

WOOD COUNTY ORDINANCE #704
SHORELAND ZONING ORDINANCE
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**WOOD COUNTY ORDINANCE #704
SHORELAND ZONING ORDINANCE**

**Chapter 704 .01 STATUTORY AUTHORIZATION, FINDING OF FACT, PURPOSE
AND TITLE**

(1) Statutory Authorization. This Shoreland Zoning Ordinance is adopted pursuant to the authorization contained in Sections 59.69, 59.692, 59.694, 87.30 and 144.26 of Wisconsin Statutes.

(2) Finding of Fact. Uncontrolled use of the shorelands and pollution of the navigable waters of Wood County, Wisconsin adversely affect the public health, safety, convenience, and general welfare. 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 preserve shore cover and natural beauty, and this responsibility is recognized by Wood County, Wisconsin.

(3) Statement of Purpose. For the purpose of promoting and protecting the public health, safety, convenience, and general welfare and to:

A. Further the maintenance of safe and healthful conditions through limiting structures to those areas where soil and geologic conditions will provide a safe foundation.

B. Prevent and control water pollution through:

1. Establishing minimum lot sizes to provide adequate area for private sewage disposal facilities.
2. Controlling filling and grading to prevent serious erosion.

C. Protect spawning grounds, fish, and aquatic life through:

1. Preserving wetlands and other fish and aquatic habitat.
2. Controlling shoreline alterations, dredging and lagooning.

D. 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.

E. 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 boathouses and other structures.
5. Controlling the use and placement of signs.

(4) **Title.** Wood County Shoreland Zoning Ordinance.

Chapter 704 .02 GENERAL PROVISIONS

(1) **Jurisdiction.** The jurisdiction of this Ordinance shall include shorelands of navigable waters as defined in 144.26(2) (d), Wisconsin Statutes, in the unincorporated areas of Wood County which are:

A. Within one thousand (1,000) feet of the ordinary high-water mark of lakes, ponds, or flowages. Lakes, ponds or flowages shall be considered navigable for the purpose of this ordinance if they are listed in the 1967 Department of Natural Resources publication "Surface Water Resources of Wood County" or shown on the USGS maps.

B. Within three hundred (300) feet of the ordinary high-water mark or to the landward side of a floodplain of the navigable reaches of rivers or streams whichever distance is greater. Reaches of rivers or streams shall be considered navigable for the purposes of this ordinance if they are indicated as "continuous" or "intermittent" waterways on the United States Geological Survey Maps or if they have been declared navigable by the Department of Natural Resources or a court of law.

C. Any person or persons wishing to contest a finding of navigability shall present to the Board of Adjustment written evidence demonstrating that the stream upon which his land borders is not, on the basis of the definition set forth in Section 704.16 of this Ordinance, navigable in fact. If the Board of Adjustment finds the evidence sufficient to determine that reach of the stream non-navigable, the Board shall so notify the applicant and shall notify the Code Administrator to amend the zoning map to record the fact that those particular lands have been determined not to be subject to the provisions of this Ordinance. This provision is subject to the condition that no part of such non-navigable reach lies in the floodplain of an abutting navigable reach.

D. Locating Shoreland-Wetland Boundaries. When an apparent discrepancy exists

between the wetland district shown on the official wetland inventory maps and actual field conditions at the time the maps were adopted, the Code Administrator shall contact the appropriate area office of the Department of Natural Resources to determine if the wetland district as mapped is in error. If the DNR staff concur with the Code Administrator that a particular area was incorrectly mapped as a wetland, the Code Administrator shall have the authority to immediately grant or deny a Zoning 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 Code Administrator shall be responsible for initiating a wetland map amendment within a reasonable period of time.

(2) Compliance. The use of any land or water; the size, shape and placement of lots; the use, size, type and location of structures on lots; the filling, grading, lagooning and dredging of any land; and the cutting of shoreland vegetation shall be in full compliance with the terms of this Ordinance and other applicable regulations. (See Section 704.07 for non-conforming uses.) Buildings, signs and other structures shall require a permit unless otherwise expressly excluded by the requirements of this Ordinance.

A. Unless specifically exempted by law, all local units of government are required to comply with this Ordinance. State agencies are required to comply when Section 13.48(13), Wisconsin Statutes, applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Section 30.12(4)(a), Wisconsin Statutes, applies.

(3) Abrogation and Greater Restrictions.

A. This Ordinance supersedes all provisions of any county zoning ordinance enacted under s.59.69, Wisconsin Statutes, that relates to shorelands. However, where a county zoning ordinance 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.

B. This Ordinance shall not require approval or be subject to disapproval by any town or town board.

C. If any existing town ordinance relating to shorelands is more restrictive than this Ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.

D. It is not otherwise intended by this Ordinance to repeal, abrogate or impair any existing deed restrictions or ordinances other than zoning to the extent specified in Section 704.02A of this Ordinance, however, where this Ordinance imposes greater restrictions the provisions of this Ordinance shall prevail.

(4) Interpretation. In their interpretation and application, the provisions of this Ordinance

shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes.

(5) Severability. If any section, clause, provision or 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.

Chapter 704 .03 DIMENSIONS OF BUILDING SITES

(1) Lots Not Served By Public Sewer.

A. Minimum Area and Width for Each Main Building.

The minimum lot area shall be 20,000 square feet or on the basis of available soils information, whichever is more restrictive, and the minimum lot width shall be 100 feet at the building line and 100 feet at the ordinary high-water mark.

B. Side Yard.

There shall be a side yard for each main building. The minimum width of one side yard shall be nine (9) feet. The minimum aggregate width of both side yards shall be twenty (20) feet. The minimum setback for any accessory structure to the side yard shall be nine (9) feet.

C. Street Yard.

See Section 704.04 - Setbacks.

D. Rear Yard.

See Section 704.04(2) - Water Setbacks. Or if no water, a minimum of twenty-five (25) feet from any structure to the rear lot line.

(2) Lots Served By Public Sewer.

A. Minimum Area and Width for Each Main Building.

The minimum lot area shall be 10,000 square feet and the minimum lot width shall be sixty-five (65) feet at the ordinary high-water mark.

B. Side Yard.

There shall be a side yard for each main building. The minimum width of one side yard shall be eight (8) feet. The minimum aggregate width of both side yards shall be twenty (20) feet. The minimum setback for any accessory structure to the side yard shall be five (5) feet.

C. Street Yard.

See Section 704.04 - Setbacks.

D. Rear Yard.

See Section 704.04(2) - Water Setbacks. Or if no water, a minimum of fifteen (15) feet from any structure to the rear lot line.

(3) Substandard Lots.

