ~~4.22~~ REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT. The County Board may at its discretion, upon its own motion or upon petition, approve a Planned Unit Development Overlay District upon finding, after a public hearing, that all of the following facts exist:
- (1) Area. The area proposed for the Planned Unit Development shall be at least 2 acres in size or have a minimum of 200 feet of frontage on a navigable water.
  - (2) Lots and parcels. Any proposed lot or parcel in the Planned Unit Development that does not meet the minimum size standards of Sections ~~338-27. 5.2~~ and ~~338-28. 5.3~~ shall be a non-riparian lot or parcel.
  - (3) Lot sizes, widths, setbacks, and vegetation removal. When considering approval of a Planned Unit Development the governing body shall consider whether proposed lot or parcel sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Vegetative shore cover provisions in Section ~~338-37. 7.2~~ shall apply except that maximum width of a lake frontage opening shall be 100 feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.

Note — Counties should be aware that the planned unit development standards, as written, grant back lot access (key holing) without applying frontage requirement standards to determine overall density. This comports to NR115.05(1)(a)4. Counties may optionally include requirements to limit overall density based upon minimum frontage standards as well. These types of developments may also be known as conservation subdivisions or planned residential development. The provisions of NR 115.05(1)(a)4.) apply to these types of developments where there may be a combination of a density bonus, smaller lot size and preservation of open space.

See Policy Options in Appendix B (See below)

- C. ~~4.23~~ The procedure for establishing a Planned Residential Unit Development district shall be as follows:
- (1) Petition. A petition setting forth all of the facts required in Subsection ~~4.22~~ 338-23.B. shall be submitted to the county clerk with sufficient copies to provide for distribution by the county clerk as required by

Subsection 338-62.H. ~~13.1f.~~

- (2) Review and Hearing: The petition shall be submitted to the County Land Use Planning and Zoning Committee ~~zoning agency~~ established as required by s. 59.69(3)(d), Wis. Stats., which shall hold a public hearing and report to the county board as required by law. Copies of the petition and notice of the hearing shall also be sent to the appropriate office of the Department as described in Subsection 338-65.A. ~~13.42~~ of this ~~chapter ordinance~~.

The Land Use Planning and Zoning Committee's ~~county zoning agency's~~ report to the county board shall reflect the recommendations of any federal, state or local agency with which the Land Use Planning and Zoning Committee ~~county zoning agency~~ consults.

- (3) Findings and Conditions of Approval. The county board shall make written findings as to the compliance or noncompliance of the proposed overlay district with each of the applicable requirements set forth in Subsection 338-23.B. ~~4.22~~. If the petition is granted in whole or part, the county board shall attach such written conditions to the approval as are required by and consistent with Subsection 338-23.B. ~~4.22~~. The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks, dimensions of vegetative buffer zone and open space requirements.
- (4) Planning Studies. A landowner or petitioner may at his own expense develop the facts required to establish compliance with the provisions of Subsection 338-23.B. ~~4.22~~ or may be required to contribute funds to the county to defray all or part of the cost of such studies being undertaken by the county or any agency or person with whom the county contracts for such work.

**338-24. 4.3 Sanitary regulations.** (~~NR 115.05(3)~~) Each county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.

- A. Where public water supply systems are not available, private well construction shall be required to conform to chapter NR 812, Wis. Adm. Code.
- B. Where a public sewage collection and treatment system is not available, design and construction of private on-site waste treatment system shall, prior to July 1, 1980, be required to comply with chapter SPS Comm. 383, and after June 30, 1980 be governed by a private sewage system ordinance adopted by the county under s. 59.70(5), Wis. Stats.

**338-25. Reserved**

**ARTICLE 5.0**

**Lot and Parcel Size**

5.0 MINIMUM LOT SIZE (NR 115.05(1))

**338-26.** 5.1 Purpose. (NR115.05(1)(a)) Minimum lot and parcel sizes in the shoreland area are shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water.

See Policy Option in Appendix B (See below)

- A. In calculating the minimum area or width of a lot or parcel, the beds of navigable waters shall not be included.

**338-27.** 5.2 Sewered lots and parcels. (NR 115.05(1)(a)1.) MINIMUM AREA AND WIDTH FOR EACH LOT OR PARCEL.

- A. The minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65 feet.

See Policy Options in Appendix B (See below)

(1) The width shall be calculated by averaging the shortest horizontal measurements at the following 3 locations:

- (a) The landward distance at the ordinary high water mark between the side boundary lines.
- ~~(b) The building setback line.~~
- (b) One other location on the lot within 300 feet of the ordinary highwater mark. Distances at any angle point along the side boundary line.
- (c) The street/access boundary line.
- (d) The rear boundary line, where applicable.

~~1. The width shall be calculated by averaging the measurements at the following locations:~~

- ~~a) The ordinary high water mark~~
- ~~b) The building setback line~~
- ~~c) The rear lot line~~

**338-28.** 5.3 Unsewered lots and parcels. (NR 115.05(1)(a)2.) MINIMUM AREA AND WIDTH FOR EACH LOT OR PARCEL.

- A. The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet.

See Policy Options in Appendix B (See below)

(1) The width shall be calculated by averaging the shortest horizontal measurements at the following 3 locations:

- (a) The landward distance at the ordinary high water mark between the side boundary lines.
- ~~(b) The building setback line.~~
- (b) One other location on the lot within 300 feet of the ordinary highwater mark. Distances at any angle point along the side boundary line.
- (c) The street/access boundary line.
- (d) The rear boundary line, where applicable.

- ~~1. The width shall be calculated by averaging the measurements at the following locations:~~
  - ~~a) The ordinary high water mark~~
  - ~~b) The building setback line~~
  - ~~c) The rear lot line~~

**338-29. 5.4 Substandard lots and parcels.** (NR 115.05(1)(a)3.) A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

- A. The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
- B. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
- C. The substandard lot or parcel is developed to comply with all other ordinance requirements of this chapter.

Notes: The intent of this provision is to allow lots and parcels 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 and parcels 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 or parcel 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 or parcels 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.

**338-30. 5.42 Other substandard lots and parcels.** Except for lots which meet the requirements of Subsection 338-29. 5.4 a land use building permit for the improvement of a lot or parcel having lesser dimensions than those stated in Subsections 338-27. 5.2 and 338-28. 5.3 shall be issued only if a variance is granted by the board of adjustment.

**338-31. Reserved**

## ARTICLE 6.0

### Buildings Setbacks

**338-32. 6.0 BUILDING SETBACKS.** (NR 115.05(1)(b)) Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution.

- A. ~~6.1 Shoreland setbacks.~~ (NR 115.05(1)(b)1.) Unless exempt under 338-32.A(1). 6.14, or reduced under 338-33. 6.2, a setback of 75 feet from the ordinary high-water mark of any navigable waters to the nearest part of a

building or structure shall be required for all buildings and structures.

(1) ~~6-11 Exempt structures. (NR 115.05(1)(b)1m.)~~ Per 59.692(1k)(a)(6), All of the following structures are exempt from the shoreland setback standards in ~~subd 6.1~~ Section 338-32.A:

- (a) Boathouses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation.
  - 1. The construction or placement of boathouses below the ordinary high-water mark of any navigable waters shall be prohibited.
  - 2. Boathouses shall be designed and constructed solely for the storage of boats and related equipment.
  - 3. One boathouse is permitted on a lot or parcel as an accessory structure.
  - 4. Boathouses shall not be constructed where the existing slope is more than 20%.
  - 5. Boathouses shall be constructed in conformity with local floodplain zoning standards.
  - 6. Boathouses shall ~~not exceed~~ be one story with sidewalls not exceeding 10 feet and a footprint within the access and viewing corridor of the vegetative buffer of 16 feet in the width by 24 feet in depth ~~square feet in floor area.~~
  - 7. Boathouse roofs shall ~~not~~ be designed with a pitched roof having a maximum slope of 4/12 and in no case shall be designed for use as a deck, observation platform or for other similar uses.
  - 8. Earth toned color shall be required for all exterior surfaces of a boathouse.
  - 9. The main door shall face the water.
  - 10. Patio doors, fireplaces and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.
  - 11. Per 59.692(1o) Stats, The roof of an existing boathouse may be used as a deck provided that the boathouse has a flat roof, has no side walls or screened walls and has a railing that meets Department of Safety and Professional Services standards.
- (b) Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in s. 59.692(1v), Stats.
  - 1. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary-high water mark.
  - 2. The floor area of all the structures in the shoreland setback area will not exceed 200 square feet.

3. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
4. 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.

See Policy Option in Appendix B (see below)

Note: The statutory requirements under s. 59.692(1v) which require the establishment of a vegetative buffer for the construction of open sided structures is not superseded by s. 59.692(1f)(a).

5. The structure must be free standing and more than five-feet from a principal structure.
  6. An enforceable affidavit must be filed with the register of deeds prior to construction acknowledging the limitations on vegetation.
- (c) Fishing rafts that are authorized on the Wolf river and Mississippi river under s. 30.126, Stats.
  - (d) 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.
  - (e) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pump house covers, private on-site wastewater treatment systems that comply with chapter SPS Comm. 383, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.
  - (f) Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width.
  - (g) Devices or systems used to treat runoff from impervious surfaces.
- (2) Existing Exempt Structures. Per 59.692(1k)(a)2m, Stats. Existing exempt structure may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. The expansion of a structure beyond the existing footprint may be permitted if the expansion is necessary to comply with applicable state and federal requirements.

