

# ST. CROIX COUNTY CODE OF ORDINANCES LAND USE AND DEVELOPMENT

## CHAPTER 16 SHORELAND OVERLAY DISTRICTS



Community Development Department  
1101 Carmichael Road  
Hudson, WI 54016

County Board of Supervisors  
August 4th, 2020

Repealed and Reenacted as Chapter 16 Ordinance No. 884 (2020) – August, 2020

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# CHAPTER 16 SHORELAND OVERLAY DISTRICTS

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# INTRODUCTION

## Contents:

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- 16.105 Purpose**
- 16.110 Statutory Authorization**
- 16.115 Applicability**
- 16.120 Finding of Fact**
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## **16.100 Title**

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This Chapter shall be cited as "Shoreland Overlay Districts," and is referred to in this Chapter as "this Chapter" or "this Code" for St. Croix County, Wisconsin.

## **16.105 Purpose**

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For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this Chapter has been established to:

1. Further the maintenance of safe and healthful conditions and prevent and control water pollution through:
  - a. Limiting structures to those areas where soil and geological conditions will provide a safe foundation;
  - b. Establishing minimum lot sizes to provide adequate area for private on-site wastewater treatment systems;
  - c. Controlling filling and grading to prevent soil erosion problems;
  - d. Limiting impervious surfaces to control runoff which carries pollutants; and
  - e. Preserving wetlands for groundwater recharge and to minimize runoff and soil erosion.
2. Protecting spawning grounds, fish, aquatic life and wildlife habitat by:
  - a. Preserving wetlands and other fish and aquatic habitat;
  - b. Regulating pollution sources; and
  - c. Controlling shoreline alterations, dredging and lagooning.
3. Controlling development, placement of structures and land uses by:
  - a. Separating conflicting land uses;
  - b. Prohibiting certain uses detrimental to the shoreland area;
  - c. Regulating side yards and building setbacks from roadways and waterways;
  - d. Setting minimum lot sizes and widths;
  - e. Setting the maximum height of near shore structures; and
  - f. Minimizing adverse impacts to wetlands.
4. Preserving and restoring shoreland vegetation and natural scenic beauty by:
  - a. Restricting the removal of natural shoreland cover;
  - b. Preventing shoreline encroachment by structures;
  - c. Controlling shoreland excavation and other earth moving activities;
  - d. Regulating the use and placement of boathouses and other structures;
  - e. Preventing the destruction and degradation of wetlands; and
  - f. Preserving native wetland plant/tree communities.
5. Preventing flood damage by:
  - a. Restricting filling, grading, and the placement of structures in floodplains and wetlands;
  - b. Preserving the ecological integrity of floodplains and wetlands; and

- c. Restoring floodplains and wetlands to increase floodwater storage.

## **16.110 Statutory Authorization**

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This Chapter is adopted pursuant to the authorization in Wis. Stat. [§ 59.692](#), to implement Wis. Stat. [§§ 59.692](#) and [281.31](#).

## **16.115 Applicability**

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1. **Generally.** The provisions of this Chapter apply to the use and development of unincorporated shoreland areas.
  - a. The size, shape, and placement of lots;
  - b. The use, size, and locations of structures on lots;
  - c. The installation and maintenance of water supply and waste disposal facilities;
  - d. The filling, grading, lagooning, and dredging of any lands;
  - e. The cutting of shoreland vegetation; and
  - f. The subdivision of lots.
2. **Governmental Units.**
  - a. Unless specifically exempted by law, all cities, villages, towns, and counties shall comply with this Chapter and obtain all necessary permits.
  - b. State agencies shall comply with this Chapter if Wis. Stat. [§ 13.48\(13\)](#) applies.
  - c. The construction, reconstruction, maintenance, or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland regulations if Wis. Stat. [§ 30.2022\(1m\)](#), applies.
  - d. Shoreland requirements in annexed or incorporated areas are provided in Wis. Stat. [§§ 61.353](#) and [62.233](#).
3. **Statutory Exemptions.** This Chapter does not apply to any use, development, building, or activity that is exempt from this Chapter by state or federal law. This section supersedes any other section of this Chapter to the extent of any inconsistency.