A. Substandard Lots Served By Public Sewer.

A lot which does not contain sufficient area to conform to the dimensional requirements of this Ordinance but which is at least fifty (50) feet wide and 7,500 square feet in area may be used as a building site for a single family dwelling upon issuance of a Zoning Permit subject to the following conditions:

1. Such use is permitted in the zoning district.
2. The lot is of record in the County Register of Deeds Office prior to the effective date of this Ordinance.
3. The lot is in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the terms of this Ordinance.
4. All the dimensional requirements of this Ordinance be complied with insofar as practical.

B. Substandard Lots Not Served by Public Sewer.

The provisions of 704.03(3)A(1)-(4) of this Ordinance shall apply and in addition the minimum lot area shall be 10,000 square feet and the minimum lot width shall be sixty-five (65) feet at the ordinary high-water mark.

C. Other Substandard Lots.

A building permit for the improvement of a lot having lesser dimensions than those stated in 704.03(3)A and 704.03(3)B of this Ordinance shall be issued only after the granting of a variance by the Board of Adjustment.

(4) Lots In Cluster Subdivisions.

Lots in cluster subdivisions not served by public sewers may be reduced to the minimum allowed by Wisconsin Administrative Code. However, the density standards for the subdivision as a whole shall not be reduced below that required by the Wood County Subdivision Ordinance.

Chapter 705 .04 SETBACKS

(1) Highway Setbacks.

For the purpose of determining the distance buildings and other structures shall be set back from streets and highways, the highways of Wood County are divided into the following classes:

A. Class A Highways.

1. All State and Federal Highways are hereby designated as Class A highways.
2. The setback from Class A highways shall be 110 feet from the center line of the highway or fifty (50) feet from the right-of-way line, whichever is greater.

B. Class B Highways.

1. All county trunks are hereby designated as Class B highways. For the purpose of this Ordinance any road will be considered as a county trunk after it has been placed on the county trunk system by the County Board and approved by the Wisconsin Department of Transportation.
2. The setback from Class B highways shall be seventy-five (75) feet from the center line of such highway or forty-two (42) feet from the right-of-way line, whichever is greater.

C. Class C Highways.

1. All town roads, public streets and highways not otherwise classified, are hereby designated Class C highways.
2. The setback from Class C highways shall be sixty-three (63) feet from the center line of such highway or thirty (30) feet from the right-of-way line, whichever is greater.

D. Visual Clearance Triangle.

In each quadrant of every public street intersection and railroad crossing there shall be a visual clearance triangle bounded by the street and/or railroad rights-of-way lines and a line connecting points on them.

1. Intersections with speeds of thirty-five (35) miles per hour or greater in both directions of travel:
 - a. Uncontrolled Traffic - Sixty (60) feet.
 - b. Controlled Traffic - Thirty (30) feet.
2. Intersections with speeds of less than thirty-five (35) miles per hour in either direction of travel:
 - a. Fifteen (15) feet.
3. Railroad crossings.
 - a. Three hundred (300) feet.

E. Objects Permitted Within Highway Setback Lines and Visual Clearance Triangles:

1. Open fences.
2. Utility poles and lines, and portable equipment and live stock housings that are readily removable in their entirety.
3. The planting and harvesting of field crops, shrubbery and trees except that no trees or shrubbery shall be planted within a visual clearance triangle so as to obstruct the view.

(2) Setbacks From Water.

A. All structures, except those listed in Section 704.04(2)B, shall be set back at least seventy-five (75) feet from the ordinary high water mark (OHWM) of surface waters. The elevation of the lowest floor, excluding the basement or crawlway, of residential structures shall be at or above the flood protection elevation for the particular area.

B. Stairs, elevated walkways, motorized lifts, piers and wharves landward of the OHWM are exempted from the shoreland setback requirements provided that the structure is essential to access the shoreline because of steep slopes, rocky or wet unstable soils, and when constructed pursuant to the following:

1. A maximum width of sixty (60) inches (outside dimension) is allowed.
2. Attached benches, seats, tables, etc., are prohibited.
3. Canopies and/or roofs are prohibited. Open railings may be provided where required for safety.
4. Stairways shall be elevated rather than being excavated.

5. Landings are allowed when required for safety purposes and shall not exceed forty (40) square feet.

6. Sidewalks may be allowed within the seventy-five (75) foot setback for access to buildings meeting the setback but shall not exceed sixty (60) inches in width.

7. The structure shall be located so as 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 water.

C. Patios must be seventy-five (75) feet from the OHWM whether poured-in-place, prefabricated, patio block, brick or stone.

D. Private boat landings and ramps shall be handled under the grading standards in Section 704.06, or by Special Exception.

E. Boathouses shall be set back a minimum of seventy-five (75) feet from the OHWM.

F. Piers, wharves, boat shelters and boat hoists over or in navigable water shall comply with NR 326, Wis. Admin. Code.

G. Retaining walls and terracing shall only be allowed within the setback area where the applicant demonstrates that there is a current erosion problem that cannot be remedied by re-sloping and re-vegetation of the area or other means consistent with natural shoreline aesthetics. Walls and terracing shall not be used to provide level outdoor living space within the setback area. Elevated stairs or walkways shall be used to provide shoreline access rather than terracing.

(3) Reduced Building Setbacks.

A setback less than the required setback may be permitted where there is at least one (1) existing main building on either side of the applicant's building lot within 200 feet of the proposed site that is built to less than the required setback. In such cases, the setback shall be the average of the nearest main building on each side of the proposed site or if there is no building on one side, the average of the setback for the main building on one side and the required setback. Setback averaging shall not be based on adjacent properties where encroachment has been authorized by granting of a variance by the Board of Adjustment. Any other setback must be permitted by the Board of Adjustment according to Section 704.13(6)C.4 of this Ordinance.

(4) Boathouses. The use of a boathouse for human habitation and the construction or

placing of a boathouse below the ordinary high-water mark of any navigable waters are prohibited.

(5) Special Zoning Permit.

A. For a special zoning permit must be seventy-five (75) feet from to be issued for a structure within the shoreland setback area, all of the following conditions must be met:

1. The part of the structure that is nearest to the water is located at least thirty-five (35) feet landward from the ordinary high water mark.

2. The total floor area of all the structures existing and proposed in or extending into the shoreland setback area of the property shall not exceed 200 square feet. In calculating this square footage, boathouses, stairs, piers and wharves shall be excluded.

3. The structure that is the subject of the request for a special zoning permit has no sides or has open or screen sides, and has a maximum height from the lowest grade to the highest point of any structure of fifteen (15) feet. Any permitted roof shall not be designed or used as a deck, observation platform, or for other similar uses. The structure or the use of the structure must not be prohibited by other zoning regulations or deed restrictions (e.g. floodplain regulations). Note – retaining walls are not included in this classification as they have solid, not open, sides.