Note: Section 59.692(1k)(a)2m, Stats, prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 338-32.A.(2). However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

B. ~~6-2 Reduced principal structure setback. (NR 115.05(1)(b)1.) Existing development pattern means that principal structures exist within 250 feet of the proposed principal structure in both directions along the shoreline. Where there is an existing development pattern, the shoreland setback for a proposed principal structure may be reduced to the average shoreland setback of the principal structure on each adjacent lot of the proposed principal structure. The shoreland setback may not be reduced to less than 35 feet from the ordinary high water mark of any navigable waters.~~ REDUCED PRINCIPAL STRUCTURE SETBACK. (s.59.692(1n), Stats) A setback less than the 75' required setback from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows:

- (1) Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:
  - (a) Both of the existing principal structures are located on an adjacent lot to the proposed principal structure.
  - (b) Both of the existing principal structures are located within 250' of the proposed principal structure and are the closest structure.
  - (c) Both of the existing principal structures are located less than 75' from the ordinary high water mark.
  - (d) The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.

Note: s. 59.692(1d)(a), Stats, requires counties to adopt the standards consistent with section 338-32.B(1) for reducing the shoreland setback.

C. In addition to the shoreland setback standards in A. and B. above, buildings and structures shall comply with the following setback standards.

- (1) Side yard: 12 foot minimum for lots at least 85 feet wide.
- (2) Side yard: 10 foot minimum for lots less than 85 feet wide.
- (3) Street yard: 25 foot minimum

D. In addition to the shoreland setback standard in A. and B. above, fences shall comply with the following:

- (1) All fences, no greater than 8 feet in height, may be allowed along any lot line excluding the street right-of-way line and the side lot lines within the street yard setback.
- (2) Open style fences (greater than 50% open space), no greater than 4 feet in height, may be allowed along the street right-of-way line and along side lot lines within the street yard setback.

E. In addition to the shoreland setback standard in A. and B. above, retaining walls shall comply with the following:

- (1) Retaining and decorative/landscape walls may be allowed in the street yard, side yard and rear yard with a minimum zero setback, however, are not allowed in the shoreland setback area.

**338-33.** ~~6.3~~ Floodplain structures. ~~(NR 115.05(1)(b)2.)~~ Buildings and structures to be constructed or placed in a floodplain shall be required to comply with any applicable floodplain zoning ordinance.

**338-34. and 338-35. Reserved**

## ARTICLE 7.0

### Vegetation

#### ~~7.0 VEGETATION (NR 115.05(1)(c))~~

**338-36.** ~~7.1~~ Purpose. ~~(NR 115.05(1)(c)1.)~~ To protect natural scenic beauty, fish and wildlife habitat, and water quality, ~~a county~~ **this Article** shall regulate removal of vegetation in shoreland areas, consistent with the following: The **standards if this chapter shall** ~~county shall establish ordinance standards that~~ consider sound forestry and soil conservation practices and the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.

**338-37.** ~~7.2~~ ESTABLISHMENT OF A Vegetative buffer zone. ~~(NR 115.05(1)(c)2.)~~ To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, ~~the county ordinance~~ shall **be** designate land that extends from the ordinary high water mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows.

- A. The county may allow routine maintenance of vegetation.
- B. The county may allow removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Per s. 59.692(1f)(b), Stats. the viewing corridor may be at least 35 feet wide for every 100 feet of shoreline frontage. The viewing corridor may run contiguously for the for the entire maximum width or shoreline frontage owned.
- C. The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with "generally accepted forestry management practices" as defined in s. NR 1.25 (2) (b), and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR-226), provided that vegetation removal be consistent with these practices.
- D. The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.
- E. The county may authorize by permit additional vegetation management

activities in the vegetative buffer zone. The permit issued under this **Subsection** ~~subd. par.~~ shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.

Note: Section 59.692(1f)(a) prohibits counties from requiring a property owner to establish a vegetative buffer zone on previously developed land or expand an existing vegetative buffer zone. However, as part of a counties shoreland mitigation standards, the establishment or expansion of the vegetative buffer may remain an option.

See Policy Option in Appendix B (**Did not use.**)

### **338-38. and 338-39. Reserved**

## **ARTICLE 8.0**

### **Land Disturbing Activity**

**338-40.** ~~8.0~~ Land disturbing activity. ~~FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING (NR115.05(1)(d))~~ Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of s. NR 115.04, the requirements of chapter 30, Stats., and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

See Policy Option in Appendix B (**see below**)

**338-41.** ~~8.1~~ General standards. Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under **Section 338-42.** ~~8.2~~ may be permitted in the shoreland area provided that:

**A.** ~~8.11~~ It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.

**B.** ~~8.12~~ Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland district meets the requirements of **Subsections 338-18.B.** ~~3.32~~ and **338-18.C.** ~~3.33~~ of this chapter ordinance.

**C.** ~~8.13~~ All applicable federal, state and local authority is obtained in addition to a permit under this **chapter ordinance.**

**D.** ~~8.14~~ Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover or a bulkhead.

**338-42.** ~~8.2~~ Permit required. Except as provided in **Section 338-43.** ~~8.4~~, a permit is required:

**A.** ~~8.24~~ For any filling or grading of any area which is within 300 feet landward

of the ordinary highwater mark of navigable water and which has surface drainage toward the water and on which there is either:

- (1) Any filling or grading on slopes of more than 20%.
- (2) Filling or grading of more than 1,000 sq. ft. on slopes of 12%-20%.
- (3) Filling or grading of more than 2,000 sq. ft. on slopes less than 12%.

**B. 8.22** For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet landward of the ordinary highwater mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

**338-43. 8.4 Permit conditions.** In granting a permit under **Section 338-42. 8.2**, the County shall attach the following conditions, where appropriate, in addition to those provisions specified in **Sections 338-63. 43.2** or **338-65. 43.4**.

**A. 8.41** The smallest amount of bare ground shall be exposed for as short a time as feasible.

**B. 8.42** Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.

**C. 8.43** Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.

**D. 8.44** Lagoons shall be constructed to avoid fish trap conditions.

**E. 8.45** Fill shall be stabilized according to accepted engineering standards.

**F. 8.46** Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.

**G. 8.47** Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.

**338-44. Reserved**

## ARTICLE 9.0

### Impervious Surfaces

**9.0 IMPERVIOUS SURFACE STANDARDS. (NR 115.05(1)(e))**

**338-45. 9.1 Purpose.** Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. County Impervious surface standards of this chapter shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

**338-46. 9.2 ~~CALCULATION OF PERCENTAGE OF~~ Impervious surface calculation.** (NR 115.05(1)(e)1.) Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in **Section 338-49. 9.5** shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

Note: NR 115.05(1)(e)1m. clarifies that if an outlot lies between the OHWM and the developed lot or parcel and both are in common ownership, then the lot or parcel should be considered one property for the purposes of calculating the percentage of impervious surfaces. If there is an outlot, parcel or road that is owned by some other entity, for example a hydroelectric facility or a town or county, then the county should determine what level of control the property owner has over that portion of the lot. Can the property owner place structures, such as shoreline protection, piers, stairs, boathouses etc... on that portion of the lot or does some other entity have control over development? If a property owner has no or little say over construction on that portion of the lot then impervious surfaces on that portion of the lot should be calculated separately.

For properties that have **condominium ownership** been "condominiumized" the impervious surface calculations apply to the entire property. The property is still under one legal description and the proposed expansion to a unit is not the only impervious surface calculated since the regulation states lot or parcel and not a unit. It will be important to remember also that mitigation applies to the property as a whole and not just to the portion of the frontage that might be in front of the unit impacted.

**338-47. 9.3 ~~GENERAL~~ Impervious surface standard.** (NR 115.05(1)(e)2.) Except as allowed in **Subsections 338-47.A. 9.31 through 338-49. 9.5** allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.

**A. 9.31 Impervious surface standard for highly developed shorelines.** (NR 115.05(1)(e)2m.) The county at its discretion may adopt an ordinance for highly developed shorelines allowing up to 30% for residential land use and up to 40% for commercial, industrial or business land uses for lands that meets one of the following standards:

- (1) The highly developed shoreline is identified as an Urbanized Area or Urban Cluster in the 2010 US Census or has a commercial, industrial, or business land use as of January 31, 2013.
- (2) After conducting a hearing and receiving approval by the department of natural resources, the county has mapped additional areas of highly developed shorelines that are at least 500 feet in length and meet the one of the following criteria:
  - (a) The majority of the lots are developed with more than 30% of impervious surface area.
  - (b) Located on a lake served by a sewerage system as defined in NR 110.03(30), Wis. Adm. Code.
  - (c) The majority of the lots contain less than 20,000 square feet in area.

Note: Counties are not required under s. 59.692 to adopt the impervious surface standards for highly developed shorelines in [Subsection 338-47.A. 9.34](#) but are required to adopt the general impervious surface standard in [Section 338-47. 9.3](#).

**338-48. 9.4 Maximum impervious surface.** (~~NR 115.05(1)(e)3.~~) A property may exceed the impervious surface standard under [Section 338-47. 9.3](#) or [Subsection 338-47.A. 9.34](#) provided the following standards are met:

- A. For properties where the general impervious surface standard applies under [Section 338-47. 9.3](#), a property owner may have more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.
- B. For properties on shorelands where the impervious surface standard for highly developed shorelines applies under [Subsection 338-47.A. 9.34](#), a property owner may have more than 30% impervious surface but not more than 40% impervious surface for residential land uses. For commercial, industrial or business land uses a property owner may have more than 40% impervious surface but not more than 60% impervious surface.
- C. For properties that exceed the standard under [Section 338-47. 9.3](#) or [Subsection 338-47.A. 9.34](#) but do not exceed the maximum standard under [Subsections 338-48.A. 9.4\(1\)](#) or [338-48.B. 9.4\(2\)](#), a permit can be issued for development with a mitigation plan that meets the standards found in [Section Article 12.0](#).

Note: Counties that do not adopt the impervious surface standards for highly developed shorelines are not required to adopt [Subsection 338-48.B. 9.4\(2\)](#).

**338-49. 9.5 Treated impervious surfaces.** (~~NR115.05(1)(e)3m. and s. 59.692(1k)(a)1.e.~~) Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under [Section 338-46. 9.2](#).