## **16.120 Finding of Fact**

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

## **16.121 to 16.199 Reserved**

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## **SHORELAND OVERLAY DISTRICTS**

### **Contents:**

- 16.200 General Provision**
- 16.205 Shoreland Overlay Districts Established**
- 16.210 Location and Mapping**
- 16.215 Shoreland District (S)**
- 16.220 Shoreland-Wetland District (SW)**
- 16.221 to 16.299 Reserved**

## **16.200 General Provision**

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This Section establishes the Shoreland Overlay Districts, along with the use and development of unincorporated shoreland areas in St. Croix County. All land within the shoreland area shall be placed within one of the shoreland overlay districts listed in § 16.205 and are subject to the following requirements:

1. St. Croix County Code of Ordinances Land Use and Development: Chapter 11 Animal Waste Storage Facilities, Chapter 12 Sanitary, Chapter 13 Land Division, and Chapter 14 Non-metallic Mining.
2. St. Croix County Code of Ordinances Land Use and Development: Chapter 15 Zoning effective December 1, 2019, and Chapter 17 Zoning in effect until November 5, 2020.
3. General Zoning regulations within towns that administer their own zoning.
4. If any provision of this Chapter conflicts with any provision of the underlying zoning districts, the more restrictive provision shall apply.
5. To the extent not covered, the provisions of the underlying zoning districts shall control land uses in the Shoreland Overlay Districts.
6. Shoreland properties may also be subject to floodplain and/or riverway regulations. Consult the Floodplain Overlay District and the Lower St. Croix Riverway Overlay District to determine the extent to which, the property is subject to those regulations.
7. Greater Restrictions. The provisions of this Chapter supersede all the provisions of any county zoning ordinance adopted under Wis. Stat. § 59.692, which relates to shorelands and wetlands. However, where an ordinance adopted under a statute other than Wis. Stat. § 59.692 is more restrictive than this Chapter, the more restrictive provision of said ordinance shall continue in full force and effect only to the extent the greater restrictions are applicable, but not otherwise. In addition:
  - a. This Chapter 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 ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.
  - c. This Chapter is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants or easements. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.

## **16.205 Shoreland Overlay Districts Established**

1. The Shoreland Overlay Districts are categorized, as follows:

**Table 16.205.1 Shoreland Overlay Districts**

District Category	Description	Districts (Symbol)
<b>Shoreland</b>	1,000 feet of the OHWM of navigable lakes, ponds, flowages 300 feet of the OHWM of navigable rivers or streams, or to the landward side of the floodplain boundary, whichever distance is greater.	Shoreland (S)
<b>Shoreland-Wetland</b>	All wetlands located within shoreland areas	Shoreland-Wetland (SW)

## **16.210 Location and Mapping**

1. **Shorelands.**
  - a. Within one-thousand (1,000) feet of the Ordinary High Water Mark (OHWM) of navigable lakes, ponds, or flowages, including such lands lying within that distance of Lake St. Croix that are not regulated by the Lower St. Croix Riverway Overlay District.
  - b. Within three-hundred (300) feet of the Ordinary High Water Mark (OHWM) of navigable rivers or streams, or to the landward side of the floodplain boundary, whichever distance is greater.
2. **Shoreland-Wetlands.**
  - a. Shall include all wetlands within the shoreland areas designated above.
3. **Mapping.**
  - a. The mapping resources outlined below are available online through the St. Croix County website and in the Zoning Administrator's office.

- b. Determinations of Navigability and Ordinary High Water Mark (OHWM)
  - 1. Lakes, ponds, flowages, rivers, and streams in St. Croix County are presumed to be navigable if they are identified on the surface water layer of the WDNR Surface Water Data Viewer or listed in the Wisconsin Department of Natural Resources (WDNR) publication "Surface Water Resources of St. Croix County", or shown as perennial or intermittent waterways on the U.S. Geological Survey quadrangle maps or other St. Croix County base zoning maps, or if they meet statutory and case law definitions for navigable waterways.
  - 2. Determinations of navigability and OHWM location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate office of the WDNR for a final determination of navigability or OHWM.
  - 3. The Zoning Administrator may work with professional land surveyors as outlined in Wis. Stat. § 59.692(1h).
- c. Wetlands
  - 1. The most recent version of the Wisconsin Wetland Inventory as depicted on the Wisconsin Department of Natural Resources Surface Water Data Viewer is made part of this Chapter. The maps can be viewed at <https://dnrmmaps.wi.gov/H5/?viewer=SWDV>
  - 2. Where an apparent discrepancy exists between the wetland boundary shown on the Wisconsin Wetland Inventory maps and actual field conditions, the County shall contact the WDNR to determine if the map is in error. If the WDNR determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the County shall have the authority to immediately grant or deny a permit in accordance with the applicable regulations based on the WDNR determination as to whether the area is a wetland. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment shall be initiated within a reasonable period of time.
- d. Mapping errors
  - 1. Due to inaccuracies inherent in the mapping process, reliance thereupon cannot be guaranteed and on a case-by-case basis, the Zoning Administrator may require additional investigation to allow for proper application of the shoreland district regulations in determining designation.

4. **Statutory Exemptions.** Under Wis. Stat. § 281.31(2m), notwithstanding any other provision of law or an administrative rule promulgated thereunder, this Chapter does not apply to:

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

## **16.215 Shoreland District (S)**

Purpose: Shoreland District shall be used to manage the use and development adjacent to navigable waters. The standards developed in this Chapter 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.