4. The owner(s) or their agent must submit a plan that will be implemented by the owner of the property to establish, preserve, enhance and/or restore a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water. The plan must be approved by Code Administrator.

(a) The shoreland setback for the purpose of this section shall be seventy-five (75) feet or a lesser setback that has been approved by setback averaging, variance, or is a pre-existing non-conforming setback.

(b) For the plan to be approved, it must be binding on the owner, his/her heirs, successors, and assignees, and must authorize entrance onto the property by county staff for inspections to assure compliance with the plan. The agreement shall be written on forms provided by the Code Administrator and recorded with the Register of Deeds at the owner's expense. This also applies to preservation of an existing natural buffer.

(c) Failure to comply with the plan and/or subsequent removal of vegetation from the vegetative buffer zone will cause the county to revoke the special zoning permit and order removal of any structure(s) authorized by a special zoning permit.

- (d) To be considered for approval, a plan to establish, preserve, enhance and/or restore a vegetative buffer zone shall, at a minimum, contain:
- (1) A description of how the landowner intends to carry out the project, including methods, materials and equipment to be used;
 - (2) A proposed schedule and sequence of work activities;
 - (3) The names, descriptions and densities of native species to be utilized in the restoration work, including ground cover, shrubs and tree layers;
 - (4) A description of the site before the project begins and a description of the proposed site once the buffer is completed; and
 - (5) The erosion control measures that will be used during construction of the permitted structure and vegetative buffer zone to control sediment, runoff and protect water quality.
- (e) To be considered for approval, a plan to establish, preserve, enhance and/or restore an existing native vegetative buffer zone shall, at a minimum, contain:
- (1) A description of how the homeowner intends to maintain the buffer, including any “no mow” plans;
 - (2) Supplemental plantings of native species;
 - (3) Removal of non-native species (e.g. purple loosestrife); and
 - (4) The erosion control measures that will be used during construction of the permitted structure(s) and any disturbance in the vegetative buffer zone due to planting or removal on non-natives to control sediment, runoff and protect water quality.
- (f) The plan must be implemented and the vegetation must be in a viable, growing condition for at least one growing season before a special zoning permit to build a structure is granted.
- (g) A shoreland grading permit may be required to implement a vegetative buffer zone plan.
- (h) Removal of the shoreland structure permitted by the special zoning permit will not relinquish the recorded agreement or permit the removal, destruction, degradation and/or reduction in size of the shoreland vegetative buffer.

Chapter 704 .05 REMOVAL OF SHORE VEGETATION

(1) Purpose - Regulating removal of vegetation cutting along the shore of navigable waters is necessary 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 forester.

(2) Tree and Shrubbery Cutting in a strip paralleling the shoreline and extending thirty-five (35) feet inland from all points along the ordinary high-water mark of the shoreline shall be limited in accordance with the following provisions:

A. No more than thirty (30) percent of the length of this strip (as measured along the ordinary high-water mark) shall be clear cut to the depth of the strip.

B. Provided further that cutting of this thirty (30) percent shall not create a clear cut opening in this strip greater than thirty (30) feet wide (measured along the ordinary high-water mark).

C. In the remaining seventy (70) percent length of this strip (distance measured along the ordinary high-water mark) cutting shall leave sufficient cover to screen cars, dwellings, accessory structures, except boathouses, as seen from the water; and to control erosion.

(3) Paths, Roads or Passages. Any paths, roads or passages within the strip shall be so constructed or surfaced so as to be effective in controlling erosion.

(4) Special Cutting Plan. In the alternative to 704.05(2), a special cutting plan allowing greater cutting, may be permitted by the Board of Adjustment by issuance of a Special exception Permit (see Section 704.13(3) for procedures). In applying for such a permit the Board may require the lot owners to submit a sketch of his lot including the following information: location of all structures, location of parking, gradient of the land, existing vegetation, proposed cutting and proposed replanting. The Board may grant such a permit only if it finds that special cutting plans:

A. Will not cause undue erosion or destruction of scenic beauty, and

B. Will provide substantial shielding from the water of dwellings, accessory structures and parking areas. The Board may condition such a permit upon a guarantee of tree planting by the lot owner. Such an agreement shall be enforceable in court.

Chapter 704 .06 FILLING, GRADING, LAGOONING AND DREDGING

(1) Filling, grading, lagooning or dredging which would result in substantial detriment to navigable waters by reason of erosion, sedimentation, or impairment of fish and aquatic life shall be prohibited.

(2) Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland district shall meet the requirements of Section 704.09(3) of this

Ordinance.

(3) A Special Exception Permit shall be required:

A. For any filling or grading of the bed of a navigable body of water. In addition a permit shall be obtained from the Department of Natural Resources as required by Chapter 30, Wisconsin Statutes.

B. For any filling or grading of any area which is within three hundred (300) feet horizontal distance of a navigable water and which has surface drainage toward the water and on which there is:

1. Filling or grading on slopes of twenty (20) percent or more.
2. Filling or grading of more than one thousand (1,000) square feet on slopes of 12-20 percent.
3. Filling or grading of more than five thousand (5,000) square feet on slopes of twelve (12) percent.
4. Filling or grading of more than two thousand (2,000) square feet on slopes of twelve (12) percent or less, provided that fill is placed to a depth of two (2) feet or greater. In addition, a permit shall be obtained from the Department of Natural Resources where more than ten thousand (10,000) square feet of the bank of a navigable body of water is exposed by grading as provided in Section 30.19(1)(c), Wisconsin Statutes. Section 704.06(3)B of this Ordinance does not apply to soil conservation practices such as terraces, runoff diversions and grassed waterways which are used for sediment retardation. It also does not apply to municipal road or bridge work provided that all local and state floodplain regulations are adhered to.

(4) Lagooning or Dredging.

A Special Exception Permit shall be required before constructing, dredging or commencing work on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within three hundred (300) feet of the ordinary high-water mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water. This requirement does not apply to soil conservation practices such as terraces, runoff diversions and grassed waterways which are used for sediment retardation; ponds which are less than twenty thousand (20,000) square feet in size and which are not connected to or located within seventy-five (75) feet of a navigable body of water; and municipal road or bridge work provided that all local and state floodplain regulations are adhered to. In addition, a permit shall be obtained from the Department of Natural Resources or any other state agency having jurisdiction under the provisions of Chapter 30, Wisconsin Statutes. The Board of Adjustment shall evaluate each application according to the provisions of Section 704.06(5) of this Ordinance and may request the County Land Conservation Committee to make available expert assistance from those state and federal agencies which are assisting said Committee under a memorandum of understanding.

(5) Conditions Specified in 704.13(3)B and 704.13(3)C of This Ordinance Attached to Special Exception Permit

In granting a Special Exception Permit for filling, grading, or lagooning or dredging the Board may attach the following conditions, in addition to those specified in Section 704.13(3)B of this Ordinance.