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

Note: The provisions in [Section 338-49. 9.5](#) are an exemption from the impervious surface standards and as such should be read construed narrowly. As such, a property owner is entitled to this exemption only when the runoff from the impervious surface is being treated by a sufficient (appropriately sized) treatment system, treatment device or internally drained. Property owners that can demonstrate that the runoff from an impervious surface is being treated consistent with [section 338-49. 9.5](#) will be considered pervious for the purposes of implementing the impervious surface standards in this ordinance. If a property owner or subsequent property owner fails to maintain the treatment system, treatment device or internally drained area, the impervious surface is no longer exempt under [section 338-49. 9.5](#).

See Policy Option in Appendix B ([See below](#))

To qualify for the statutory exemption, property owners shall submit a complete [land use permit application that is reviewed and approved by the county Land Use](#)

Planning and Zoning Department. The application shall include the following:

- (1) Calculations showing how much runoff is coming from the impervious surface area.
- (2) Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device or internally drained area.
- (3) An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices or internally drained area.
  - (a) The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the land use permit.

**338-50. 9.6 Existing impervious surfaces.** ~~(NR 115.05(1)(e)4.)~~ For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in Section 338-47. 9.3 or the maximum impervious surface standard in section 338-48. 9.4, the property owner may do any of the following:

- A. maintain and repair the existing impervious surfaces;
- B. replace existing impervious surfaces with similar surfaces within the existing building envelope;
- C. relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland protection ordinance, and the impervious surface meets the applicable setback requirements in s. Wis. Admin. Code NR 115.05 (1) (b).

Note: The impervious surface standards in this paragraph (changed to reflect NR 115) ordinance shall not be construed to supersede other provisions in the county shoreland protection ordinance.

All of the provisions of the county shoreland protection ordinance still apply to new or existing development.

### 338-51. Reserved

## ARTICLE 10.0

### Height

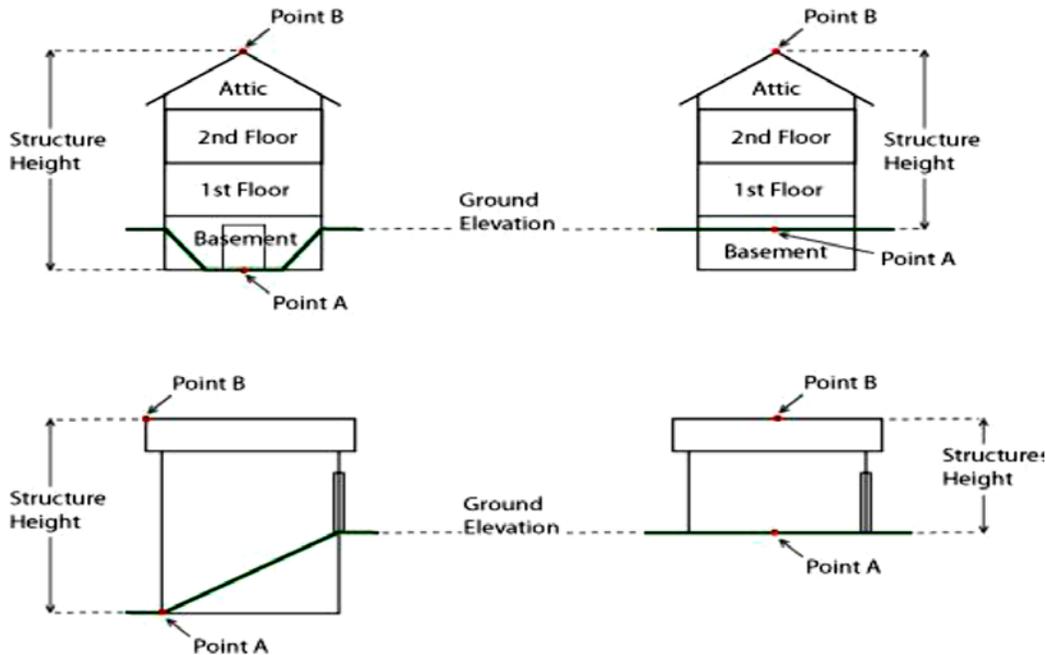
**338-52. 10.0 Height.** ~~(NR 115.05(1)(f))~~ To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, a land use permit county may not be granted for permit any construction that results in a structure taller than 35 feet within 75 feet of the ordinary high-water mark of any navigable waters.

See Policy Option in Appendix B (See below)

- A. The structure height for structures at or greater than 75 feet from the ordinary high water mark shall comply with the provisions of other

applicable ordinance standards, if any.

- B. Structure height within 75 feet of the ordinary high water mark of any navigable water 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 diagram below) to a line horizontal to the highest point of a structure excluding items attached to a structure such as but not limited to chimneys, ornamental towers, vents, television towers, and mechanical appurtenances (Point B in the diagram below), unless specified under other sections of this chapter.



338-53. Reserved

## ARTICLE 11.0

### Nonconforming Uses and Structures

~~11.0 NONCONFORMING USES AND STRUCTURES. (NR 115.05(1)(g))~~

**338-54.** ~~11.1 Discontinued nonconforming use. (NR 115.05(1)(g)3.)~~ If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance [this chapter](#).

**338-55.** ~~11.2 Maintenance, repair, replacement or vertical expansion of nonconforming structures. (s. 59.692(1k)(a)1.b. and d.)~~ An existing structure that was lawfully placed when constructed but that does not comply with the required ~~shoreland setbacks~~, [per Section 338-32 and Section 338-33](#), may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required

shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level, as provided in Subsection 338-52.B. Counties may allow Expansion of a structure may be allowed beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Note: Section 59.692(1k)(a)1.b. and d. prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in Section 338-57. 44-4. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

Note: NR115.05(1)(b)1m lists structures that are exempt from the shoreland setback. These structures are considered conforming structures and are not considered nonconforming structures. Structures that were granted variances or illegally constructed structures are not considered nonconforming structures.

**338-56. 44-3 Lateral expansion of nonconforming principal structure within the setback. (NR 115.05(1)(g)5.1** An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per Sections 338-32.A. 6.1 and 338-33. 6.2 may be expanded laterally, provided that all of the following requirements are met:

- A. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
- B. The existing principal structure is at least 35 feet from the ordinary high-water mark.
- C. lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- D. The Land Use Planning and Zoning Department county shall issue a permit that requires a mitigation plan that shall be approved by the Land Use Planning and Zoning Department county and implemented by the property owner by the date specified in the land use permit. The mitigation plan shall meet the standards found in Section Article 12.0.
- E. All other provisions of this chapter the shoreland ordinance shall be met.

**338-57. 44-4 Expansion of a nonconforming principal structure beyond setback. (NR 115.05(1)(g)5m.)** An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under Sections 338-32. 6.1 and 338-33. 6.2, may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per Section 338-32. 6.1 or 338-33. 6.2 and that all other provisions of this chapter the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this Section paragraph, but may be required per section Article 9.0.

**338-58. 44-5 Relocation of nonconforming principal structure. (NR 115.05(1)(g)6.1** An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per Sections 338-32.A. 6.1 and 338-33. 6.2 may be relocated on the property provided all of the following requirements are met:

- A. The use of the structure has not been discontinued for a period of 12 months or

more if a nonconforming use.

- B. The existing principal structure is at least 35 feet from the ordinary high-water mark.
- C. No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- D. The **Land Use Planning and Zoning Department** ~~county~~ determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement per Section **338-32. 6-1.**
- E. The **Land Use Planning and Zoning Department** ~~county~~ shall issue a permit that requires a mitigation plan that shall be approved by the **Land Use Planning and Zoning Department** ~~county~~ and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in ~~Section~~ **Article 12.0.** include enforceable obligations of the property owner to establish or maintain measures that the **Land Use Planning and Zoning Department** ~~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 County Register of Deeds.
- F. All other provisions of **this chapter** ~~the shoreland ordinance~~ shall be met.

**338-59. MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE. (s. 59.692(1k)(a)2. and (a)4.)** A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 15, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Note: Section 59.692(1k)(a)2. prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 338-59. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control

## ARTICLE 12.0

### Mitigation

**338-60. 12.0 Mitigation. s. 59.692(1v), Stats, NR 115.05 (1)(c)3., (c)5., (c)6.** When a

land use permit the county issued a permit under this chapter that requires mitigation according to Paragraph 338-32.A.(2) 6.11(2) and Sections 338-48. 9.4 and 338-58. 11.5, 11.7, the property owner must submit a complete permit application that includes a mitigation plan.

A. The application shall be that is reviewed and approved by the County Land Use Planning and Zoning Department. The application shall include the following:

- (1) A scaled site plan that describes with images and notations the proposed mitigation measures
  - a) The mitigation site plan shall be designed and implemented to restore natural functions lost through development and human activities
  - b) The mitigation measures of the plan shall be proportional in scope to the impacts of development on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.
- (2) An implementation schedule stating the completion date of the mitigation measures. and Also, there shall be an enforceable obligation on the property owner to establish and maintain the mitigation measures.
  - a) The enforceable obligations shall be evidenced by an instrument, Shoreland Mitigation Agreement, recorded in the office of the Register of Deeds, prior to issuance of a land use permit.

See Policy Options in Appendix B  
(Used current Green Lake County mitigation standards B. below)

~~NOTE Each county must select a mitigation system and codify that system in this ordinance that states the exact requirements. There are samples in Appendix C and there is a sample affidavit to the Register of Deeds in Appendix D. The department has developed mitigation recommendations to help guide the county as they develop the shoreland mitigation component of their ordinance. Those mitigation recommendations are available at <http://dnr.wi.gov/topic/ShorelandZoning/documents/MitigationRecommendations.pdf>.~~

B. The various types of development projects that require mitigation measures based on this chapter shall have options to mitigate the impacts of those development projects as provided herein. In cases where a development project impacts more than one type of development requiring mitigation, mitigation measures shall provide the total points for all affected types of development. The mitigation measures with corresponding mitigation points applicable to development projects requiring mitigation are as follows:

- (1) 3 Points; Creation or restoration of the shoreland vegetative buffer zone. The mitigation points and buffer depth may be modified if a lesser buffer depth is approved by the Land Use Planning and Zoning Department, based on the scope of the development

project.