- 1. **Applicability.** This district includes all shorelands identified in this Chapter and are subject to the following:
  - a. Uses established in the underlying Zoning Districts.
  - b. Land Divisions, subject to the provisions in Wis. Stat. § 236.45 and Wis. Admin. Code Ch. § NR 115.05(2).
  - c. Signs, subject to § 15.380 of the St. Croix County Code of Ordinances.
  - d. Supplemental Shoreland Standards in § 16.300.

## **16.220 Shoreland-Wetland District (SW)**

Purpose: The Shoreland-Wetland District shall be used to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty, and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

1. **Applicability.** The shoreland-wetland district includes all wetlands within the shoreland areas designated in § 16.220 and subject to the following:
  - a. Uses established in the underlying Zoning Districts;
  - b. Wis. Stat. Ch. 30, 31, and [Wis. Stat. § 281.36](#), and the provisions of other applicable local, state, and federal laws;
  - c. Land Divisions, subject to the provisions in [Wis. Stat. § 236.45](#) and [Wis. Admin. Code § NR 115.05\(2\)](#);
  - d. Signs, subject to [§ 15.380](#); and
  - e. Supplemental Shoreland Standards in [§ 16.300](#).
2. **Permitted Uses.**
  - a. The following uses and activities are allowed and do not require a permit, so long as the use does not require any filling, flooding, draining, dredging, ditching, tiling or excavating:
    1. Hiking, fishing, trapping, hunting, swimming, and boating;
    2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
    3. The pasturing of livestock;
    4. The cultivation of agricultural crops;
    5. The practice of silviculture, including the planting, thinning, and harvesting of timber; and
    6. The construction or maintenance of duck blinds.
  - b. The following uses are allowed and do not require a permit, but may require limited filling, flooding, draining, dredging, ditching, tiling, or excavating to the extent specifically provided below:
    1. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
    2. The cultivation of cranberries including flooding, dike, and dam construction or ditching necessary for the growing and harvesting of cranberries;
    3. The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating, and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for the disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible;
    4. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
    5. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
    6. The maintenance, repair, replacement, or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.
  - c. A land use permit shall be required for the following uses, but only to the extent specifically provided below:
    1. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation provided that:
      - a. The road cannot as a practical matter be located outside the wetland;
      - b. The road is designed and constructed to minimize 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; and
      - d. Road construction activities are carried out in the immediate area of the roadbed only.
    2. The construction or maintenance of nonresidential buildings used solely in conjunction with raising waterfowl, minnows or other wetland or aquatic animals, or used solely for some other purpose which is compatible with wetland preservation, provided that:
      - a. The building cannot, as a practical matter, be located outside the wetland;

- b. Such a building is not designed for human habitation and does not exceed five-hundred (500) square feet in floor area; and
- c. Only limited filling or excavating necessary to provide structural support for the building is authorized.

3. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps, provided that:

- a. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Wis. Stat. Ch. 29, where applicable;
- b. Limited filling or excavating is done, as necessary for the construction or maintenance of public boat launching ramps which cannot, as a practical matter, be located outside the wetland; and
- c. Ditching, excavating, dredging, dike and dam construction are allowed, but only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

4. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members provided that:

- a. The transmission and distribution facilities cannot, as a practical matter, be located outside the wetland;
- b. Such construction or maintenance is done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands; and

5. The construction or maintenance railroad lines provided that:

- a. The railroad lines cannot, as a practical matter, be located outside the wetland; and
- b. Such construction or maintenance is done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.

**3. Prohibited Uses.**

- a. Any use not listed in this section is prohibited unless the wetland or portion of the wetland has been rezoned by amendment of this Chapter.

**4. Rezoning of Lands in the Shoreland Wetland District.**

- a. For all proposed text and map amendments to the shoreland-wetland provisions of this Chapter, the appropriate office within 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 five (5) days of the filing of such petition with the county clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map describing any proposed rezoning of a shoreland-wetland;
  2. Written notice of the public hearing to be held on a proposed amendment, at least ten (10) days prior to such hearing;
  3. A copy of the county's findings and recommendations on each proposed amendment within ten (10) days after the submission of those findings and recommendations to the county board; and
  4. Written notice of the county board's decision on the proposed amendment within ten (10) days after it is issued.
- b. A wetland, or a portion thereof, in the shoreland-wetland district, shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
  1. Storm and flood water storage capacity;
  2. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
  3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
  4. Shoreline protection against soil erosion;
  5. Fish spawning, breeding, nursery or feeding grounds;
  6. Wildlife habitat; or
  7. Areas of special recreational, scenic or scientific interest, including scarce wetland types.

c. If the WDNR notifies the County that a proposed text or map amendment to the shoreland-wetland district may have a significant adverse impact upon any of the criteria listed in this Chapter, that amendment, if approved by the county board, shall contain the following provision:

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

## **16.221 to 16.299 Reserved**

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## **SUPPLEMENTAL SHORELAND STANDARDS**

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## **16.300 General Provisions**

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Purpose: Supplemental shoreland standards are developed to regulate a wide range of uses and 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.