- A. The smallest amount of bare ground be exposed for as short a time as feasible.
- B. Temporary ground cover such as mulch be used and permanent cover such as sod be planted.
- C. Diversions, silting basins, terraces and other methods to trap sediment be used.
- D. Lagooning be conducted in such a manner as to avoid creation of fish trap conditions.
- E. Fill is stabilized according to accepted engineering standards.
- F. Fill will not restrict a floodway or destroy the storage capacity of a floodplain.
- G. Sides of a channel or artificial watercourse be stabilized to prevent slumping.
- H. Sides of channels or artificial watercourses be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter, unless bulkheads or riprapping are provided.

Chapter 704 .07 NON-CONFORMING USES

The existing lawful use of a structure or premise which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions:

- (1) Use Expansion and Enlargement.** No such use shall be expanded or enlarged except in conformity with the provisions of this Ordinance without the granting of a variance by the Board of Adjustment.
- (2) Structural Changes.** No structural alteration, addition or repair to any non-conforming building, as long as such use continues, shall exceed 50 percent of its assessed value except upon granting of a variance by the Board of Adjustment or permanently changing the non-conforming building or structure to a conforming use.
- (3) Discontinued Uses.** If such use is discontinued for twelve (12) consecutive months, any future use of the building and premises shall conform to this Ordinance. The Assessor shall

notify the Code Administrator in writing of instances on non-conforming uses which have been discontinued for a period of twelve (12) consecutive months.

(4) Failing Sewage Systems. Existing methods of waste disposal which constitute a public nuisance under state law or the terms of this Ordinance shall not be permitted to continue as non-conforming uses.

(5) Boathouses. The maintenance and repair of non-conforming boathouses which are located below the ordinary high water mark of any navigable waters shall comply with the requirements of Section 30.121, Wisconsin Statutes.

Chapter 704 .08 ZONING DISTRICT MAPS

(1) Shoreland Zoning Maps. The Shorelands of Wood County are hereby divided into the following districts which are described in Sections 704.09, 704.10 and 704.11 of this Ordinance: (1) Shoreland-Wetland District; (2) Recreational- Residential District; and (3) General Purpose District.

A. The following United States Geological Survey map sheets, along with the Wetland Inventory Maps adopted by Section 704.09(1) of this Ordinance, are designated the Shoreland Zoning Map of Wood County, Wisconsin:

1. N.E. City Point Quadrangle
2. S.E. City Point Quadrangle
3. Marshfield Quadrangle
4. Rocky Run Quadrangle
5. Pittsville Quadrangle
6. N.W. Meehan Quadrangle
7. Wisconsin Rapids Quadrangle
8. Kellner Quadrangle
9. Coloma N.W. Quadrangle
10. Arkdale N.W. Quadrangle
11. Arkdale N.E. Quadrangle
12. N.W. Mather Quadrangle
13. N.E. New Minor Quadrangle
14. N.W. Finley Quadrangle
15. N.E. Big Eau Pleine Reservoir Quadrangle
16. Honey Island N.W. Quadrangle
17. S.E. Junction City Quadrangle
18. Granton Quadrangle
19. S.W. Sherry Quadrangle

B. The map entitled "Lakes and Streams of Wood County" will be used for location of lakes and streams within the County. The U.S.G.S. Quadrangle sheets and the

Wetland Inventory Maps adopted under Section 704.09(1) of this Ordinance shall be used as the zoning maps for regulatory purposes.

Chapter 704 .09 SHORELAND-WETLAND DISTRICT

(1) Designation. This district includes all shorelands within the jurisdiction of this Ordinance designated as wetlands on the Wetland Inventory Maps and subsequent amendments thereto which are hereby adopted and made part of this Ordinance and on file in the Wood County Planning and Zoning Office.

(2) Purpose. Wetlands are areas where groundwater 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. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

(3) Permitted Uses. The following uses shall be allowed, subject to the general shoreland zoning regulations of this Ordinance, and the provisions of other state and federal laws, if applicable:

A. Activities and uses which do not require the issuance of a Zoning Permit, but which must be carried out without filling, flooding, draining, dredging, ditching, tiling or excavating:

1. Hiking, fishing, trapping, hunting, swimming and boating;
2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
3. The practice of silviculture, including the planting, thinning and harvesting of timber, except as required in Section 704.05 of this Ordinance;
4. The pasturing of livestock and the construction and maintenance of fences, except that farm animals shall be kept at least 100 feet from non-farm residences;
5. The cultivation of agricultural crops;
6. The construction and maintenance of duck blinds;
7. The maintenance of piers, docks, and walkways, including those built on pilings; and
8. The maintenance, repair, replacement and reconstruction of existing town and county highways and bridges.

B. Uses which do not require the issuance of a Zoning 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. 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.

C. Uses which are allowed upon the issuance of a Zoning Permit:

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; and

(b) The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland and meets the following standards:

(1) The road shall be designed and constructed as a single lane roadway with only such depth and width necessary to accommodate the machinery required to conduct silvicultural and agricultural activities;

(2) Road construction activities are to be carried out in the immediate area of the roadbed only; and

(3) Any filling, flooding, draining, dredging, tiling or excavating that is to be done must be necessary for the construction or maintenance of the road.

2. The construction and maintenance of non-residential buildings used solely in conjunction with raising of waterfowl, minnows or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation, if such building cannot as a practical matter be located outside the wetland, provided that:

(a) Any such building does not exceed 500 square feet in floor area; and

(b) No filling, flooding, draining, dredging, ditching, tiling or excavating is to be done.

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 preserves and private wildlife habitat areas, provided that:

- (a) Any private recreation or wildlife habitat area must be used exclusively for that purpose;
- (b) No filling is to be done, except for limited filling and grading necessary for the construction of a boat access site;
- (c) Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves and private wildlife habitat areas, but 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; and
- (b) Any filling, excavating, ditching or draining that is to be done is necessary for construction or maintenance and must be done in a manner designed to minimize flooding and other 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; and
- (b) Any filling, excavating, draining or dredging that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.

(4) Special Exceptions. The following uses are permitted upon issuance of a Special Exception Permit as provided in Section 704.13(3) of this Ordinance, and issuance of a Department of Natural Resources and/or Army Corps of Engineers permit when required:

- A. Dams, dikes, power plants, flowages, ponds;
- B. Relocation of any water course; and
- C. Piers, docks, boathouses.

(5) Prohibited Uses. Any use not listed in Section 704.06(3)A, 704.09(3)B, 704.09(3)C, 704.09(4)A, 704.09(4)B or 704.09(4)C of this Ordinance is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Ordinance.