(2) 1 Point; Each additional 500 square feet of native secondary vegetative shoreland buffer; after the shoreland vegetative buffer zone has been created or restored.

(3) 2 Points; Removal of each building structure having 200 square feet or more of impervious surface within the 75 foot shoreland setback area.

1 Points; Removal of each building structure having less than 200 square feet of impervious surface within the 75 foot shoreland setback area.

Removal area(s) landward of the shoreland vegetative buffer zone shall be restored and vegetated. Removal area(s) within the shoreland vegetative buffer zone shall be in accordance with D. below.

(4) 1 Point; Removal of each 200 square feet of impervious surface within 300 feet of the ordinary high water mark of navigable waters. Removal area(s) landward of the shoreland vegetative buffer zone shall be restored and vegetated. Removal area(s) within the shoreland vegetative buffer zone shall be in accordance with D. below.

(5) 1 Point; Removal of seawalls/bulkheads.

(5) 1 Point; Relocate access and viewing corridor to include boathouse. Vacated area(s) landward of the shoreland vegetative buffer zone shall be restored and vegetated. Vacated area(s) within the shoreland vegetative buffer zone shall be vegetated in accordance with D. below

(6) Stormwater management that will infiltrate the stormwater runoff on a lot or parcel, for a 2 year rainfall event, into a rain garden(s) for conditions stated below. Other infiltration methods may be used as approved by the Land Use Planning and Zoning Department.

(a) 2 Points; Stormwater management practice that will infiltrate all the stormwater runoff from the impervious surface of principal building structure(s).

(b) 3 Points; Stormwater management practice that will infiltrate all the stormwater runoff from the impervious surface of principal building structure(s) and any accessory building structure(s).

(c) 4 Points; Stormwater management practice that will infiltrate the stormwater runoff from all the impervious surface(s).

- C. Types of development requiring mitigation measures are as follows:
- (1) Impervious surface development. Any of the following levels of impervious surface area, based on the standards of Article 9.0 ~~§338-21.~~ shall provide mitigation measures having the following number of mitigation points.
    - (a) 5 mitigation measure points shall be included in a mitigation plan on a lot or parcel where the percentage of impervious surface is greater than 15% and up to and including 20%.
    - (b) 6 mitigation measure points shall be included in a mitigation plan on a lot or parcel where the percentage of impervious surface is greater than 20% and up to and including 25%.
    - (c) 7 mitigation measure points shall be included in a mitigation plan on a lot or parcel where the percentage of impervious surface is greater than 25% and up to and including 30%.
  - (2) Vertical expansion of a nonconforming principal structure per Section 338-55. ~~§338-47.C.(3)~~ shall require a mitigation plan that includes any mitigation measures listed in Subsection 338-60.B. ~~338-48.B.~~ having a minimum of 1 point.
  - (3) Replacement or relocation of a nonconforming principal structure per Section 338-58. ~~§338-47.C.(4)~~ shall require a mitigation plan that includes any mitigation measures listed in Subsection 338-60.B. ~~338-48.B.~~ having a minimum of 2 points.
- C. Where reference is made to a shoreland vegetative buffer zone, the buffer shall be designed in accordance with NRCS Interim Standard No. 643A and NRCS Wisconsin Biology Technical Note 1: Shoreland Habitat. In cases where these standards provide options, the Land Use Planning and Zoning Department shall make the determination which option is most appropriate in the design and execution of the project.
- D. Where reference is made to a rain garden, the rain garden shall be designed, installed and maintained in accordance with Wis DNR Publication, PUB-WT-776 2003 "Rain Gardens: A how-to manual for homeowners".
- E. Where the Land Use Planning and Zoning Department determines a lot or parcel has excessive navigable water frontage for the purpose of a shoreland vegetative buffer installation, the Land Use Planning and Zoning Department may reduce the width of the shoreland vegetative buffer to no less than 100 feet.
- F. All development projects requiring mitigation measures on a lot or parcel having a POWTS (private onsite wastewater treatment system) shall be required to have the POWTS evaluated by a licensed plumber to determine condition and sizing compliance; and if needed the POWTS shall be upgraded to comply with current applicable standards.

ARTICLE 13.0

Administration

~~338-62. 13.0~~ Administrative provisions. (NR-115.23) Given the County has created a Land Use Planning and Zoning Department, and Land Use Planning and Zoning Committee, and Board of Adjustment to administer and enforce land use ordinances, these same officials shall also administer and enforce this chapter. These officials for the purpose of this shoreland protection ordinance adopted by each county shall be responsible for require all of the following:

- A. ~~The appointment of an administrator and such additional staff as the workload may require.~~
- B. ~~The creation of a zoning agency as authorized by s. 59.69, Stats., a board of adjustment as authorized by s. 59.694, Stats., and a county planning agency as defined in s. 236.02(1), Stats., and required by s. 59.692(3), Stats.~~
- C. A system of permits for all new construction, development, reconstruction, structural alteration or moving of buildings and structures. A copy of applications shall be required to be filed in the Land Use Planning and Zoning Department office of the county zoning administrator, unless prohibited by s. 59.692(1k), Stats.
- D. Perform regular inspection of permitted work in progress to insure conformity of the finished structures with the terms of this chapter ordinance.
- E. Establish a variance procedure which authorizes the Board of Adjustment to grant such variance from the terms of this chapter ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland protection zoning ordinance, a literal enforcement of the provisions of this chapter 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 protection zoning ordinance.
- F. Establish a special exception (conditional use) procedure for uses presenting special problems.
- G. The county shall keep a complete record of all proceedings before the Board of Adjustment, and Land Use Planning and Zoning Committee zoning agency and planning agency.
- H. Written notice to the appropriate office of the Department at least 10 days prior to any hearing on a proposed variance, special exception or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review under Section Article 4.0.
- I. Submission to the appropriate office of the Department, within 10 days after grant or denial, copies of 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 ~~this chapter~~ an ordinance.

- J. Mapped zoning districts and the recording, on an official copy of such map, of all district boundary amendments.
- K. The establishment of appropriate penalties for violations of various provisions of this ~~chapter~~ ordinance, including forfeitures. Compliance with this ~~chapter~~ ordinance shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in s. 59.69 (11), Stats.
- L. ~~Investigate and report violations of this chapter~~ ~~The for enforcement and/or~~ prosecution of violations of the ~~shoreland ordinance~~.
- M. ~~SHORELAND WETLAND MAP AMENDMENTS, (NR 115.04) Every petition for a shoreland-wetland map amendment filed with the county clerk shall be referred to the county zoning agency. A copy of each petition shall be provided to the appropriate office of the Department within 5 days of the filing of the petition with the county clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate office of the Department at least 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 Department within 10 days after the decision is issued. (Same as 14.2)~~

See Policy Option in Appendix B (~~Did not use, same as above~~)

### ~~338-63. 13.2~~ Permits.

A. ~~13.24~~ WHEN REQUIRED. Except where another section of this ~~chapter~~ ordinance specifically exempts certain types of development from this requirement, a land use permit shall be obtained from the Land Use Planning and Zoning Department, ~~zoning administrator~~ or Board of Adjustment, or Land Use Planning and Zoning Committee before any new development.

B. ~~13.22~~ APPLICATION. An application for a land use permit shall be made to the Land Use Planning and Zoning Department ~~zoning administrator~~ upon forms furnished by the Land Use Planning and Zoning Department ~~county~~ and shall include for the purpose of proper enforcement of these regulations, the following information:

- (1) Name and address of applicant and property owner.
- (2) Legal description of the property and type of proposed use.
- (3) A to scale drawing of the dimensions of the lot and location of all existing and proposed structures and impervious surfaces relative to the lot lines, center line of abutting highways and the ordinary high-water mark of any abutting waterways.
- (4) Location and description of any existing private water supply or sewage system or notification of plans for any such installation.
- (5) Plans for appropriate mitigation when required.

- (6) Payment of the appropriate fee.
- (7) Additional information required by the ~~zoning administrator~~ Land Use Planning and Zoning Department.

C. ~~43.23~~ EXPIRATION OF PERMIT. A land use ~~Zoning~~ permit shall expire twelve (12) months from date issued if no substantial work has commenced.

D. ~~43.24~~ CERTIFICATES OF COMPLIANCE

E. ~~43.25~~ No land or building shall be occupied or used until a certificate of compliance is issued by the Land Use Planning and Zoning Department ~~zoning administrator~~.

- (1) The certificate of compliance shall certify that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this ~~ordinance~~ chapter.
- (2) Application for such certificate shall be concurrent with the application for a land use ~~zoning~~ permit.
- (3) The certificate of compliance shall be issued within 10 days after notification of the completion of the work specified in the land use ~~zoning~~ permit, if the building or premises or proposed use thereof conforms with all the provisions of this chapter ~~ordinance~~.

F. ~~43.26~~ The Land Use Planning and Zoning Department ~~zoning administrator~~ may issue a temporary certificate of compliance for part of a building, pursuant to rules and regulations established by the county board.

G. ~~43.27~~ Upon written request from the owner, the Land Use Planning and Zoning Department ~~zoning administrator~~ shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this ~~ordinance~~ chapter, certifying after inspection the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this chapter ~~ordinance~~.

