

# **Jackson County Chapter 16**

# **Shoreland Zoning Ordinance**

**CHAPTER 16**  
**SHORELAND ZONING**

- 16.01 Statutory Authorization, Finding of Fact, Statement of Purpose and Title
- 16.02 General Provisions
- 16.03 Definitions
- 16.04 Dimensions of Building Sites
- 16.05 Setbacks
- 16.06 Removal of Shore Cover
- 16.07 Filling, Grading, Lagooning, Dredging, Ditching and Excavating
- 16.08 Nonconforming Uses and Structures
- 16.09 Shoreland Zoning District Boundaries
- 16.10 Shoreland-Wetland District
- 16.11 General Purpose District
- 16.12 Signs
- 16.13 Off-Street Parking and Loading
- 16.14 Limited Rezoning to Achieve Small Lot Sizes and Setbacks
- 16.15 Administrative Provisions
- 16.16 Changes and Amendments
- 16.17 Enforcement and Penalties

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

- 1) STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to the authorization in 59.69, 59.692, and 281.31, Wis. Stats.
- 2) FINDING OF FACT. Uncontrolled use of the shorelands and pollution of the navigable waters of the County adversely affect the public health, safety, convenience and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Jackson County, Wisconsin.
- 3) PURPOSE. For the purpose of promoting the public health, safety, convenience and welfare, this ordinance has been established to:
  - a) Further the maintenance of safe and healthful conditions and prevent and control water pollution through:
    1. Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
    2. Establishing minimum lot sizes to provide adequate area for private sewage disposal facilities.
    3. Controlling filling and grading to prevent serious soil erosion problems.
  - b) Protect spawning ground, fish and aquatic life through:
    1. Preserving wetlands and other fish and aquatic habitat.
    2. Regulating pollution sources.
    3. Controlling shoreline alterations, dredging and lagooning.
  - c) Control building sites, placement of structures and land uses through:
    1. Separating conflicting land uses.
    2. Prohibiting certain uses detrimental to the shoreland area.
    3. Setting minimum lot sizes and widths.
    4. Regulating side yards and building setbacks from roadways and waterways.
  - (d) Preserve shore cover and natural 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 structures.
  5. Controlling the use and placement of signs.
- 4) TITLE. Jackson County Shoreland Zoning Ordinance.

## **16.02 GENERAL PROVISIONS.**

- 1) **AREAS TO BE REGULATED.** Areas regulated by this ordinance shall include all the lands, referred to herein as shorelands, in the unincorporated areas of the County which are:
  - a) Within 1,000' of the ordinary high water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the County shall be presumed to be navigable if they are listed in the Department of Natural Resources publication "Surface Water Resources of Jackson County" or are shown on the United States geological survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance in 16.09(2).
  - b) Within 300' of the ordinary high water mark of navigable rivers or streams or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in the County shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States geological survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance in 16.09(2).
  - c) The County Zoning Administrator shall make the initial determination whether or not a lake, pond, flowage, river or stream in question is navigable under the laws of this State and also make the initial determination of the location of the ordinary high water mark. When questions arise, the County Zoning Administrator shall contact the appropriate service center of the Department of Natural Resources for a determination of navigability or ordinary high watermark.
  - d) Flood hazard boundary maps, flood insurance study maps, or other existing County maps used to delineate floodplain areas which have been adopted by the County, shall be used to determine the extent of the floodplain of navigable rivers or streams in the County. See 16.09(2).
- 2) **COMPLIANCE.** The use of any land or water, the size, shape and placement of lots, the use, size, type and location of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation and the subdivision of lots shall be in full compliance with the terms of

this ordinance and other applicable local, State or federal regulations. (See 16.08 for nonconforming uses). All structures, buildings, signs, private water supply, land use changes and sewage disposal systems shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for code compliance and reasonable care in construction.

- 3) MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of State highways and bridges by the Department of Transportation are exempt when 30.12(4) (a), Wis. Stats., applies.
- 4) ABROGATION AND GREATER RESTRICTIONS. This ordinance supersedes all the provisions of any County zoning ordinance enacted under 59.69, Wis. Stats., which relate to shorelands. However, where a County zoning ordinance adopted under a statute other than 59.69, Wis. Stats., is more restrictive than the provisions contained in this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
  - a) This ordinance shall not require approval or be subject to disapproval by any town or town board.
  - b) If an existing town ordinance relating to shorelands is more restrictive than this chapter or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions, but not otherwise.
  - c) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
- 5) INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this chapter is required by a standard in Ch. NR 115, Wis. Adm. Code, and where the provision is unclear, the provision shall be interpreted in light of the Ch. NR 115 standards in effect on the date of the adoption of, or most recent text amendment to, this ordinance.
- 6) SEVERABILITY. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

### **16.03 DEFINITIONS.**

- 1) For the purpose of administering and enforcing this ordinance the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not

permissive. All distances unless otherwise specified shall be measured horizontally.

2) The following terms used in this chapter mean:

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

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

**COMMITTEE.** That committee also known as Zoning and Land Information created or designated by the County Board under 59.97(2) (a), Wis. Stats. to act in all matters pertaining to county planning and zoning.

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

**DEPARTMENT.** Department of Natural Resources.

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

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

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

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

**NAVIGABLE WATERS.** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters which are navigable under the laws of this State. Under 144.25(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated hereunder, shoreland ordinances required under 59.971, Wis. Stats., and Ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:

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

3. Such lands are maintained in nonstructural agricultural use.

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

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

**REGIONAL FLOOD.** A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics once in every 100 years.

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

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

**STRUCTURE.** Anything constructed or erected, intended for the protection, shelter, enclosure or support of persons, animals or property at any time of the year, including a fence or wall which substantially obstructs the view, except telephone, telegraphy and power distribution poles and lines and necessary appurtenant equipment and structures such as transformers, substations and equipment housing relative thereto. A structure includes a privacy fence.

**UNNECESSARY HARDSHIP.** Circumstances where special conditions which were not self-created affect a particular property and make strict conformity with restrictions governing area, setback, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

**VARIANCE.** An authorization granted by the Board of Adjustment to construct or alter a building or structure in a manner that deviates from the dimensional standards of this ordinance.