(6) Rezoning of Lands in the Shoreland-Wetland District.

A. For all proposed text and map amendments to the Shoreland-Wetland district, the appropriate district and area office 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 County Planning and Zoning Committee'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. 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. Areas of special recreational, scenic or scientific interest, including scarce wetland types.

C. If the Department of Natural Resources has notified the County Planning and Zoning Committee that a proposed amendment to the Shoreland-Wetland district may have a significant adverse impact upon any of the criteria listed in Section 704.09(6)B of this Ordinance, that amendment shall meet the provisions of NR 115.05(2)(e)9, Wisconsin Administrative Code.

Chapter 704 .10 RECREATIONAL - RESIDENTIAL DISTRICT

(1) Designation

This district includes all shorelands, not within the Shoreland-Wetland District, that are adjacent to the following lakes, ponds, flowages, rivers and streams or designated portions thereof:

- A. The navigable lakes and streams of Wood County that are shown on the map "Lakes and Streams of Wood County" and/or listed in the publication "Surface Water Resources of Wood County".

(2) Purpose. The purpose of the Recreational-Residential District is to protect the waters and shorelands of Wood County by providing for safe and orderly shoreland development. Recreational - residential shorelands are particularly suited for residential and recreational uses.

In this district residential, recreational, agricultural and conservancy uses are permitted, and a limited number of commercial uses serving recreational needs are allowed as special exceptions. These uses are consistent with maximum recreational uses of the water and its shorelands.

All permitted uses or special exceptions are subject to the general provisions of this Ordinance, the provisions of this Section, and all other applicable laws and regulations.

(3) Permitted Uses.

- A. Any use permitted under Section 704.09(3) .
- B. Year - round single family dwellings for owner occupancy, rent or lease.
- C. Seasonal single family dwellings for owner occupancy, rent or lease.
- D. Accessory uses.
 - 1. The parking or storage of not more than three (3) recreational vehicles on a developed residential parcel is a permitted use, provided setback standards are met. The storage of more than three (3) recreational vehicles shall require a special exception permit.
- E. Signs of the following type, size and location provided that any sign intended to be read from the water shall be set back seventy-five (75) feet from the ordinary high-water mark, shall be attached to a building, and shall not exceed thirty (30) square feet in gross area. No sign shall be located, erected, moved, reconstructed, extended, enlarged or structurally altered until a zoning permit has been issued. Signs listed in subparagraphs (2), (3) and (6) below shall not require a permit.
 - 1. Directory signs advertising a business or activity conducted, an area of interest, or service available, at a specific location within the County. Such

signs shall be not more that twelve (12) square feet in gross area. There shall not be more than two (2) such signs relating to any one such use in the approaching direction along any one highway. No such sign shall be more than ten (10) miles away from the location to which it relates or within 300 feet of an existing residence. Such signs may be placed at the right-of-way line of the highway. A larger number of signs may be permitted by the Board of Adjustment if the Board shall find it necessary for directing the traveling public.

2. Signs advertising a customary occupation or professional office. Such signs shall not exceed six (6) square feet in gross area, shall be attached to the building, and if illuminated, shall be indirectly lighted.

3. Signs advertising the sale, rent or lease of the property on which the sign is placed or other temporary signs. Such signs shall not exceed eight (8) square feet in gross area and may be placed at the right-of-way line of the highway.

4. Signs attached to commercial and industrial buildings advertising a business conducted or a service available on the premises. No sign shall exceed forty (40) square feet in gross area, be higher than four (4) feet above the top of the roof line or exceed the maximum height limitation permitted in the district.

5. On-premise signs advertising a public or semi-public use. Such signs shall not exceed twelve (12) square feet in gross area. There shall be no more than one sign for each highway upon which the property faces. Such signs may be placed at the right-of-way line of the highway.

6. Recreational directory signs indicating the direction to a cottage, resort, residence or similar use. Such signs shall not be more than four (4) square feet in gross area. Where a common posting standard is provided all such signs shall be attached to the standard. Recreational directory signs may be placed at the right-of-way line of the highway.

7. 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 with driver vision at any access point or intersection.

(b) No sign shall contain, include or be illuminated by 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 movable or animated part.

(4) Special Exceptions

The following uses are permitted upon issuance of a Special Exception Permit according to the procedure set forth in Section 704.13(3) of this Ordinance, and upon issuance of a

Department of Natural Resources or Army Corps of Engineers permit when required.

A. Hotels, resorts (including two or more seasonal family dwellings for rent or lease), motels, restaurants, dinner clubs, taverns, and other private clubs.

B. Institutions of a philanthropic or educational nature.

C. Recreational camps and campgrounds provided all buildings shall be more than 100 feet from the side lot line. Recreational camps and campgrounds shall conform to the applicable Wisconsin Administrative Codes.

D. Gift and specialty shops customarily found in recreational areas.

E. Marinas, boat liveries; sale of bait, fishing equipment, boats and motors; fish farm; forest industries.

F. Mobile home parks provided:

1. The minimum size of a mobile home park shall be ten (10) acres.
2. The maximum number of mobile homes shall be ten (10) per acre.
3. Minimum dimensions of a mobile home site shall be fifty (50) feet wide by eighty-five (85) feet long.
4. All drives, parking areas and walkways shall be hard surfaced.
5. In addition to the requirements of Section 704.04 of this Ordinance, there shall be a minimum setback of forty (40) feet from all other exterior lot lines.
6. The parks shall conform to all the requirements of the applicable Wisconsin Administrative Codes.
7. No mobile home site shall be rented for a period of less than thirty (30) days.
8. Each mobile home shall be separated from other mobile homes by a yard not less than twenty (20) feet wide.
9. There shall be two (2) surfaced automobile parking spaces for each mobile home.
10. Unless adequately screened by existing vegetative cover the mobile home park shall be screened by a temporary planting of fast growing material, capable of reaching a height of fifteen (15) feet or more, such as hybrid poplar; and a permanent evergreen planting, such as white or Norway pine, the individual trees to be such a number that within ten years they will have formed a screen equivalent in capacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet.

G. Recreational vehicle (RV) parks provided:

1. The minimum size of a RV park shall be five (5) acres.
2. The maximum number of RV's shall be fifteen (15) per acre.
3. Minimum dimensions of a RV site shall be twenty-five (25) feet wide by forty feet long.
4. Each RV site shall be separated from other trailer sites by a yard not less than fifteen (15) feet wide.
5. There shall be 1 ½ automobile parking spaces for each RV site.
6. In addition to the requirement of Section 4.0 of this Ordinance there shall be a minimum setback of forty (40) feet from all other exterior lot lines.
7. It shall conform to the requirements of the applicable Wisconsin Administrative Codes.
8. The screening provisions for mobile homes are met.