**338-64.** ~~43.3~~ Special Exception Permits ( aka Conditional Use Permits).

A. 13.31 APPLICATION FOR A SPECIAL EXCEPTION PERMIT. Any use listed as a special exception in this chapter ~~ordinance~~ shall be permitted only after an application has been submitted to the Land Use Planning and Zoning Department ~~zoning administrator~~ and a special exception permit has been granted by the Board of Adjustment. To secure information upon which to base its determination, the Board of Adjustment may require the applicant to furnish, in addition to the information required for a ~~zoning~~ land use permit, the following information:

- (1) A plan of the area showing surface contours, soil types, ordinary high-water marks, ground water conditions, subsurface geology and vegetative cover.

- (2) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
  - (3) Plans of buildings, sewage disposal facilities, water supply systems and arrangement of operations.
  - (4) Specifications for areas of proposed filling, grading, lagooning or dredging.
  - (5) Other pertinent information necessary to determine if the proposed use meets the requirements of this ~~chapter ordinance~~.
  - (6) Rationale for why the proposed special exception meets all of the special exception criteria listed in this ~~chapter ordinance~~.
- B. ~~13.32~~ NOTICE, PUBLIC HEARING AND DECISION. Before deciding whether to grant or deny an application for a special exception permit, the Board of Adjustment shall hold a public hearing. Notice of such public hearing, specifying the time, place and matters to come before the Board of Adjustment, shall be given as a Class 2 notice under chapter. 985, Wis. Stats. **Such notice shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. The Board of Adjustment shall state in writing the grounds for granting or denying a special exception permit.**
- C. ~~13.33~~ STANDARDS APPLICABLE TO ALL SPECIAL EXCEPTIONS. In deciding a special exception application, the Board of Adjustment shall evaluate the effect of the proposed use upon:
- (1) The maintenance of safe and healthful conditions.
  - (2) The prevention and control of water pollution including sedimentation.
  - (3) Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.
  - (4) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
  - (5) The location of the site with respect to existing or future access roads.
  - (6) The need of the proposed use for a shoreland location.
  - (7) Its compatibility with uses on adjacent land.
  - (8) The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
  - (9) Location factors under which:
    - (a) Domestic uses shall be generally preferred;
    - (b) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source;
    - (c) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility. Additional standards such as parking, noise, etc...maybe refer to the applicable part of their ordinance.
- D. ~~13.34~~ CONDITIONS ATTACHED TO SPECIAL EXCEPTIONS. Such

conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking and signs; and type of construction.

Upon consideration of the factors listed above, the Board of Adjustment shall attach such conditions, in addition to those required elsewhere in this ~~chapter ordinance~~, as are necessary to further the purposes of this ~~chapter ordinance~~. Violations of any of these conditions shall be deemed a violation of this ~~chapter ordinance~~.

In granting a special exception permit, the Board of Adjustment may not impose conditions which are more restrictive than any of the specific standards in this ~~chapter ordinance~~. Where this ~~chapter ordinance~~ is silent as to the extent of restriction, the Board of Adjustment may impose any reasonable permit conditions to affect the purpose of this ~~chapter ordinance~~.

~~E. 13.35~~ RECORDING. When a special exception permit is approved, an appropriate record shall be made of the land use and structures permitted. Such permit shall be applicable solely to the structures, use and property so described. **A copy of any decision on a special exception permit shall be provided to the appropriate office of the Department within 10 days after it is granted or denied.**

~~F. 13.36~~ REVOCATION. Where the conditions of a special exception permit are violated, the special exception permit ~~shall~~ may be revoked.

~~338-65. 13.4~~ Variances. The Board of Adjustment may grant upon appeal a variance from the standards of this ~~chapter ordinance~~ where an applicant convincingly demonstrates that:

- literal enforcement of the provisions of this ~~chapter ordinance~~ will result in unnecessary hardship on the applicant; and
- the hardship is due to special conditions unique to the property; and
- is not contrary to the public interest.

~~A. 13.42~~ NOTICE, HEARING AND DECISION. (~~s. 59.694(6), Wis. Stats.~~) Before deciding on an application for a variance, the Board of Adjustment shall hold a public hearing. Notice of such hearing specifying the time, place and matters of concern, shall be given a Class 2 notice under chapter. 985, Wis. Stats. **Such notice shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. The Board of Adjustment shall state in writing the reasons for granting or refusing a variance and shall provide a copy of such decision to the appropriate Department office within 10 days of the decision.**

~~338-66. 13.5~~ Board of Adjustment. (~~s. 59.694 Wis. Stats.~~) The ~~county executive, county administrator or chair of the County Board~~ shall appoint a Board of Adjustment consisting of 3 ~~or 5~~ members and 2 alternate members under s. 59.694, Wis. Stats. The County Board shall adopt such rules for the conduct of the business of the Board of Adjustment as required by s. 59.694(3), Wis. Stats.

A. ~~13.51~~ POWERS AND DUTIES. (s. 59.694 Wis. Stats.)

- (1) The Board of Adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by s. 59.694, Wis. Stats.
- (2) It shall hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement or administration of this ~~chapter ordinance~~.
- (3) It shall hear and decide applications for special exception permits pursuant to ~~Section 338-64. 13.3.~~ Section 338-64.
- (4) It may grant a variance from the standards of this ~~chapter ordinance~~ pursuant to ~~Section 338-65. 13.4.~~ Section 338-65.
- (5) In granting a variance, the board may not impose conditions which are more restrictive than any of the specific standards in this ~~chapter ordinance~~. Where this ~~chapter ordinance~~ is silent as to the extent of restriction, the board may impose any reasonable permit conditions to effect the purpose of this ~~chapter ordinance~~.

B. ~~13.52~~ APPEALS TO THE BOARD. (~~s. 59.694 Wis. Stats.~~) Appeals to the Board of Adjustment may be made by any person aggrieved or by an officer, department, board or bureau of the county affected by any decision of the ~~Land Use Planning and Zoning Department zoning administrator~~ or other administrative officer. Such appeal shall be made within 30 days, as provided by the rules of the ~~County Board~~, by filing with the officer whose decision is in question, and with the Board of Adjustment, a notice of appeal specifying the reasons for the appeal. The ~~Land Use Planning and Zoning Department zoning administrator~~ or other officer whose decision is in question shall promptly transmit to the Board of Adjustment all the papers constituting the record concerning the matter appealed.

C. ~~13.53~~ HEARING APPEALS AND APPLICATIONS FOR VARIANCES AND SPECIAL EXCEPTION PERMITS. (s. 59.694(6), Wis. Stats.)

- (1) The Board of Adjustment shall fix a reasonable time for a hearing on the appeal or application. The Board of Adjustment shall give public notice thereof by publishing a Class 2 notice under chapter 985, Wis. Stats, specifying the date, time and place of the hearing and the matters to come before the Board of Adjustment. **Notice shall be mailed to the parties in interest. Written notice shall be given to the appropriate office of the Department at least 10 days prior to hearings on proposed shoreland variances, special exceptions (conditional uses), and appeals for map or text interpretations.**
- (2) A decision regarding the appeal or application shall be made as soon as practical. **Copies of all decisions on shoreland variances, special exceptions (conditional uses), and appeals for map or text interpretations shall be submitted to the appropriate office of the Department within 10 days after they are granted or denied.**
- (3) The final disposition of an appeal or application to the Board of Adjustment shall be in the form of a written resolution or order signed by the chairman and secretary of the Board of Adjustment. Such resolution shall state the

specific facts which are the basis of the Board of Adjustment determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.

- (4) At the public hearing, any party may appear in person or by agent or by attorney.

### 338-67. Reserved

## ARTICLE 14.0

### Amendments

**338-68.** ~~14.0~~ Changes and Amendments. The County Board may from time to time, alter, supplement or change the regulations contained in this ~~chapter ordinance~~ in accordance with the requirements of s. 59.69(5)(e), Wis. Stats, chapter. NR 115, Wis. Adm. Code and this ~~chapter ordinance~~ where applicable.

A. ~~14.1~~ Amendments. Amendments to this ~~chapter ordinance~~ may be made on petition of any interested party as provided in s. 59.69(5), Wis. Stats.

B. ~~14.2~~ Shoreland Wetland map amendments. ~~(NR 115.04)~~ Every petition for a shoreland-wetland map amendment filed with the county clerk shall be referred to the Land Use Planning and Zoning Committee ~~county zoning agency~~. A copy of each petition shall be provided to the appropriate office of the Department within 5 days of the filing of the petition with the county clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate office of the Department at least 10 days prior to the hearing.

(1) ~~14.22~~ A copy of the County Board's decision on each proposed amendment shall be forwarded to the appropriate office of the Department within 10 days after the decision is issued.

### 338-69. Reserved

## ARTICLE 15.0

### Enforcement

### 338-70. Investigation of alleged violations.

Any violation of the provisions of this chapter shall be deemed unlawful. When necessary, to determine compliance with this chapter, the Land Use Planning and Zoning Department shall investigate alleged violations. After confirmation that a violation exists, the Land Use Planning and Zoning Department shall pursue compliance of the violation.

### 338-71. Violations, penalties and citations.

- A. Any violation of the provisions of this chapter by or under the direction of the landowner shall be brought into compliance upon notification by the Land Use

Planning and Zoning Department or the Land Use Planning and Zoning Committee or the County Corporation Counsel.

- B. The County Corporation Counsel shall have the authority to use all legal remedies necessary to pursue compliance with the provisions of this chapter. After consultation with the Land Use Planning and Zoning Department and/or the Land Use Planning and Zoning Committee, the Corporation Counsel shall determine which legal remedy or legal remedies are in order to pursue compliance with the provisions of this chapter.
- C. Any landowner who violates or refuses to comply with any of the provisions of this chapter shall be subject to a forfeiture of not less than \$50 nor more than \$5,000 per offense, together with the taxable costs of action. Each day that the violation exists shall constitute a separate offense.
- D. In addition to the Corporation Counsel having the authority to pursue compliance per Subsection B above, the designated staff of the Land Use Planning and Zoning Department shall have the authority to and may prepare, sign and issue citations in order to commence action to achieve compliance with the provisions of this chapter.