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

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

#### **16.04 DIMENSIONS OF BUILDING SITES.**

- 1) The dimensions of all building lots shall be subject to the provisions of the Jackson County Subdivision and Platting Ordinance, Chapter 18, except that:

- a) Lot Dimensions for Lots Not Served by Public Sanitary Sewer.
- |   |                |
|---|----------------|
| Minimum Lot Area                                | 21,870 sq. ft. |
| Minimum Lot Width                               | 120 ft.        |
| Minimum Setbacks for Principal Structure – Rear | 25 ft.         |
| – Side  | 25 ft.         |
| Minimum Setbacks for Accessory Structures       | See 17.61 (5)  |
| Minimum Width at the Ordinary High Watermark    | 100 ft.        |
- b) Lots Abutting the Black River. All lots abutting the Black River in the area from STH 54 Bridge in Black River Falls downstream to the Jackson/Trempealeau County line shall have a minimum lot width of 200 ft. at the ordinary high watermark and minimum lot area of 1.5 acres.
- c) Lot Dimensions for Lots Served by Public Sanitary Sewer.
- |   |                |
|---|----------------|
| Minimum Lot Area                                | 10,000 sq. ft. |
| Minimum Lot Width                               | 65 ft.         |
| Minimum Setbacks for Principal Structure – Rear | 20 ft.         |
| – Side  | 10 ft.         |
| Minimum Setbacks for Accessory Structure – Rear | 5 ft.          |
| – Side  | 5 ft.          |
| Minimum Average Lot Width                       | 65 ft.         |
| Minimum Width at the Ordinary High Watermark    | 65 ft.         |
- d) Substandard Lots Served by a Public Sanitary Sewer. A substandard lot served by a public sanitary sewer which is at least 7,200 sq. ft. in area and is at least 60' in width at the building setback line and at least 60' in width at the ordinary high watermark may be used as a building site for single family dwellings upon issuance of a permit if it meets all of the following requirements:
1. Such use is permitted in the zoning district.
  2. The lot was on record in the County Register of Deeds Office prior to the effective date of this chapter.
  3. The lot was in separate ownership from abutting lands prior to the effective date of this ordinance. If abutting lands and the substandard lot were owned by the same owner as of the effective date of this ordinance, the substandard lot shall not be sold or used without full compliance with the terms of this ordinance, including minimum area and width requirements found in 16.04(1) and (2).
  4. All the dimensional requirements of this ordinance, including side yard and setback requirements, will be complied with insofar as practical.
- e) Substandard Lots Not Served by a Public Sanitary Sewer. A substandard lot not served by public sanitary sewer which is at least 20,000 sq. ft. in area and at least 100 ft. in width at the building setback line and at least 100 ft. in

width at the ordinary high watermark may be used as a building site upon issuance of a permit if it meets all of the requirements of 16.04 (1) (d) 1. through 4.

- f) Other Substandard Lots. A Building Permit may be issued for the improvement of a lot having lesser dimensions than those stated only after the granting of a variance.
  - g) Lots in Cluster Divisions. Lots in cluster subdivisions not served by public sanitary sewer may be reduced in size pursuant to the procedures set forth in 16.14
- 2) The lot width shall be measured in the manner set forth in Wis. Admin. Code Ch. COMM 85.
  - 3) Only one principal structure and one principal use shall be permitted on a single parcel, lot or tract of land unless a Conditional Use Permit has been granted by the Jackson County Zoning and Land Information Committee for such uses as Planned Unit Development and other cluster projects.
  - 4) The total square footage, in ground floor area, (including but not limited to eaves, overhangs, chimneys, etc.) of all proposed or existing principal and accessory structures {for example: main buildings, garages, sheds, patios, boathouses, and decks (including cantilevered or upper-story decks)} on any one lot shall not exceed 20% of the total lot area, in furtherance of this ordinance's environmental and aesthetic purposes set forth in Section 16.01 (3) of this code. For the purposes of this subsection, the following are excluded from the calculation of total square footage:
    - a) Walkways and stairways, except if necessary to comply with handicapped accessibility requirement, which do not exceed four (4) feet in width; and
    - b) Driveways.
  - 5) Accessory structures shall not be constructed or placed until their principal structure is present or under construction [See Section 17.19 (2)].

#### **16.05 SETBACKS.**

- 1) HIGHWAY SETBACKS. For the purpose of determining the distance that buildings and other structures shall be set back from streets and highways, the highways of the County are divided into the following classes.
  - a) Class A Highways.
    - 1. All State and federal highways are designated as Class A Highways.
    - 2. The setback from Class A Highways shall be 110' from the Centerline of the highway or 50' from the Right-of-way line, whichever is greater.
  - b) Class B Highways.

1. All County trunks are hereby designated as Class B Highways. For the purpose of this chapter, any road shall be considered a County trunk after it has been placed on the County trunk system by the County Board and approved by the Division of Highways.
  2. The setback from Class B Highways shall be 75' from the centerline of such highways or 42' from the right-of-way line, whichever is greater.
- c) Class C Highways.
1. All town roads, public streets and highways not otherwise classified are designated Class C Highways.
  2. The setback from Class C Highways shall be 63' from the centerline of such highway or 30' from the right-of-way line, whichever is greater.
- d) Visual Clearance Triangle. In each quadrant of every public street intersection there shall be a visual clearance triangle bounded by the street centerlines and a line connecting points on them, 300' from a Class A Highway intersection, 200' from a Class B Highway intersection and 150' from a Class C Highway intersection.
- e) Objects Permitted Within Highway Setback Lines and Visual Clearance Triangles.
1. Open fences.
  2. Telephone, telegraph and power transmission poles, lines and portable equipment.
  3. Field crops, shrubbery and trees for longer than a crop season, except that no trees, shrubbery or crops may be planted within a visual clearance triangle so as to obstruct the view.

2) **SETBACKS FROM THE WATER.**

[Note: Setbacks hereunder are to be measured at right angles from lot lines or the ordinary high watermark (OHWM), horizontally, to the closest projection of the structure or integral part thereof, including attached decks, porches, balconies, attached covered stairs and landings, chimneys, such architectural projections as sills, eaves and belt courses, and attached garages.]