H. All special exceptions listed in Section 704.09(4).

I. General farming provided that farm animals shall be kept at least 100 feet from any non-farm residence.

K. Removal of topsoil or peat.

L. Sanitary landfills.

(5) Tree-cutting Regulations

Tree-cutting regulations as set forth in Section 704.05 of this Ordinance shall apply.

Chapter 704 .11 GENERAL PURPOSE DISTRICT

(1) Designation

This district includes all shorelands adjacent to lakes, ponds, flowages, rivers and streams within the jurisdiction of this Ordinance, which are not included in the (1) Shoreland-Wetland district or (2) Residential-Recreational district.

(2) Purpose

Areas other than those contained in the Shoreland- Wetland district and Recreational-Residential district are potentially suited to a wide range of uses, including industrial, commercial, agricultural, residential 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 Ordinance can be enacted, a General Purpose District will be used to allow a wide range of uses, subject to the general provisions of this Ordinance which are designated 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 conflicts between potentially incompatible uses.

(3) Permitted Uses

Commercial, agricultural, residential and recreational uses are permitted providing they comply with the provisions of this Ordinance, and providing any non-residential structures be located at least fifty (50) feet from a property line. Farm animals shall be kept at least 100 feet from any residential dwelling on a non-farm lot.

(4) Special Exceptions

A. Industrial uses may be permitted upon issuance of a Special Exception Permit by the Board of Adjustment as provided in Section 704.13(3) of this Ordinance. Any intended discharge of new waste into surface waters must be reported to the Department of Natural Resources and approved by the Department as provided in Chapter 144 or 147, Wisconsin Statutes.

B. Junkyards and sanitary landfills may be permitted upon issuance of a Special Exception Permit by the Board of Adjustment (see Section 13.3).

(5) Tree-cutting Regulations

Tree-cutting regulations as set forth in Section 704.05 shall apply.

Chapter 704 .12 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 feet square in area. Each use shall provide the following minimum off-street parking space.

A. Dwelling - One (1) space for each dwelling unit.

B. Restaurants, taverns and similar establishments - One (1) space for each fifty (50) square feet of floor space devoted to patrons.

C. Drive-in eating stands offering in-car service - Five (5) spaces for each person employed to serve customers.

D. Motels and tourist cabins - One (1) space for each unit.

E. Retail business and service establishments - One (1) space for each 200 square feet of floor area.

F. Industrial uses and warehouses - One (1) space for each two (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 two (2) spaces for each gas pump; plus three (3) spaces for each grease rack.

H. Any use not specifically named shall be assigned to the most appropriate classification by the Code Administrator subject to appeal to the Board of Adjustment.

Chapter 704 .13 ADMINISTRATION

(1) Code Administrator

There is hereby created the office of Code Administrator. The Code Administrator shall exercise 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 inspect properties for compliance with this Ordinance.

C. Keep records of all permits issued, inspections made, work approved, and other official actions.

D. Report violations of this Ordinance and other applicable regulations to the Planning and Zoning Committee and Corporation Counsel.

(2) Zoning Permit

A. Cases when Zoning Permit is required:

1. Before any building or other structure is erected, moved or structurally altered so as to change its use or increase its floor area.
2. Before any new or change in land use.

3. Before the commencement of any activity that is exempt from the Special Exception Permit requirements of Section 704.06 of this Ordinance.

B. Application for Zoning Permit.

An application for a Zoning Permit shall be made to the Code Administrator upon forms furnished and shall include, for the purpose of proper enforcement of these regulations, the following data:

1. Name and address of the applicant and property owner.
2. Legal description of the property and type of proposed use.
3. A sketch of the dimensions of the lot and location of buildings from the lot lines, center line of abutting highways and the high water mark of any abutting watercourse and water mark at the day of the sketch.
4. The Sanitary Permit number where a private sewage system is to be utilized.

(3) Special Exception Permit.

A. Application for Special Exception Permit

Any use listed as a special exception in this Ordinance shall be permitted only upon application to the Code Administrator and issuance of a Special Exception Permit by the Board of Adjustment.

B. Standards Applicable to all Special Exceptions.

In passing upon a Special Exception Permit the Board of Adjustment shall evaluate the effect of the proposed use upon:

1. The maintenance of the 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 or 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 systems.
10. Locational factors under which:

- a. Domestic uses shall be generally preferred;
- b. Uses not inherently a source 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.

C. Conditions Attached to Special Exceptions.

Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions, in addition to those required elsewhere in this Ordinance, that it deems necessary in furthering the purposes of this Ordinance. Violations of any of these conditions shall be deemed a violation of this Ordinance. Such conditions may include specifications for, without limitation because of specific enumeration; type of shore cover, increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control sureties; deed restrictions; locations of piers, docks, parking and signs; type of construction or any other requirements necessary to fulfill the purpose and intent of this Ordinance. In order 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 Permit, the following information:

1. A plan of the area showing contours, soil types, high water mark, groundwater conditions, bedrock, slope and vegetative cover.
2. Location of buildings, parking areas, traffic access, driveways, walkways, piers, open spaces 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. The Board of Adjustment may request the County Land Conservation Committee to make available expert assistance from those state and federal agencies which are assisting said Committee under a memorandum of understanding and any other state or federal agency which can provide technical assistance.

(4) Notice and Public Hearing

Before passing upon an application for any 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 shall be given in the manner specified in Section 904.13(6)C. The Board shall state in writing the grounds for refusing a Special Exception Permit.

(5) Fees, Recording, Termination and Certificate of Compliance

A. Fees

Fees shall be set and amended as needed by the Wood County Board of Supervisors. A current fee schedule shall be kept as an addendum to this ordinance.

The applicant, upon filing of an application shall pay a fee to the Code Administrator for the following services:

1. Zoning Permit

(a) All action authorized by each Zoning Permit shall be completed within two (2) years from the date of issuance, after which such permit shall be void.

2. Special Exception.

(a) All action authorized by each Special Exception Permit shall be completed within two (2) years from the date of issuance, after which such permit shall be void.

3. Board of Adjustment Public Hearing

- (a) Special Exception Request
- (b) Variance Request
- (c) Administrative Appeal

4. Permit Renewal

(a) For action authorized by a permit, but which is not completed within the 2-year permit period, that permit, prior to expiration, may be renewed for a period of one (1) year. No more than three (3) 1-year renewals may be granted for each permit.

B. Recording

When a Special Exception Permit is approved, an appropriate record shall be made of the land use and structure permitted, and such grant shall be applicable solely to the structures, use and property so described.

C. Termination

Where a Special Exception does not continue in conformity with the conditions of the original approval, the Special Exception shall be terminated by action of the Board of Adjustment.