### **338-72. Stop-work orders.**

- A. No land use permit obtained. When the Land Use Planning and Zoning Department is notified or becomes aware of any activity in violation of the provisions of this chapter by or under the direction of the landowner that requires issuance of a land use permit pursuant to this chapter, and such a permit has not been obtained, the Land Use Planning and Zoning Department may issue a stop-work order requiring any such activity to be immediately stopped and enjoined.
- B. Land use permit obtained. When the Land Use Planning and Zoning Department is notified or becomes aware of any activity in violation of the provisions of this chapter by or under the direction of the landowner for which a land use permit was issued and the actual activity deviates from that land use permit, the Land Use Planning and Zoning Department may issue a stop-work order requiring the activity to be immediately stopped and enjoined.
- C. The stop-work order shall be mailed to the subject landowner's property tax bill mailing address or the mailing address as stated on the land use permit application and/or to any person signing the land use permit application.
- D. The stop-work order card issued and posted by the Land Use Planning and Zoning Department shall be posted at the subject site in plain view from a non-trespass location off the subject property. A stop-work order card shall remain posted until compliance of the violation occurs.
- E. An action filed pursuant to the Board of Adjustment or to any court shall stop work during and until the final outcome of the action has been reached or until so ordered by a Court of appropriate jurisdiction.

### **338-73. Injunctions.**

Every violation of this chapter is a public nuisance, and the creation thereof may be enjoined and the maintenance thereof abated pursuant to § 59.69(11), Wis. Stats.

~~15.0 ENFORCEMENT AND PENALTIES (NR 115.05(4)(j)) Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The zoning administrator or the county zoning agency shall refer violations to the district attorney or corporation counsel who shall expeditiously prosecute violations. 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 ten (\$10.00) dollars nor more than two hundred (\$200.00) dollars per offense, together with the taxable costs of action. Each day which the violation exists shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to s. 59.69(11), Wis. Stats.~~

- ~~(1) — Penalty: Any person, firm or corporation, including those doing work for others, who violates any of the provisions of this Ordinance shall be subject to a forfeiture of not less than \$50.00 nor more than \$.00 for each violation plus the cost of prosecution. Each day a violation exists shall constitute a distinct and separate violation of this Ordinance and as such, forfeitures shall apply accordingly. The Zoning Administrator shall refer violations to the Corporation Counsel who shall prosecute violations.~~
- ~~(2) — Injunction: Any use or action which violates the provisions of this Ordinance shall be subject to a court injunction prohibiting such violation.~~
- ~~(3) — Responsibility for Compliance: It shall be the responsibility of the applicants as well as their agent or other persons acting on their behalf to comply with the provisions of this Ordinance. Any person, firm or corporation, causing a violation or refusing to comply with any provision of this Ordinance will be notified in writing of such violation by the County Zoning Administrator or his designated Zoning Deputy. Each day a violation exists shall constitute a distinct and separate violation of this ordinance and, as such, forfeitures shall apply accordingly. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to Section 59.69(11), Wisconsin Statutes.~~
- ~~(4) — Suspension of Permit: Whenever the Zoning Administrator, Assistant Zoning Administrator or Deputy Zoning Administrator, determines there are reasonable grounds for believing there is a violation of any provision of this Ordinance, the Zoning Administrator, Assistant Zoning Administrator or Deputy Zoning Administrator shall give notice to the owner of record as hereinafter provided. Such notice shall be in writing and shall include a statement of the reason for the suspension of the permit. It shall allow 30 days for the performance of any act it~~

~~requires. If work cannot be completed in the 30 day period, an extension may be granted if reason of hardship prevail and can be verified. Such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to owner's last known address or when the owner has been served by such notice by any method authorized by the laws of Wisconsin. The owner of record has the right to appeal any decision by the Zoning Administrator, Assistant Zoning Administrator or Deputy Zoning Administrator or apply to the Vilas County Board of Adjustment for a Variance from the strict rule of this Ordinance within 30 days of receipt of a notice or order.~~

**338- 74.** Emergency Conditions: Whenever the **Land Use Planning and Zoning Department** Zoning Administrator finds that an emergency exists such as sudden, unexpected occurrences or combinations thereof, unforeseen conditions or circumstances at the time beyond ~~a landowner's~~ one's control, adverse weather conditions, meeting a timetable which requires immediate action to protect the public health, safety and welfare, the **Land Use Planning and Zoning Department** Administrator may, without notice or hearing, issue an order citing the existence of such emergency and may require that such action be taken as may be deemed necessary to meet the emergency. The **Land Use Planning and Zoning Department** Administrator shall notify the Chairperson of the **Land Use Planning and Zoning Committee** within 24 hours of such situations. Notwithstanding any other provisions of this **chapter** Ordinance such order shall become effective immediately. Any person to whom such order is directed shall comply therewith immediately. Appeals or challenges to emergency orders may be brought after emergency conditions have ceased, to the Board of Adjustment.

### **338-75. Reserved**

## **ARTICLE 16.0**

### **Fees**

~~13.6 FEES. (ss. 59.69, 59.694, 59.696, 59.697, Wis. Stats.)~~The county board may, by resolution, adopt fees for the following:

- ~~(1) Zoning permits.~~
- ~~(2) Certificates of compliance.~~
- ~~(3) Planned Unit Development reviews.~~
- ~~(4) Public hearings.~~
- ~~(5) Legal notice publications.~~

- ~~(6) Special exception permits.~~
- ~~(7) Variances.~~
- ~~(8) Administrative appeals.~~
- ~~(9) Other duties as determined by the county board.~~

**338-76. Fees.**

A. The following fees shall be paid to Green Lake County at the Land Use Planning and Zoning Department at the time of application for each service requested as listed below to defray the cost of administration, investigation, advertising and processing. Land use permit fee is based on construction value of project:

(1) Fee.

<b>Value of Project</b>	<b>Fee</b>
\$0 to \$999	\$50
\$1,000 to \$99,999	\$150
\$100,000 to \$199,999	\$300
\$200,000 to \$299,999	\$400
\$300,000 to \$399,999	\$500
\$400,000 to \$499,999	\$600
\$500,000 to \$599,999	\$700
\$600,000 to \$699,999	\$800
\$700,000 to \$799,999	\$900
\$800,000 to \$899,999	\$1,000
\$900,000 or more	\$1,250

(2) Permit renewals are the same as the original fee.

(3) After-the-fact permit is double the above stated fee.

B. All public hearing items such as a variance, rezone, appeal, conditional use permit, ordinance amendment, planned unit development or special exception permit: \$375.

C. All public hearing items listed above, postponed at the request of the applicant prior to public hearing: \$250.

**338-77. Reserved**

## Definitions

See Policy Options in Appendix B

**DNR suggestions – accessory structure, development, drainage system, footprint, lot, lot area, lot of record, substandard lot, variance.**

### P&Z Staff suggestion - parcel

#### 14.0 DEFINITIONS.

**338-78.** 14.1 Definitions. For the purpose of administering and enforcing this chapter 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.

A. 14.2 The following terms or words used in this chapter ordinance mean:

**(1) Access and viewing corridor;** ~~(NR 115.03(1d))~~ means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

**(2) Boathouse;** ~~(NR 115.03(1h))~~ means 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.

**(3) Building envelope;** ~~(NR 115.03(1p))~~ means the three dimensional space within which a structure is built. ~~(Still used in Section 9— Impervious surface section)~~

**(4) County zoning agency;** ~~(NR 115.03(2))~~ means that committee or commission created or designated by the county board under s. 59.69(2)(a), Wis. Stats, to act in all matters pertaining to county planning and zoning. **In Green Lake County this body shall be known as the Land Use Planning and Zoning Committee.**

**(5) Department;** ~~(NR 115.03(3))~~ means the Department of Natural Resources.

**(6) Deer Stand;** are open or enclosed platforms used by hunters. The platforms are secured to trees (or free standing) in order to elevate the hunter and give him (or her) a better vantage point.

**(7) Development;** ~~(NR 116.03(5))~~ means any man-made 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 substantial alterations to buildings, structures, or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; and the

storage, deposition or extraction of materials.

**(8) Drainage System;** means one or more artificial ditches, tile drains, or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

**(9) Existing development pattern;** ~~(NR 115.03(3m))~~ means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

**(10) Floodplain;** ~~(NR 115.03(4))~~ means the land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in chapter NR 116, Wis. Adm. Code.

**(11) Footprint;** means the land covered by a structure at ground level measured on a horizontal plane. The footprint of a structure ~~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) ~~having a single horizontal plane the footprint is~~ bounded by the furthest portion of the structure projected to natural grade.

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

**(12) Generally accepted forestry management practices;** ~~(NR 1.25(2)(b))~~ means 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 department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.

**(13) Hunting Blind;** a hunting blind (or hide) is an easily portable cover device for hunters, designed to reduce the chance of detection. Not including deer stands.

**(14) Impervious surface;** ~~(NR 115.03(4g))~~ means an area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. ~~Roadways as defined in s.340-01(54), Wis. Adm. Code, or sidewalks as defined in 340.01(58), Wis. Adm. Code, are not considered impervious surfaces.~~

**(15) Lot;** means an ~~area continuous parcel of land, that is part of a recorded subdivision plat, certified survey map, or other document using the platting process, that is identified by an assigned number or letter not divided by a public right-of-way, and sufficient in size to meet the lot width and lot area provisions of this ordinance.~~

**(16) Lot or Parcel Area;** means the total square footage lying within the

peripheral boundaries of a recorded lot or parcel boundary description, including the land over which easements have been granted. ~~area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but~~ The area of a lot or parcel does not include the area of any land below the ordinary high water mark of navigable waters.