- a) **Lots that Abut Navigable Waters.** All buildings and structures except piers, wharves, boat hoists, patios, open fences, bridges, dams, and walkways and stairways which are necessary to provide pedestrian access to the shoreline, shall require a setback of at least 75 ft. from the ordinary high watermark (OHWM) of navigable waters.
- b) **Setback from the Black River.** The minimum setback from the Black River in the area from the STH 54 Bridge in Black River Falls downstream to the Jackson/Trempealeau County line shall be 100 ft. from the ordinary high watermark or 25 ft. landward from the bluffline, whichever is more restrictive.

1. Existing Mobile Homes and Recreational Vehicles. Existing mobile homes and recreational vehicles used for human occupancy, which are mobile and not designated as permanent or taxed the same as real estate, shall be removed and set back the prescribed distance to comply with requirements of the above sections.
2. Patios. Patios are exempted from the shoreland setback requirements provided that the structure shall be located so as to minimize earth disturbing activities and shoreland vegetation removal during construction and to be visually screened as viewed from the adjacent waterway and public thoroughfares. Further, no permanent benches or tables shall be attached to the patio; the patio shall not exceed a height of 6 inches above the original grade, and canopies, roofs and railings on such structures are prohibited.
3. Stairways, Walkways, Piers and Wharves. Stairways, walkways and that portion of piers and wharves landward of the ordinary high watermark (OHWM) are exempted from the shoreland setback requirements provided that the structures is necessary to access the shoreline because of steep slopes, impending turf destruction and erosion, or wet, unstable soils. Further, the structure shall be located so to minimize earth disturbing activities and shoreland vegetation removal during construction and to be visually inconspicuous and screened by vegetation as viewed from the adjacent waterway and public thoroughfares. The structure shall conform with all applicable handicapped accessibility requirements and unless inconsistent therewith, shall not be more than 4 ft. wide (outside dimension) for single and two-family residential uses.

Open railings are permitted only where required by safety concerns; canopies, roofs and closed railings/walls on such structures are prohibited. Stairways shall be supported on piles or footings rather than being excavated from the erodible soils on steep slopes or a bluff face; and, landings are permitted only where required by safety concerns and shall not exceed 40 sq. ft. in area for single and two-family residential uses.

4. Retaining Walls. Retaining walls and terracing shall only be allowed in the shoreland setback where the applicant demonstrates that there is a current erosion problem that cannot be remedied by resloping and revegetation of the area or other means consistent with natural shoreline aesthetics. Walls and terracing shall only be permitted to the extent that they resolve a continuing erosion problem and shall not be permitted to be used to provide level outdoor living space in the near-shore area. Elevated stairs or walkways shall be employed to provide shoreline access rather than terracing, as set forth in subsection (2) (b) (3) above.
5. Structures with Open or Screened Sides or No Sides. Jackson County shall grant special zoning permission for the construction or

placement of a structure on property in a shoreland setback area if all of the following apply and the requirements of Wis. Stats. 59.692 (1) (v):

- a. The part of the structure that is nearest to the water is located at least 35 ft. landward from the OHWM.
  - b. The total floor area of all the structures in the setback area of the property will not exceed 200 sq. ft.
  - c. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
  - d. Jackson County must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.
- 3) **REDUCED BUILDING SETBACKS.** A setback of less than that required by 16.05(1) and (2) may be permitted by the Zoning Administrator where there is at least one main building on either side of the applicant's lot within 200' of the proposed site that is built to less than the required setback. In such case, the setback shall be the average of the setbacks of the nearest main building on each side of the proposed site or, if there is an existing main building on only one side, the setback shall be the average of the existing buildings and the required setback. Any other setback may be permitted by the Board of Adjustment according to 16.15(6) (a) 3. upon a written finding of unnecessary hardship. In no event shall a reduced setback be allowed closer than 40' to the ordinary high watermark.

#### **16.06 REMOVAL OF SHORE COVER.**

- 1) **PURPOSE.** The purpose of tree and shrubbery cutting regulations applicable to the shoreland area is to protect scenic beauty, control erosion and reduce effluent and nutrient flow from the shoreland. These provisions shall not apply to the removal of dead, diseased or dying trees or shrubbery at the discretion of the landowner or to silvicultural thinning upon recommendation of a professional forester. These shore cover regulations shall apply to all shoreland districts.
- 2) **SHORELINE CUTTING.** Tree and shrubbery cutting in a strip paralleling the shoreline and extending 35' inland from all points along the ordinary high watermark shall be limited in accordance with the following provisions:
  - a) One viewing/access corridor more or less perpendicular to the shore and no more than 20 feet wide may be clear cut to establish such a corridor.
  - b) Natural shrubbery shall be preserved as far as practicable and where removed, it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty. Cutting shall leave sufficient cover to screen cars and structures as seen from the

water.

- 3) PATHS. Any path, road or passage within the 35' strip shall be constructed and surfaced as to effectively control erosion.
- 4) CUTTING PLAN.
  - a) As an alternative to sub. (2), a special cutting plan allowing greater cutting may be permitted by the Zoning and Land Information Committee by issuance of a conditional use permit under 16.15(4). In applying for such a permit the Committee shall require the lot owner to submit a reasonable plan demonstrating the dimensions of the lot and including the following information:
    1. Location of parking.
    2. All structures including proposed gradient of the land.
    3. Existing vegetation.
    4. Proposed cutting.
    5. Proposed replanting.
  - b) The Committee may grant such a permit only if it finds that such special cutting plans:
    1. Will not cause undue erosion or destruction of scenic beauty.
    2. Will provide substantial visual screening of buildings and vehicles from the waterway and substantial shielding from the runoff of dwellings, accessory structures and parking areas. Where the plan calls for replacement plantings, the Committee may require the submission of a bond which guarantees the performance of the planned tree or shrubbery planting by the lot owner.
- 5) CUTTING MORE THAN 35' INLAND. From the inland edge of the 35' strip to the outer limits of the shoreland, the cutting of trees and shrubbery shall be allowed when accomplished using accepted forest management practices and sound soil conservation practices which protect water quality.

#### **16.07 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING.**

- 1) GENERAL STANDARDS. Filling, grading, lagooning, dredging, ditching or excavating which does not require a conditional use permit under 16.07(2) is permitted in the shoreland area provided that:
  - a) It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.