D. Certificate of Compliance.

No vacant land shall be occupied or used and no building hereafter erected, altered or moved on the shorelands of any river, stream, pond, lake or flowage until a Certificate of Compliance shall have been issued by the Code Administrator.

(6) Board of Adjustment

A. Establishment

There is hereby established a Board of Adjustment for the purpose of hearing appeals and applications, and granting variances and Special Exception Permits according to the provisions of the Shoreland Zoning Ordinance. The chairman of the Wood County Board of Supervisors is hereby directed to appoint a Board of Adjustment according to Section 59.694 of the Wisconsin Statutes.

B. Membership

The Board of Adjustment shall consist of five (5) regular members and two (2) alternate members to be appointed by the Chairman of the County Board with the approval of the County Board for terms of three (3) years beginning July 1. The terms of the first members so appointed shall be for 1, 2 and 3 years respectively. At least one (1) of the original appointees shall be a member of the Zoning Committee which prepared this Ordinance. The members of the Board of Adjustment shall all reside within Wood County and outside the limits of incorporated villages and cities, provided that no two (2) members shall reside in the same town. All members of the Board of Adjustment shall be County Board members when their appointments are made. The Board of Adjustment shall be compensated at the same per diem and mileage rates as paid the County Board of Supervisors.

C. Rules

1. Meetings. All meetings of the Board of Adjustment shall be open to the public, except that closed sessions may be held when deliberating cases following public hearings, pursuant to Section 985 (1)(a), Wisconsin Statutes.

2. Public Hearing Notices. Notice of any public hearing which the Board of Adjustment is required to hold under the terms of this Ordinance shall specify the date, time and place of hearing and the matters to come before the Board of Adjustment at such hearing and notice shall be given in each of the following ways:

(a) By publication in the Wood County newspapers a CLASS 2 NOTICE pursuant to Chapter 985, Wisconsin Statutes.

(b) By posting, not less than ten (10) days prior to the date of such hearing, in each of the public places in which official notices are usually published, in each town affected by the matters to come before the Board of Adjustment at such hearing.

(c) By Affidavit of Mailing to the parties having a legal interest in any of the matters to come before the Board of Adjustment during the public hearing.

3. Special Exception Permits. To grant or deny Special Exception Permits in accordance with the standards set forth under Section 704.13(3)B of this Ordinance.

4. Variances.

(a) The Board of Adjustment may, upon appeal, grant a variance from the dimensional standards of this Ordinance where an applicant convincingly demonstrates that:

(1) Literal enforcement of the provisions of the Ordinance will result in practical difficulty or unnecessary hardship on the applicant;

(2) The hardship is due to adoption of the shoreland ordinance and special conditions unique to the property, not common to a group of adjacent lots or premises (in such case the ordinance or map must be amended);

(3) Such variance is not contrary to the public interest;

(4) Such variance is consistent with the purpose of this Ordinance in Section 704.01(3).

(b) A variance shall not:

(1) Grant, extend or increase any use prohibited in the zoning district;

(2) Be granted for a hardship based solely on an economic gain or loss;

(3) Be granted for a hardship which is self-created;

(4) Damage the rights or property values of another person in the area;

(5) Allow any floor of a basement or crawlway below the regional flood elevation for residential or commercial structures;

(6) Allow actions which require amendments under Section 704.14 of this Ordinance; nor

(7) Allow any alteration of an historic structure, including its use, which would preclude its continued use designation as

an historic structure.

D. Appeals to the Board of Adjustment

1. Appeals to the Board may be taken by a person aggrieved or by an officer, department, board or bureau of the municipality affected by any zoning decision of the Code Administrator or the Planning and Zoning Committee. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Code Administrator and the Board a Notice of Appeal specifying the grounds thereof. The Code Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.
2. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person, or by agent or by attorney.

E. Written notice shall be given to the appropriate district and area office of the Department of Natural Resources at least 10 days prior to hearings on proposed special exceptions or appeals for variances. Copies of any decisions shall be submitted to the district and area office within 10 days after they are issued.

Chapter 704 .14 CHANGES AND AMENDMENTS

The County Board of Supervisors of Wood County, Wisconsin, may from time to time, alter, supplement or change the boundaries of use districts and the regulations contained in this Ordinance in the manner provided by law.

- (1) **Petition Process.** Amendments to this Ordinance may be made on petition of any interested party in accordance with the provisions of s.59.69(5), Wisconsin Statutes.
- (2) **Copies** of any amendment proposed to the County Board of Supervisors shall be referred by that Board to the County Planning and Zoning Committee, and shall be forwarded by that Committee together with the first notice of public hearing to the district and area office of the Department of Natural Resources at least ten (10) days prior to such hearing.
- (3) **Publication Costs.** The publication costs of public hearing notices and the Affidavit of Publication of said notice shall be paid for by the petitioner.
- (4) **DNR Notification.** A copy of the action taken by the County Board of Supervisors on all amendments shall be forwarded to the district and area office of the Department of Natural Resources within ten (10) days after it is issued.

Chapter 704 .15 ENFORCEMENT AND PENALTIES

(1) Any building or structure hereinafter erected, moved or structurally altered or any use hereinafter established in violation of the provisions of this Ordinance by any person, firm, association, corporation (including building contractors) or his or their agent shall be deemed an unlawful structure or use. The Code Administrator shall report all violations of this Ordinance to the Planning and Zoning Committee. The Code Administrator may sign a complaint and report the violation to the Municipal Attorney. It shall be the duty of the Municipal Attorney to expeditiously prosecute all violators.

A violator shall upon conviction, forfeit to the County a penalty of not less than \$25.00 together with the court cost in such action and not more than \$200.00, and every day the violation continues shall constitute a separate offense.

(2) Every structure, building, fill or development placed or maintained within any shoreland in violation of this ordinance is a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the county, the state or any citizen thereof.

(3) As required by s. 59.692(1t), Wis. Stats., where a building or structure violates the dimensional or use standards of this Ordinance, and the violating building or structure has been in place more than ten (10) years before an enforcement action is initiated, such building or structure shall be treated as a legal nonconforming structure. All provisions of Section 704.07 of this Ordinance shall apply to such nonconforming buildings or structures.

(4) Any property owner asserting as a defense to a charge of violating this Ordinance that the alleged violation has been in place more than ten (10) years before enforcement action was initiated, has the burden of proving that:

A. The building or structure that is in violation has been in place more than ten (10) years before enforcement action was initiated;

B. That the building or structure (and its use, if the use is nonconforming) has remained essentially unchanged for at least ten (10) years; and

C. That the use of the building or structure has been active and continual for ten (10) years or more. If use was discontinued for more than twelve (12) months, that use shall not be considered active and continual.

Chapter 704 .16 DEFINITIONS

For the purpose of this Ordinance, certain 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. The word "shall" is mandatory, not permissive. All distances unless otherwise

specified shall be measured horizontally.