**(17) Lot or Parcel of Record;** means an area of land, the description of which is properly recorded with the County Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations. The act of recording is the time at which a lot or parcel is created.

**(18) Lot or Parcel, Substandard;** means 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 for a new lot or parcel.

**(19) Mitigation;** ~~(NR 115.03(4r))~~ means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

**(20) Navigable waters;** ~~(NR 115.03(5))~~ means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under s. 281.31(2)(d), Wis. Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.692, Wis. Stats, and chapter. NR 115, Wis. Adm. Code, do not apply to lands adjacent to:

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

**(21) Ordinary high-water mark;** ~~(NR 115.03(6))~~ means 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.

**(22) Parcel;** means an area of contiguous land having a boundary description duly recorded in the Register of Deeds office that identifies the boundaries of that specific parcel.

**(23) Regional Flood;** ~~(NR 115.03(7))~~ means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like

physical characteristics, once in every 100 years.

**(24) Routine maintenance of vegetation;** ~~(NR 115.03(7m))~~ means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

**(25) Shoreland;** ~~(NR 115.03(8))~~ means lands within the following distances from the ordinary highwater mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

**(26) Shoreland setback;** also known as the "Shoreland setback area" in s. 59.692(1)(bn) means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under section 59.692, Wis. Stats.

**(27) Shoreland-wetland district;** ~~(NR 115.03(9))~~ means a zoning district, created as a part of a county zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the department.

**(28) Special exception (conditional use);** ~~(NR 115.03(10))~~ means a use which is permitted by this **chapter ordinance** provided that certain conditions specified in this **chapter ordinance** are met and that a permit is granted by the board of adjustment or, where appropriate, the **land use** planning and zoning committee or county board.

**(29) Structure;** ~~(s. 59.692(1)(e), Stats.)~~ means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or fire pit.

**(30) Structure, Accessory;** means a subordinate structure on the same property as the principal structure which is devoted to a use incidental to the principal use of the property. Accessory structures include, but are not limited to, detached garages, sheds, barns, gazebos, patios, decks, swimming pools, hot tubs, fences, retaining walls, driveways, parking lots, sidewalks, detached stairways and lifts. ~~(NR 118.03)~~

**(31) Unnecessary hardship;** ~~(NR 115.03(11))~~ means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this **chapter ordinance**.

**(32) Variance;** means an authorization granted by the board of adjustment to construct, alter, or use a building or structure in a manner that deviates from the dimensional standards of this **ordinance chapter**.

**(33) Wetlands;** ~~(NR 115.03(13))~~ means 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.

## Appendix A

<b>Shoreland Zone Determinations</b>		
<b>Lakes, Ponds and Flowages</b>	<b>Navigability</b>	<b>Extent of Shoreland</b>
Natural lake or pond with a defined bed and bank that is navigable-in-fact (including bodies of water called "sloughs" that are actually separate lakes or ponds)	Navigable and public	1000 feet from OHWM
Glacial pothole lake that is navigable-in-fact	Navigable and public	1000 feet from OHWM
Man-made agricultural pond that is navigable-in-fact and not connected to navigable waters*	Non-navigable and private	None
Man-made non-agricultural pond that is navigable-in-fact and connected to waterway that is navigable-in-fact	Navigable and public	1000 feet from OHWM
Man-made non-agricultural pond that is navigable-in-fact and constructed prior to 1963 revision of s. 30.19, Wis. Stats., with (a) no connection or (b) a non-navigable connection to waterway that is navigable-in-	Non-navigable and private*	None
Man-made non-agricultural pond that is navigable-in-fact and within 500 feet of the OHWM of a navigable waterway and made public as a condition of a Wis-DNR Chapter 30 permit.	Navigable and public	1000 feet from OHWM
Man-made non-agricultural pond that is navigable-in-fact, more than 500 feet from OHWM of waterway that is navigable-in-fact and is not connected to waterway	Non-navigable and private*	None
Flowage that is navigable-in-fact & created by a dam on a navigable waterway	Navigable and public	1000 feet from OHWM or floodplain
Flowage that is navigable-in-fact, created by a dam on a non-navigable waterway and authorized by s. 30.19, Wis. Stats.	Navigable and public	1000 feet from OHWM or floodplain
Flowage that is navigable-in-fact and created by a dam on a non-navigable waterway, but not authorized by s. 30.19, Wis. Stats.	Non-navigable and private*	None
Inner harbors, turning basins, waterways, slips and canals created by a municipality under s. 30.10, Wis. Stats., on a navigable lake, pond, or flowage	Navigable and public	1000 feet from OHWM or floodplain

Lake, pond or flowage that is navigable-in-fact and enclosed pursuant to s. 30.196, Wis. Stats,	Navigable and public	1000 feet from OHVVM or floodplain
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<b>Shoreland Zone Determinations</b>		
<b>Rivers and Streams</b>	<b>Navigability</b>	<b>Extent of Shoreland</b>
Natural stream with a defined bed and bank that is navigable-in-fact	Navigable and public	300 feet from OHWM or floodplain
Non-navigable stream	Non-navigable and private	None
Agricultural drainage ditch that is navigable-in-fact and has navigable stream history	Navigable and public	300 feet from OHWM or floodplain
<del>Agricultural drainage ditch that is navigable-in-fact, no stream history and adjacent shoreland has structures</del>	<del>Naigable and public</del>	<del>300 feet from OHWM or floodplain</del>
Agricultural drainage ditch that is navigable-in-fact, no stream history, and adjacent shoreland is maintained in non-structural agricultural uses	Non-navigable and private*	None
Non-agricultural drainage ditch or channel that is navigable-in-fact, constructed since the 1963 revision of s. 30.19, Wis. Stats., and ultimately connected to a navigable lake, pond, or flowage	Navigable and public	300 feet from OHWM or floodplain
Slough that is navigable-in-fact on a navigable stream	Navigable and public	300 feet from OHWM or floodplain
Inner harbors, turning basins, waterways, slips and canals created by a municipality under s. 30.10, Wis. Stats., on a navigable stream	Navigable and public	300 feet from OHWM or floodplain
Non-agricultural drainage ditch or channel that is navigable-in-fact, constructed since the 1963 revision of s. 30.19, Wis. Stats., and ultimately connected to a navigable stream	Navigable and public	300 feet from OHWM or floodplain
Stream that is navigable-in-fact and enclosed pursuant to s. 30.196, Wis. Stats.	Navigable and public	300 feet from OHWM or floodplain



## NOTICE OF PUBLIC HEARING

The Land Use Planning and Zoning Committee of *Green Lake County* will hold a public hearing in County Board Room #0902 of the Government Center, 571 County Road A, Green Lake, WI, on **Thursday, July 7, 2016, at 5:30 p.m.** to consider the following item:

**Item I: Owners/Applicants:** John F & Diana M Werth **General legal description:** N2347 County Road A, Parcel #010-00052-0000, Part of the NW¼ of Section 3, T14N, R13E, Town of Mackford, ±25 acres **Request:** Rezone request from A-1 Exclusive Agriculture District to A-2 General Agriculture District

All interested persons wishing to be heard at the public hearing are invited to attend. For further detailed information concerning this notice and for information related to the outcome of public hearing items, contact the Green Lake County **Land Use Planning and Zoning Department** at (920) 294-4156.

*Publish: June 23, 2016*  
*June 30, 2016*

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT  
PUBLIC HEARING

July 7, 2016

ITEM I: ZONING CHANGE

OWNER:

John F. & Diana M. Werth

APPLICANT:

John F. Werth

REQUEST: The owners are requesting a zoning change from A-1 Exclusive Agriculture District to A-2 General Agriculture District, ±25 acres

PARCEL NUMBER / LOCATION: The affected parcel number is 010-00052-0000, located in the NW¼, Section 3, T14N, R13E, Town of Mackford. The site proposed for zoning change is located at N2347 County Road A.

EXISTING ZONING AND USES OF ADJACENT AREA: The current zoning of the parcel in question is A-1 Exclusive Agriculture District and lands to the north, south, and west of the subject site are also A-1, with the predominant use of the land being agricultural. East and across County Road A are lands zoned M-1 (Mining), M-2 (Sanitary Landfill) and A-1 (Exclusive Agriculture) and, in most cases, appear to be used similarly.

According to Flood Boundary and Floodway Map Panel 55047C0204C, all lands under consideration for this request are located out of the general floodplain.

ADDITIONAL INFORMATION / ANALYSIS: The owners would like to rezone their ±25 acres to A-2, General Agriculture. The owner plans to retain the all of the lands; however, in order to refinance, his bank is requiring him to separate the income-producing land from his other lands. In either the case of the income-producing lands, or the other lands, both parcels created will have to be greater than 8 acres in size and will have to be created by certified survey map (CSM).

STATUTORY CRITERIA PER 91.48(1): Land may be rezoned out of a farmland preservation zoning district (A-1 Exclusive Agriculture District in Green Lake County) if all of the following are found after public hearing: **(Staff comments in bold type)**

- a) The land is better suited for a use not allowed in the farmland preservation zoning district. **The goal of the Town Comprehensive Plan and the County Farmland Preservation Plan is to preserve and protect quality agricultural lands. This request does preserve and protect lands as the zoning classification allows for agricultural uses.**
- b) The rezoning is consistent with any applicable comprehensive plan. **The request is to rezone to the General Agriculture District where all agricultural uses are permitted uses. Therefore, staff considers the request to be consistent with the applicable comprehensive plans.**
- c) The rezoning is substantially consistent with the county certified farmland preservation plan. **The overall goal of the County certified farmland preservation plan is to maintain the integrity and viability of county agriculture. It is staff's belief that the request does not negatively impact the integrity or viability of county agriculture and is, therefore, substantially consistent with the County's certified farmland preservation plan.**

- d) The rezoning will not substantially impair or limit current or future agricultural use of the surrounding parcels of land that are zoned for or legally restricted to agricultural use. **This request allows the property to remain in a zoning district that allows agricultural uses; therefore, it will not impair or limit current or future agricultural use.**

**TOWN OF MACKFORD:** An Action Form requesting the Town of Mackford's input related to this zoning change request was mailed to the Town Clerk on May 6, 2016.