- b) A soil erosion control plan for the work has been approved by the Land Conservation and Agriculture Committee or NRCS and a land use permit has been obtained.
  - c) Filling, grading, lagooning, dredging or excavating in a shoreland-Wetland District meets the requirements of 16.10(4) (b) and (c).
  - d) A State or federal permit is obtained in addition to a permit under this chapter if State or federal laws require the issuance of a permit for the filling, grading, lagooning, dredging, ditching or excavating that is proposed.
  - e) Any fill placed in the shoreland area is protected against erosion by the use of riprapping, vegetative cover or a bulkhead.
- 2) **PERMIT REQUIRED.** Except as provided in 16.07(3), a conditional use permit is required:
- a) For any filling or grading of any area which is within 300' of the ordinary high water mark of a 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%; or
    - 2. Filling or grading of more than 1,000 sq. ft. on slopes of 12% to 20%; or
    - 3. Filling or grading of more than 2,000 sq. ft. on slopes less than 12%.
  - b) For construction of dredging or other work commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300' of the ordinary high watermark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.
- 3) **SOIL CONSERVATION PRACTICES.** Soil conservation practices such as terraces, runoff diversions and grassed waterways which are used for sediment retardation shall not require a permit under 16.07(2), if designed or approved by the Land Conservation and Agriculture Committee or NRCS staff.
- 4) **PERMIT CONDITIONS.** In granting a conditional use permit under 16.07(2), the Zoning and Land Information Committee shall attach the following conditions where appropriate, in addition to those provisions specified in 16.15(4) (b) and (c).
- a) The smallest amount of bare ground shall be exposed for as short a time as feasible.
  - b) Temporary ground cover, such as mulch, shall be used and permanent ground cover, such as sod, shall be planted.
  - c) Diversions, silting basins, terraces and other methods shall be used to trap sediment.

- d) Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions.
- e) Fill shall be stabilized to accepted engineering standards.
- f) Fill shall not restrict a floodway or significantly reduce the storage of a floodpath.
- g) Sides of channels or artificial watercourses shall be stabilized to prevent slumping.
- h) Sides of channels or artificial watercourses shall be constructed with slopes (side) of 2 units horizontal distance to one unit vertical or flatter, unless bulkheads or riprapping are provided.

#### **16.08 NONCONFORMING USES AND STRUCTURES.**

- 1) The lawful use of a building, structure or property existing at the time this chapter or amendment takes effect, which is not in conformity with the provisions of this chapter, may be continued including the maintenance of such a building or structure subject to the following conditions:
  - a) If such use is discontinued for 12 consecutive months any future use of the building, structure or property shall conform to this chapter.
  - b) The maintenance, which does not include structural repairs, of nonconforming boathouses that are located below the ordinary high watermark of any navigable waters shall comply with the requirements of 30.121, Wis. Stats. If structural repairs are needed then the existing boathouse would be required to be removed.
  - c) Uses which are nuisances shall not be permitted to continue as nonconforming uses.
  - d) Structural alterations, repairs, expansions or enlargements to any nonconforming building or structure shall neither exceed the 20% lot coverage limitation set forth in Section 16.04 (4) of this code, nor over the life of the building or structure, exceed 50% of the building or structures present equalized assessed value unless it is permanently changed to conform to the requirements of this ordinance, or unless a variance is granted by the Board of Adjustment in accordance with Section 16.15 (6) of this code.
  - e) A plan to mitigate the adverse effects of nonconformity shall be developed and submitted as part of the permit application prior to structural alterations, repairs, expansions or enlargements to any nonconforming building or structure. The plan shall be approved by the Department and, if necessary, in consultation with the Jackson County Land Conservation Department, prior to permit issuance. The plan shall include implementation schedule and shall comply with the following requirements.

1. If not connected to public sewer, the nonconforming structure's septic system shall be evaluated in accordance with Wis. Admin. Code and COMM 83.25. If found to be non-code compliant, the appropriate paperwork necessary to bring the septic system into compliance must be completed prior to permit issuance.
2. A landscape plan shall be submitted that will effectively control erosion and provide visual screening of the nonconforming structure as seen from the waterway.
3. Stormwater and runoff shall be controlled in compliance with the current version of "The Wisconsin Stormwater Manual".
4. Exterior building materials shall be colored as to make the structure visually inconspicuous.
5. Any grading, filling or dredging associated with reconstruction or repair must comply with Section 16.07 of this code.
6. Any construction activities, including mitigation activities required by the Section, shall employ erosion control in compliance with all applicable standards of the current version of the "Wisconsin Construction Site Best Management Practice Handbook".

#### **16.09 SHORELAND ZONING DISTRICT BOUNDARIES.**

- 1) SHORELAND ZONING DISTRICTS. The shorelands of the County are hereby divided into the following districts: Shoreland-Wetland District and General Purpose District.
- 2) OFFICIAL SHORELAND ZONING MAPS. The following maps are hereby adopted and made a part of this ordinance and are on file in the office of the Zoning Administrator:
  - a) Wisconsin Wetland Inventory Final Maps for Jackson County, stamped "FINAL" on March 31, 1983.
  - b) Flood Hazard Boundary Maps for Jackson County, dated February 4, 1981.
  - c) Flood Insurance Rate Maps for Jackson County, dated February 4, 1981.
  - d) Flood Prone Area Maps for Jackson County.
  - e) U.S.G.S. Quadrangle Maps for Jackson County.

#### **16.10 SHORELAND WETLAND DISTRICT.**

- 1) DESIGNATION. This district includes all shorelands subject to regulation under 16.02(1) which are designated wetlands having boundaries and classifications, excluding point symbols, on the wetland inventory maps that have been adopted

and made a part of this ordinance in 16.09(2). That portion of a wetland in the shoreland area that extends across the corporate limits of a municipality, the County boundary or the shoreland boundary shall be included in this district if the wetland is designated with a boundary and classification.