Accessory Use or Structure - A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or principal structure. Accessory uses include incidental repairs; storage parking facilities; pet shelters; guest's, servant's, owner's, itinerant agricultural laborer's, and watchmen's quarters not for rent; private swimming pools; and private emergency shelters.

Basement - That portion of any structure located partly below the average adjoining lot grade.

Boathouse - Any structure designed for the purpose of protecting or storing boats for non-commercial purposes. Boathouses shall not be used for human habitation.

Building - Any structure having a roof supported by columns or walls used or intended to be used for shelter or enclosure of persons, animals, equipment, machinery or materials.

Building Line - The nearest point to a street or normal high water line at which a building may be constructed excluding uncovered steps.

Bulkhead Line - A geographic line along a reach of a navigable waterway that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Chapter 30, Wisconsin Statutes, and which allows complete filling on the landward side.

Channel - A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

Channel Flow - This is that water which is flowing within the limits of the defined channel.

Corner Lot - A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less measured on the lot side of the streets.

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.

Flood - A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

Floodplain - That land which has been or may hereafter be 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, Wisconsin Administrative Code.

Household Occupation - Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed twenty-five (25) percent of the area of any floor, uses only household equipment, and no stock-in-trade is kept or sold except that made on the premises. A household occupation includes

such uses as baby sitting, millinery, dressmaking, canning, laundering, crafts, barbering, beauty shops, real estate brokerage, and photographic studios, but does not include the display of any goods.

Lot - A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot area, yard, parking area and other open space provisions of this Ordinance.

Mobile Home - A detached single family dwelling unit designed for long-term occupancy; and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities; with plumbing and electrical connections provided for attachment to outside systems; which is designed to be transported on its own wheels.

Navigable Waters - All Wisconsin natural inland lakes, streams, ponds sloughs, flowages and other waters within the territorial limits of Wood County, Wisconsin which are navigable under the laws of the State of Wisconsin. Under s.281.31(2m), Wisconsin Statutes, shoreland ordinances 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 the drainage ditches adjacent to these lands were nonnavigable streams before ditching; and
- (3) Such lands are maintained in non-structural agricultural use.

Nonconforming Uses or Structures - Any structure, land or water lawfully used, occupied or erected at the time of the effective date of this Ordinance or amendments thereto which does not conform to the regulations of this Ordinance or amendments thereto. Any structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

Ordinary High-Water Mark - That 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 erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

Pier - A structure extending channelward, or more or less perpendicular out from the shore, with water on both sides, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. (Generally any construction whose dimensions and accessories go beyond what is reasonably necessary to berth watercraft or load or unload cargo or passengers is not authorized as a pier by statute; see Chapter 30, Wisconsin Statutes.)

Professional Home Office - Residence of physicians, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists teachers, authors, musicians, or other recognized professions used to conduct their professions where the office does not exceed one-half (1/2) the area of only one floor of the residence and only one nonresident person is employed.

Rear Yard - A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the road lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.

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.

Recreational Vehicle - A vehicle having an overall length of 45 feet or less and a body width of 8 feet or less primarily designed as temporary living quarters for recreational, camping or travel use, which has its own motive power or is mounted, carried or drawn by another vehicle. This can include, but not be limited to, camping trailers, travel trailers, truck campers, house boats, motor homes and tents, and all attached or detached accessories and accessory structures.

Sanitary Landfill - A site for the disposal of refuse where the refuse is compacted and covered with dirt at the end of each day.

Sanitary Technician - A person licensed as a Certified Soil Tester by the State of Wisconsin, or other persons deemed qualified by the State of Wisconsin.

Setbacks From a Public Road or Highway - The minimum horizontal distance from the center line of a highway or its right-of-way line to the nearest part of a structure measured at right angles to the center line or right-of-way line.

Setbacks From Water - The minimum horizontal distance from the normal high water line of a body of water to the nearest part of a structure.

Side Yard - A yard extending from the street yard to the rear yard of a lot, the width of which shall be the minimum horizontal distance between the side lot line and the nearest point on the building excluding uncovered steps. The width of side yard must be measured perpendicular to the side lot line.

Shoreland-Wetland District - The zoning district, created as a part of this Shoreland Zoning Ordinance, comprised of shorelands that are designated as wetlands on the Wetland Inventory Maps which have been adopted and made part of this Ordinance.

Silvicultural Thinning - A woodland management practice by which, for the purposes of the Shoreland Zoning Ordinance, the quality of adjacent surface water is maintained or improved through responsible cutting in shorelands; and long lived species are perpetuated and provision is made for efficient methods of slash disposal.

Special Exception - A use which is permitted by this Ordinance provided that certain conditions specified in the Ordinance are met and that a permit is granted by the Board of Adjustment.

Street Yard - A yard extending across the full width of a lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway right-of-way line and a line parallel thereto through the nearest point of the principal structure, excluding uncovered steps. Corner lots shall have two such yards.

Structures - Any manmade object with form, shape and utility, either permanent or temporarily attached to, placed upon or in the ground, or an attachment to something on a premises, including but not limited to dwellings, accessory buildings, additions, signs decks, swimming pools platforms, porches, balconies, gazebos, satellite dishes, fences, boathouses, stairs, walkways, sidewalks, piers, wharves, patios, bridges and retaining walls.

Structure, Permanent - A structure which is built of such materials and in such a way that it would commonly be expected to last and remain useful for a substantial period of time.

Structure, Temporary - A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short term.

Subdivision - A division of a lot, parcel or tract of land by the owner thereof, or his agent, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of five (5) acres each or less in area by successive divisions within a five-year period.

Traffic, controlled - Regulated at intersections by stop signs or traffic signals.

Traffic, Uncontrolled - Not regulated at intersections by stop signs or traffic signals.

Travel Trailer - A vehicular portable structure designed as a temporary dwelling for travel, recreation and vacation use, which does not fall within the definition of a mobile home.

Unnecessary Hardship - A circumstance where uniquely and extremely special conditions, which were not self-created, and which are not solely related to economic loss or gain, so affect a particular property that no reasonable use can be made of it and make strict conformity with restrictions governing area, setbacks, frontage height or density unnecessarily burdensome or unreasonable in light of the purposes of this Ordinance.

Variance - An authorization granted by the Board of Adjustment to construct, alter or use a building or structure in a manner that deviates from the requirements of this Ordinance.

Wharf - A structure extending along, and more or less parallel to, the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. ("Generally any construction whose dimensions or accessories go beyond what is reasonably necessary to berth watercraft or load or unload cargo or passengers is not authorized as a wharf by statute; see Chapter

30, Wisconsin Statutes.)

Wetlands - 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.