Please type or use black ink

Return to: Green Lake County  
Planning & Zoning Department  
492 Hill St, PO Box 3188  
Green Lake, WI 54941

**GENERAL APPLICATION**

Fee 375.<sup>00</sup> (not refundable)

Date 4-8-16

Zone Change from A-1 to A-2

Conditional Use Permit for \_\_\_\_\_

Other \_\_\_\_\_

**PROPERTY OWNER / APPLICANT**

Name John F. Werth

Mailing Address N2347 County Road A, Markesan, WI 53946

Phone Number (920) 584-0195

Signature [Signature] Date Apr. 18, 2016

**AGENT IF OTHER THAN OWNER**

Name same

Mailing Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**PROPERTY INFORMATION**

Town of Markesan Parcel Number 010-00052-0000 Acres ±25

Lot — Block — Subdivision —

Section 3 Town 14 North Range 13 East

Location of Property N2347 County Road A

Legal Description see attached "Exhibit A"

Current Zoning Classification A-1 Current Use of Property Ag and Res

Detailed Description of Proposed Use Need to separate income producing land from other lands for refinance purposes.

**PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION**

Fees: Zone Change \$375  
Conditional Use Permit \$375.00  
Variance \$375.00  
Special Exception \$375.00

Exhibit A

FOR INTERNAL USE ONLY - Register of Deeds' Office

A parcel of land located in the Southwest 1/4 of the Northwest 1/4 and the Southeast 1/4 of the Northwest 1/4 of Section 3, Town 14 North, Range 13 East, Town of Mackford, Green Lake County, Wisconsin; being more particularly described as follows:

Commencing at the West 1/4 Corner of said Section 3; thence N01°-03'-39"W along the west line of the Southwest 1/4 of the Northwest 1/4 1320.30 ft.; thence N88°-06'-21"E along the north line of the Southwest 1/4 of the Northwest 1/4 600.00 ft. to the Point of Beginning; thence continuing N88°-06'-21"E along said north line and the north line of the Southeast 1/4 of the Northwest 1/4 875.44 ft.; thence S01°-53'-39"E 130.00 ft.; thence N88°-06'-21"E 405.59 ft. to a point on the westerly right-of-way line of County Trunk Highway "A"; thence S35°-31'-00"W along said westerly right-of-way line 455.55 ft. to the northeast corner of Certified Survey Map No. 1605 as recorded in Volume 7 of the Green Lake County Certified Survey Maps on Pages 1605 and 1605A; thence N88°-41'-00"W along the northerly line of C.S.M. No. 1605 411.08 ft.; thence S35°-31'-00"W along the westerly line of C.S.M. No. 1605 268.94 ft.; thence S54°-29'-00"E along the southerly line of C.S.M. No. 1605 340.00 ft. to the southeast corner of said C.S.M. No. 1605, also being a point on the westerly right-of-way line of C.T.H. "A"; thence S35°-31'-00"W along said westerly right-of-way line 501.28 ft.; thence S88°-06'-21"W 414.69 ft.; thence N01°-03'-39"W 1287.30 ft. to the Point of Beginning, containing 22.1628 acres; being subject to all easements and restrictions of record, if any.

The above described lands shall be combined for purposes of assessment and taxation with Lot 1 of Certified Survey Map No. 1605 (tax parcel no. 52.1) and are to remain with said lot and cannot be used or conveyed as a separate buildable lot without first meeting all Green Lake County ordinances.

# John Werth Proposed Rezone, TMC

Green Lake County, WI



GIS Viewer Map. Green Lake County, WI. Fri Apr 8 2016 08:45:14 AM.

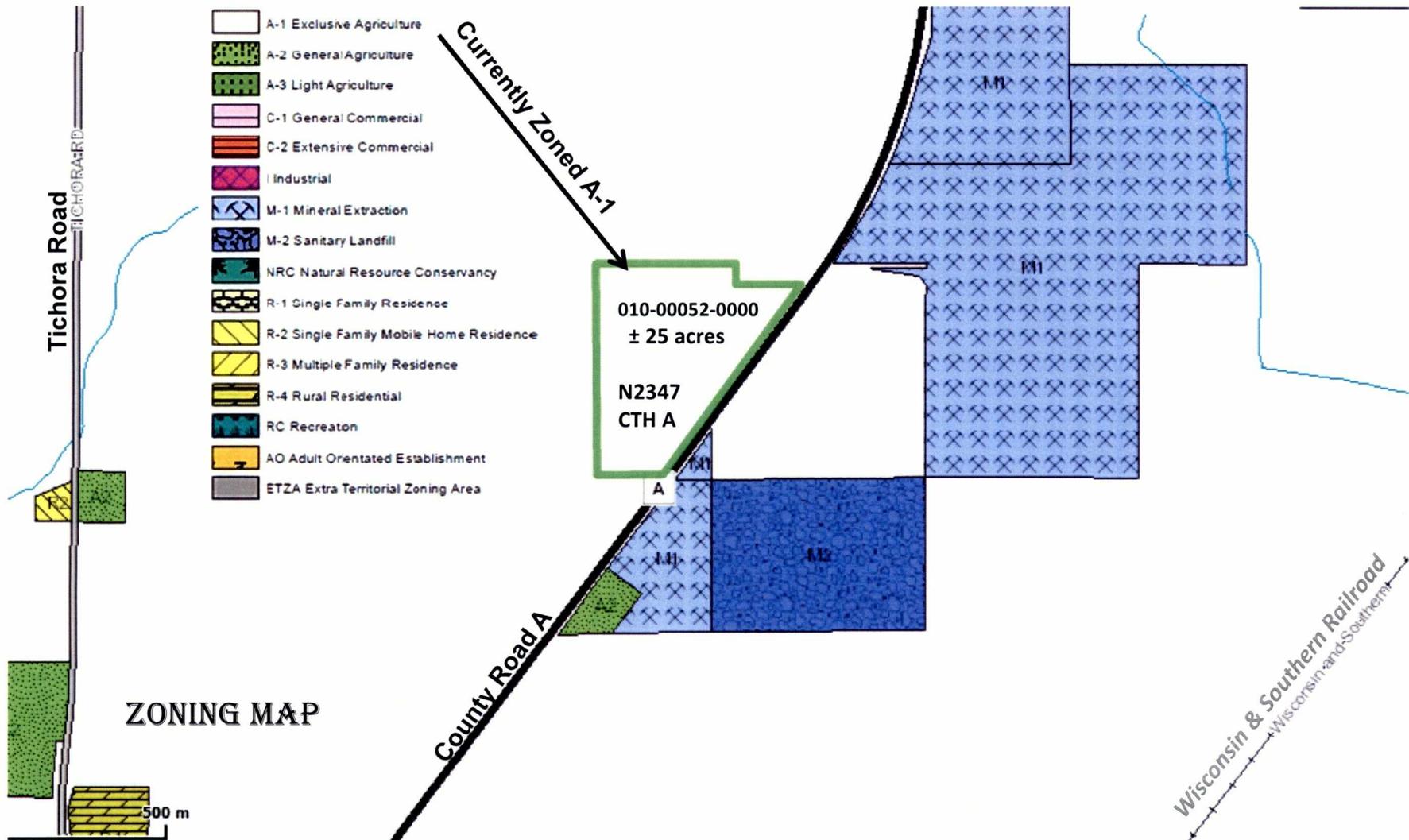
*John Werth April 8, 2016*

John F. and Diana M. Werth, N2347 County Road A, Town of Mackford  
 Parcel #010-00052-0000, Part of the NW¼ of Section 3, T14N, R13E  
 Rezone ± 25 acres from A-1 Exclusive Agriculture to A-2 General Agriculture



Land Use Planning & Zoning Public Hearing 07/07/16

John F. and Diana M. Werth, N2347 County Road A, Town of Mackford  
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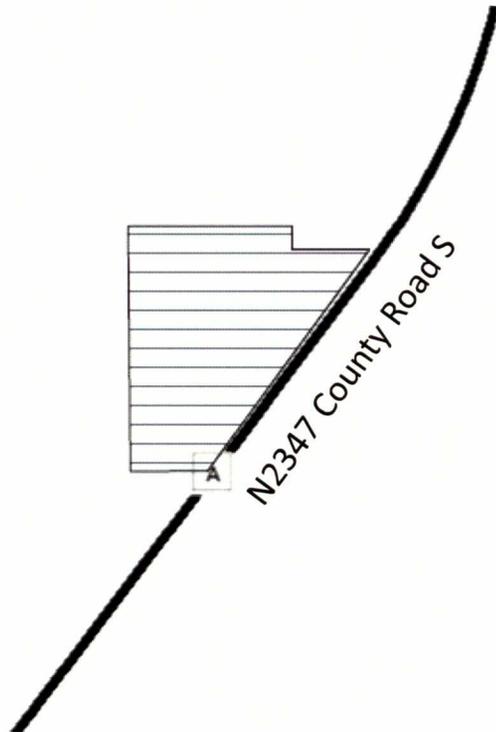
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Land Use Planning & Zoning Public Hearing 07/07/16

**John F. and Diana M. Werth, N2347 County Road A, Town of Mackford  
Parcel #010-00052-0000, Part of the NW¼ of Section 3, T14N, R13E  
Rezone ± 25 acres from A-1 Exclusive Agriculture to A-2 General Agriculture**

**Existing Configuration:**  
±25 acres of A-1 Exclusive  
Agriculture lands



**Proposed Configuration:**  
±25 acres of A-2 General  
Agriculture lands