- 2) **LOCATING SHORELAND-WETLAND BOUNDARIES.** Where an apparent discrepancy exists between the Shoreland-Wetland District boundary at the time the maps were adopted, the Zoning Administrator shall contact the appropriate field office of the Department to determine if the Shoreland-Wetland District as mapped is in error. If the Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a land use permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the official zoning map, the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period of time.
- 3) **PURPOSE.** The purpose of the Shoreland-Wetland District is to maintain safe and healthful conditions, prevent water pollution, protect fish spawning areas and aquatic life and to preserve shore cover and natural beauty. Development in wetlands should be limited and when permitted in a wetland, it should occur in a manner that minimizes the adverse impacts upon the wetland.
  - a) Wetlands are seldom suitable as building sites for the following reasons:
    1. Septic tank systems will not function because of high groundwater.
    2. Water supplies are often polluted by septic tank wastes that have not been adequately absorbed by the soil.
    3. Foundations and roads crack due to poor support capabilities and frost action.
    4. Flooding is common in spring and other times of high water.
  - b) Wetlands provide fish spawning grounds and wildlife habitat, and the natural plant and animal communities found in wetlands provide ecological balance to a watercourse. Wetlands help to prevent water pollution and flooding problems.
- 4) **PERMITTED USES.** The following uses shall be allowed subject to the general shoreland zoning regulations in 16.05, 16.06 and 16.07, the provisions of Chs. 30 and 31, Wis. Stats., and the provisions of other State, federal and local laws, if applicable.
  - a) Activities and uses which do not require the issuance of a permit, but which must be carried out without filling, flooding, draining, dredging, ditching, tiling or excavating.
    1. Hiking, fishing, trapping, hunting, swimming, boating and fish farming.

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 crops.
  3. The practice of silviculture, including the planting, thinning and harvesting of timber.
  4. The pasturing of livestock.
  5. The cultivation of agricultural crops.
  6. The construction or maintenance of duck blinds.
- b) Uses which do not require the issuance of a permit and which may involve filling, flooding, draining, dredging, ditching, tiling or excavating to the extent specifically provided below:
1. Temporary water level stabilization measures in the practice of silviculture, which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.
  2. The cultivation of cranberries, including dike and dam obstruction and ditching for the purpose of growing and harvesting cranberries.
  3. Ditching, tiling, dredging, excavating or filling done to maintain or repair existing agricultural drainage systems only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use and only where permissible under 30.20, Wis. Stats. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system; provided that dredged soil is placed on existing spoil banks where possible and such filling is permissible under Ch. 30, Wis. Stats.
  4. The construction and maintenance of piers, docks and walkways including those built on pilings and limited excavating and filling necessary for such construction and maintenance.
  5. The maintenance, repair, replacement and reconstruction of existing town and County highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement and reconstruction.
  6. The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction and maintenance.
- c) Uses which are allowed upon the issuance of a permit under 16.15 and which may include filling, flooding, draining, dredging, ditching, tiling or excavating only to the extent specifically provided below.

1. The construction and maintenance of roads which are necessary to conduct silvicultural activities or are necessary for 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 the adverse impact upon the natural functions of the wetland.
  - 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.
  - e. Any filling, flooding, draining, dredging, ditching, tiling or excavating must be necessary for the construction or maintenance of the road.
  
2. The construction and maintenance of nonresidential buildings provided that:
  - a. The building is used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals or in conjunction with a use permitted in the Shoreland-Wetland District.
  - b. The building cannot as a practical matter be located outside the wetland.
  - c. Only limited excavating and filling necessary to provide structural support for the building is allowed.
  - d. Such building does not exceed 500 sq. ft. in floor area.
  
3. The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur farms, shooting preserves, public boat launching ramps., provided that:
  - a. Any private wildlife habitat is used exclusively for that purpose.
  - b. Filling and excavating necessary for the construction and maintenance of boat launching ramps and access roads is allowed only where such construction meets the criteria under 16.10(4) (c) 1.
  - c. Ditching, excavating, dredging, dike and dam construction in

wildlife refuges, game preserves and private wildlife habitat areas is allowed only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

4. The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines and related facilities by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, provided that:
  - a. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland.
  - b. Any filling, excavating, ditching or draining is necessary for such construction or maintenance.
  - c. Such construction and maintenance is done in a manner designed to minimize the adverse impacts upon the natural functions of the wetlands.
5. The construction and maintenance of railroad lines provided that:
  - a. The railroad lines cannot as a practical matter be located outside the wetland.
  - b. Any filling, excavating, ditching or draining is necessary for such construction or maintenance.
  - c. Such construction and maintenance is done in a manner designed to minimize the adverse impacts upon the natural functions of the wetland.
- 5) PROHIBITED USES. Any use not listed in par. (4)(a), (b) and (c) is prohibited, unless the wetland or a portion of the wetland is rezoned by an amendment of this chapter in accordance with the requirements of 59.97(5)(e), Wis. Stats., Ch. NR 115, Wis. Adm. Code and sub. (6) below.
- 6) REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT.
  - a) For all proposed text and map amendments to the Shoreland-Wetland District, the appropriate service center of the Department of Natural Resources shall be provided with the following:
    1. A copy of every petition for a text or map amendment to the Shoreland-Wetland District within 5 days of the filing of such petition with the County Clerk.
    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 Committee's findings and recommendations to the

County Board.

4. Written notice of the County Board's decision on the proposed amendment within 10 days after it is issued.
- b) A wetland, or a portion thereof, in the Shoreland-Wetland District shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
1. Storm and floodwater storage capacity.
  2. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge 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.
  7. Areas of special recreational, scenic or scientific interests, including scarce wetland types.
- c) If the Department of Natural Resources has notified the Committee that a proposed amendment to the Shoreland-Wetland District may have a significant adverse impact upon any of the criteria listed in par. (b), that amendment, if approved by the County Board, shall contain the following provisions: "This amendment shall not take effect until more than 30 days have elapsed since written notice of the County Board's approval of this amendment was 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 59.97(6), Wis. Stats. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the adoption procedure under 59.971(6), Wis. Stats., is completed or otherwise terminated."

#### **16.11 GENERAL PURPOSE DISTRICT.**

- 1) **DESIGNATION.** This district includes all shorelands subject to regulation under 16.02(1) which are not included in the Shoreland-Wetland District.
- 2) **PURPOSE.** Areas other than those contained in the Shoreland-Wetland District are potentially suited to a wide range of uses, including industrial, commercial, agricultural, residential, forestry and recreational uses. Selecting prospective locations for these uses and designating specific zones for each of them along navigable waters will require detailed County-wide comprehensive planning. Until

such planning is undertaken and more detailed amendments to this chapter can be enacted, a General Purpose District shall be used to allow a wide range of uses, subject to the general provisions of this chapter which are designed to further the maintenance of safe and healthful conditions; protect spawning grounds, fish and aquatic life; and preserve shore cover and natural beauty. Minimum separating distances are provided to reduce conflicting land uses between potentially incompatible uses. All permitted uses or conditional uses are subject to the general provisions of this chapter and all other applicable laws and regulations.

- 3) PERMITTED USES.
- a) Any use permitted under 16.10(4).
  - b) Single family dwellings for owner occupancy, rent or lease.
    - 1. No more than 2 accessory buildings on a lot or lots under single ownership may be present.
    - 2. Such buildings shall not be used for human habitation.
  - c) General agricultural buildings, provided that:
    - 1. Nonfarm residences shall not be located within 300' of any structure housing farm animals.
    - 2. All new construction of farm buildings housing animals and all new barnyard or feed lots shall be located at least 150' from the ordinary high watermark of any navigable water and shall be located so that there will be no drainage either directly or indirectly from such facilities into any navigable water.
    - 3. All barnyards, holding pens or animal feeding facilities located within 150' of the ordinary high watermark of any navigable water are subject to periodic inspection and review for possible pollution of those waters. Waste collection and disposal systems may be required to prevent the manure from draining into any navigable water.
  - d) Home occupations, including professional offices, incidental to the residential use of the property provided that no more than 50% of only one floor of the dwelling shall be devoted to such offices.
  - e) Snowmobile bridges after consultation with the Department of Natural Resources.
  - f) Travel Trailers/Camping Units [See 17.38 (13)]
- 4) CONDITIONAL USES. The following uses are permitted upon the issuance of a conditional use permit according to the procedure set forth in 16.15(4). Unless a greater distance is specified, any structure shall be at least 100' from a resident other than that of the owner of the establishment, his agent or employee, 75' from a

residential property line and 25' from any lot line.

- a) Hotels, resorts, condominiums, including 2 or more single family dwellings for rent or lease, motels, restaurants, dinner clubs, taverns, private clubs and power generating stations.
- b) Institutions of a philanthropic or educational nature.
- c) Recreational camps and campgrounds provided all buildings shall be more than 100' from the side lot line. Recreational camps shall conform to Ch. HSS 175, Wis. Adm. Code, mobile home parks shall conform to Ch. HSS 177, Wis. Adm. Code, and campgrounds shall conform to Ch. HSS 178, Wis. Adm. Code.
- d) Gift and specialty shops customarily found in recreational areas.
- e) Marinas, boat liveries, sale of bait, fishing equipment, boats and motors, forest industries, snowmobile sales, service and maintenance, recreational archery, custom rod building and indoor archery range.
- f) Mobile home parks provided that:
  - 1. The minimum size of the mobile home parks shall be 5 acres.
  - 2. The maximum number of mobile homes shall be 8 per acre.
  - 3. Minimum dimensions of a mobile home site shall be 50' wide by 100' long.
  - 4. All drives, parking areas and walkways shall be hard surfaced or graveled, maintained in good condition, have natural drainage and the driveways shall be lighted at night.
  - 5. In addition to the requirements of 16.05 there shall be a minimum setback of 20' from all other lot lines.
  - 6. The park shall conform to the requirements of Ch. HSS 177, Wis. Adm. Code.
  - 7. No mobile home site shall be rented for a period of less than 30 days.
  - 8. Each mobile home site shall be separated from other mobile home sites by a yard not less than 15' wide.
  - 9. There shall be 2 surfaced automobile parking spaces for each mobile home.
  - 10. Unless adequately screened by existing vegetation cover, the mobile home park shall be screened by a temporary planting of fast growing material capable of reaching a height of 15' or more, the individual trees to be of such a number and so arranged that within 10 years

there shall be formed a screen equivalent in screening capacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15'.

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

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

- 1) Directory signs advertising a business or activity conducted, an area of interest or a

service available at a specific location within the County. Such signs shall not be more than 12 sq. ft. in gross area. There shall not be more than 2 such signs relating to any one use in the approaching direction along any one highway. No such sign shall be more than 10 miles from the location to which it relates or within 300' of an existing residence. Such signs may be placed at the right-of-way line of the highway.

- 2) Signs advertising a customary home occupation or professional office. Such signs shall not exceed 6 sq. ft. in gross area, shall be attached to the building and if illuminated, shall be indirectly lighted.
- 3) Signs advertising the sale, rent or lease of the property on which the sign is placed or other temporary signs. Such signs shall not exceed 8 sq. ft. in gross area and may be placed at the right-of-way line of the highway.
- 4) Signs attached to commercial and industrial buildings advertising a business conducted or a service available on the premises. No sign shall exceed 40 sq. ft. in gross area, be higher than 4' above the top of the roof line and exceed the maximum height limitation permitted in the district.
- 5) On-premise signs advertising a public or semi-public use. Such signs shall not exceed 12 sq. ft. in gross area. There shall be no more than one sign for each highway upon which the property faces. Such signs may be placed at the right-of-way line of the highway.
- 6) Recreational directory signs indicating the direction to a cottage, resort, residence or similar use. Such signs shall not be more than 4 sq. ft. in gross area. Where a common posting standard is provided, all such signs shall be attached to the standard. Recreational directory signs may be placed on the right-of-way line of the highway.
- 7) Larger signs or a greater number of signs may be permitted upon the issuance of a conditional use permit by the Zoning and Land Information Committee under 16.11(4).
- 8) Prohibited characteristics of signs:
  - a) No sign shall be so placed as to interfere with the visibility or effectiveness of any official traffic sign or signal or with driver vision at any access point or intersection.
  - b) No sign shall contain, include or be illuminated by a flashing light or by any light directed toward a neighboring residence or toward the water.
  - c) No sign shall contain, include or be composed of any conspicuous animated part.

### **16.13 OFF-STREET PARKING AND LOADING.**

- 1) **LOADING SPACE.** All commercial and industrial uses shall provide sufficient maneuvering, loading and parking space on the premises for pick up, delivery and

service vehicles necessary for normal operations.

- 2) OFF-STREET PARKING. Each parking space shall be at least 200 sq. ft. in area. Each use shall provide the following minimum off-street parking spaces.
  - a) Dwellings. One space for each dwelling unit.
  - b) Restaurants, Taverns and Similar Establishments. One space for each 50 sq. ft. of floor devoted to patrons.
  - c) Drive-in Eating Stands Offering In Car Service. Five spaces for each person employed to serve customers.
  - d) Motels and Tourist Cabins. One space for each unit.
  - e) Retail Business and Service Establishment. One space for each 200 sq. ft. of floor area.
  - f) Industrial Uses and Warehouses. One space for each 2 employees on the premises at a maximum employment on the main shift.
  - g) Service Stations. Parking for all vehicles used directly in the conduct of the business, plus 2 spaces for each gas pump, plus 3 spaces for each grease rack.

#### **16.14 LIMITED REZONING TO ACHIEVE SMALL LOT SIZES AND SETBACKS.**

- 1) PURPOSE. In some instances where an individual lot or small tract of land has unique characteristics, such as unique terrain, which would result in unnecessary hardship as defined in 26.03(2), if the owner were required to comply with one or more of the requirements for maximum lot sizes, width and setback, the Board of Adjustment may grant a variance. In other instances where larger areas are involved, the appropriate method for seeking a relaxation of the same minimum standards is by rezoning to establish a planned residential unit development overlay. The planned residential unit development is intended to permit smaller lots and setbacks where the physical layout of the lots is so arranged (often by setting them back farther from the navigable water) as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the planned residential unit development at the time of its approval. A condition of all planned residential unit development is the preservation of certain open space, preferably on the shoreland, in perpetuity.
- 2) REQUIREMENTS FOR PLANNED RESIDENTIAL UNIT DEVELOPMENT. The County Board may in its discretion, upon its own motion or upon petition, approve a planned residential unit development either by approving first an overlay district and then a plat for the specific planned residential project upon finding, after a public hearing, that all of the following exist:
  - a) Area. The area proposed for the planned residential unit development is at least 40 acres in size.

- b) Pollution Control. The location and nature of the septic system which shall serve the homesites individually or collectively is such as to assure that effluent from the septic tank will not reach the ground or surface waters in a condition which shall contribute to health hazards, taste, odor, turbidity, fertility or impair the aesthetic character of the adjacent or nearby navigable waters.
  - c) Preservation of Ground Cover. The location of homesites and the restrictions placed on part of the land for use by the public or residents of the planned residential unit development are such as to preserve the ground cover of the shoreland and the scenic beauty of the navigable water and prevent erosion and other pertinent factors. Land not used for lots and streets shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of lots in the development, to a corporation formed by them, or by dedication to the County, town or municipality. Lands dedicated to the public must be accepted by action of the governing body of the accepting unit of government. If the land is to be conveyed or similar legally constituted body shall be created to maintain the open space land. Any restriction placed on platted land by covenant, grant or easement or any other manner which was required by a public body or which names a public body as grantee, promisee or beneficiary shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction.
  - d) Density. The number of platted homesites shall not exceed those with the minimum lot size, setbacks and widths provided by the applicable provisions of the Ch. 17, Zoning Code. This figure should be determined by dividing the total area of the subdivision, excluding streets by the minimum lot sizes required by 16.04(1).
  - e) Water Supply and Sewage Disposal. Water supply and sewage disposal shall meet the minimum standards of the Department of Natural Resources and the Department of Commerce.
- 3) PROCEDURES FOR ESTABLISHING A PLANNED RESIDENTIAL UNIT DEVELOPMENT DISTRICT.
- a) Petition. A petition setting forth all of the facts required in 16.14(2) shall be submitted to the Zoning Administrator with sufficient copies to provide for distribution by the Clerk as required by par. (b) below.
  - b) Review and Hearing. The petition shall be submitted to the Committee established as required by 59.97(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 service center of the Department of Natural Resources. The Committee's report to the County Board shall reflect the recommendations of any federal or State agency with which the Committee consults. If a petition seeks approval of a planned residential unit development plat without first seeking

the granting of an overlay district, a hearing shall be held on such plat as in any regular amendment to the zoning ordinance. If, however, a hearing is first held on the overlay for a planned residential unit development district, a second public hearing need not be held in connection with the approval of a subsequent plat or plats which comply with the overlay district as approved.

- c) 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 16.14(2). If the petition is granted in whole or part, the County Board's approval shall attach written conditions to the approval as shall be required by or be consistent with 16.14(2). The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks and the location of septic tanks, wells and the preservation of ground cover and open space.
- d) Planning Studies. A landowner or petitioner may at his own expense develop the facts required to establish compliance with the provisions of 16.14(2) 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.

#### **16.15 ADMINISTRATIVE PROVISIONS.**

- 1) **ZONING ADMINISTRATOR.** The Zoning Administrator shall have the following duties and powers:
  - a) Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications.
  - b) Issue permits and certificates of compliance and inspect properties for compliance with the ordinance.
  - c) Keep records of all permits issued, inspections made, work approved and other official actions.
  - d) Have access to any structure or premises between 8 a.m. and 6 p.m. for purpose of performing these duties.
  - e) Submit copies of variances, special exceptions and decisions on appeals for map or text interpretations and map or text amendments within 10 days after they are granted or denied to the appropriate service center of the Department of Natural Resources.
  - f) Investigate and report violations of this ordinance to the County Zoning and Land Information Committee and Corporation Counsel.
- 2) **LAND USE PERMITS.**
  - a) When Required. Except where another section of this ordinance specifically exempts certain types of development from this requirement as in 16.10(4)

(a) and (b), a land use permit shall be obtained from the Zoning Administrator before any new development, structural alteration or repair, as defined in 16.03(2), or any change in the use of an existing building or structure is initiated.

b) Application. An application for a land use permit shall be made to the Zoning Administrator upon forms furnished by the County and shall include, for the purpose of proper enforcement of these regulations, the following data:

1. Name and address of applicant and property owner.
2. Legal description of the property and type of proposed use.
3. A reasonable plan demonstrating the dimensions of the lot and location of building from the lot lines, centerline of abutting highways and the ordinary high watermark of any abutting watercourses and watermark at the day of the plan.
4. Whether or not a private water or sewage system is to be installed.

c) Revocation. Where the conditions of a permit are violated, the permit shall be revoked by the Zoning Administrator.

d) Expiration. Any permit issued under this ordinance shall expire in 6 months unless substantial work has commenced.

3) **CONDITIONAL USE PERMITS.**

a) Application. Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted to the Zoning Administrator and a conditional use permit has been granted by the Zoning and Land Information Committee.

b) Standards Applicable. In passing upon a conditional use permit the Zoning Committee shall evaluate the effect of the proposed use upon:

1. The maintenance of safe and healthful conditions.
2. The prevention and control of water pollution, including sedimentation.
3. Existing topographic and drainage features and vegetative cover on the site.
4. The location of the site with respect to floodplains and floodways of rivers and streams.
5. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.

6. The location of the site with respect to existing or future access roads.
  7. The need of the proposed use for a shoreland location.
  8. Its compatibility with uses on adjacent land.
  9. The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.
  10. 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 use locations tending to increase that possibility.
- c) Conditions Attached to a Conditional Use Permit. Upon consideration of the factors listed above, the Zoning and Land Information Committee shall attach conditions in addition to those required elsewhere in this ordinance as are necessary to further the purpose of this ordinance. Violations on any of these conditions shall be deemed a violation of this chapter. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; increased setbacks and yards; outside storage of materials and vehicles; 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. To secure information upon which to base its determination the Zoning and Land Information Committee may require the applicant to furnish, in addition to the information required for a permit, the following information:
1. A detailed plan of the area showing contours, soil types, ordinary high watermarks, groundwater conditions, bedrock, slope 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 arrangements of operations.
  4. Specifications for areas of proposed filling, grading, lagooning or dredging.
  5. Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.
- d) Notice of Public Hearing. Before passing upon an application for a conditional use permit, the Zoning and Land Information Committee shall

hold a public hearing. Notice of such public hearing specifying the time, place and matters to come before the Committee shall be given as a Class 2 notice under Ch. 985, Wis. Stats., and notice shall be mailed to the service center of the Department of Natural Resources at least 10 days prior to the hearing. The Board shall state in writing the grounds for refusing a conditional use permit.

- e) Recording. When a conditional use permit is approved, an appropriate record shall be made of the land use and structures permitted and such permit shall be applicable solely to the structures, use and property so described. A copy of any decision on a conditional use permit shall be mailed to the service center of the Department of Natural Resources within 10 days after they are granted or denied.
- f) Revocation. Where the conditions of a conditional use permit are violated, the conditional use permit shall be revoked by the Zoning and Land Information Committee.

- 4) FEES. The fees shall be set by action of the Zoning and Land Information Committee. Fees are to be established for the following:

- Land Use Permits
- Building Permits
- Certificates of Compliance
- Planned Residential Unit Development reviews
- Public Hearings
- Legal notice publications
- Conditional Use Permits

- 5) BOARD OF ADJUSTMENT. The Chairman of the County Board shall appoint a Board of Adjustment under 59.99, Wis. Stats., consisting of 5 members, and the County Board shall adopt such rules for the conduct of the business of the Board of Adjustment as required by 59.99(3), Wis. Stats.

- a) Power and Duties.

- 1. The Board of Adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by 59.99, 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 ordinance.
- 3. It may authorize upon appeal in specific cases such variance from the terms of the ordinance as shall not be contrary to the public interest, where owing to special conditions, a literal enforcement of the ordinance will result in unnecessary hardship. In the issuance of a variance the spirit of the ordinance shall be observed and substantial justice done. No variance shall have the effect of

granting or increasing any use of property which is prohibited in that zoning district by this ordinance.

b) Appeals to the Board. Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or bureau of the County affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the ground thereof. The Zoning Administrator or other officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appeal from was taken.

c) Hearing Appeals.

1. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal. The Board shall give public notice thereof by publishing a Class 2 notice under Ch. 985, Wis. Stats., specifying the date, time and place of the hearing and the matters to come before the Board, and shall mail notices to the parties in interest and the service center of the Department of Natural Resources at least 10 days prior to the public hearing.

2. A decision regarding the appeal shall be made as soon as practical and a copy shall be submitted to the Department of Natural Resources within 10 days after the decision is issued.

3. The final disposition of an appeal 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. Such resolution shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed in whole or in part or dismiss the appeal for lack of jurisdiction.

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

6) ZONING AND LAND INFORMATION COMMITTEE.

a) The Zoning and Land Information Committee shall be designated by the County Board under this and any similar ordinance in compliance with the authority granted in 59.97, Wis. Stats.

b) The powers and duties shall be as listed and as provided under 59.97, Wis. Stats:

1. It shall hear and decide upon applications for conditional use permits.

**16.16 CHANGES AND AMENDMENTS.** The County Board may from time to time alter,

supplement or change the boundaries of use districts and the regulations contained in this ordinance in accordance with the requirements of 59.97(5)(e), Wis. Stats., and 16.10(6), where applicable.

- 1) Amendments to this ordinance may be made on petition of any interested party as provided in 59.97 (5) (3), Wis. Stats.
- 2) Every petition for a text or map amendment filed with the County Clerk shall be referred to the Committee. Written notice of public hearing shall be mailed to the appropriate service center of the Department of Natural Resources at least 10 days prior to the hearing.
- 3) A copy of the County Board's decision on each proposed amendment shall be forwarded to the service center of the Department of Natural Resources within 10 days after the decision is issued.

#### **16.17 ENFORCEMENT AND PENALTIES.**

- 1) Any development, building or structure constructed, moved or structurally altered or any use established after the effective date of this ordinance or ordinance amendment, in violation of the provisions of this ordinance as amended by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation.
- 2) The Zoning Administrator or the Committee shall refer violations to Corporation Counsel, who shall expeditiously prosecute the violations.
- 3) Any person who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$10 or more than \$200 per offense, together with the taxable costs of action. Each day of continued violation shall constitute a separate offense.
- 4) Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the County, State or any citizen thereof, pursuant to 87.30(2), Wis. Stats.
- 5) There shall be a penalty fee of 10 times the effective permit fee in those cases where building or construction commenced without first obtaining the required Land Use Permit, provided the building is in conformance to all applicable ordinances.
- 6) The Jackson County Zoning Administrator is authorized to post an order stopping work upon land, which has had a permit revoked or on land currently undergoing activity in violation of this ordinance. Notice is given by both posting upon the land where the violation occurs with a stop work placard and by mailing a copy of the order by certified mail to the person whose activity is in violation of this ordinance. The order shall specify that the activity must cease or be brought into compliance immediately.