## **16.305 Lot Standards**

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Purpose: Lot standards are reviewed to consider the health, safety, and welfare of future residents, proper relationship to adjoining landowners, to protect adjacent waterbodies from pollution by ensuring adequate stormwater drainage facilities and overall compliance with state law and administrative code.

- 1. Applicability.**
  - a. Lots and parcels.
  - b. Where public water supply systems are not available, private well construction shall be required to conform to Wis. Admin. Code Ch. NR 812.
  - c. Where a public sewage collection and treatment system is not available, the design and construction of a private on-site waste treatment system shall, prior to July 1, 1980, be required to comply with Wis. Admin. Code Ch. SPS 383 and after June 30, 1980, be governed by a private sewage system ordinance adopted by the county under **Wis. Stat. § 59.70(5)**.
- 2. New Sewered** (served by a public sanitary system).
  - a. The minimum lot area shall be ten-thousand (10,000) square feet;
  - b. The minimum average lot width shall be sixty-five (65) feet; and

- c. Compliance with underlying zoning districts and Chapter 13 Land Division.
- 3. **New Unsewered** (not served by a public sanitary system).
  - a. The minimum lot area shall be twenty-thousand (20,000) square feet;
  - b. The minimum average lot width shall be one-hundred (100) feet; and
  - c. Compliance with underlying zoning districts and Chapter 13 Land Division.
- 4. **Existing Lots of Record.**
  - a. A lot or parcel that is of record in the County Register of Deeds prior to the adoption of shoreland zoning on January 1, 1968, and which met minimum area and minimum average width standards when created, but does not meet current lot size standards, may be used as a building site if all of the following apply:
    - 1. Such use is permitted in the underlying Zoning District.
    - 2. The existing lot or parcel was never reconfigured or combined with another lot or parcel compliance with subdivision standards at the time; or real estate land division by plat, survey.
      - a. This is not applicable to one tax parcel that was consolidated by tax assessor or by the landowner for tax assessment purposes.
    - 3. The existing lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
    - 4. The existing lot or parcel is developed in full compliance with all other requirements of this Chapter.
  - b. Other Substandard Lots
    - 1. Permits may be issued for the use or development of lots that do not meet the dimensional standards above, but only if a variance(s) is granted by the Board of Adjustment.

## **16.310 Planned Development**

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Purpose: The Planned Development is intended to permit smaller non-riparian lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Development at the time of its approval.

- 1. **Standards.** The provisions of Wis. Admin. Code Ch. § [NR 115.05\(1\)\(a\)4](#) apply.
  - a. Area. The area proposed for a Planned Development District shall be at least two (2) acres in size OR have a minimum of two-hundred (200) feet of frontage on a navigable water;
  - b. Lots. Any proposed lot in the Planned Development that does not meet the minimum size standards shall be a non-riparian lot;
  - c. Lot sizes. Shall be sized adequately to prevent pollution or erosion along streets or other public ways and waterways;
  - d. Setbacks. Shall be a condition of approval as a way of minimizing adverse impacts of development;
  - e. Vegetation. Maximum width of a lake frontage opening shall be one-hundred (100) feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development; and
  - f. Open space shall be preserved in perpetuity.

## **16.315 Structure Setbacks**

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Purpose: Structure setbacks are established to conform to health, safety, and welfare requirements, preserve the natural beauty, reduce flood hazards, and avoid water pollution.

- 1. **Setback Standards.** Shall apply to all structures and buildings located in a shoreland area.
  - a. The nearest part of a building or structure shall be seventy-five (75) feet from the OHWM of any navigable water body;
  - b. Any structure to be constructed or placed in a floodplain shall comply with the Floodplain Overlay District; and
  - c. Front, side and rear setbacks shall meet the provisions of the base zoning district.

2. **Measurement.**
  - a. To determine compliance, measurement of setbacks shall be the horizontal distance from the closest point of a structure to the OHWM.
  - b. In the case of appendages to structures, such as decks, cantilevers, or overhangs, the measurement shall be from the point of such appendage closest to the OHWM.
3. **Reduced Principal Structure Setback.** A setback less than the seventy-five (75) feet from the OHWM shall be permitted for a proposed principal structure if there is an existing development pattern for the following site conditions:
  - a. Existing principal structures in **both directions**, the reduced setback shall be determined by averaging the distance of the existing principal structures from the OHWM, located on the adjacent lots, provided all of the following are met:
    1. Both of the existing principal structures are located within two-hundred fifty (250) feet of the proposed principal structure and are the closest structure;
    2. Both of the existing principal structures are located less than seventy-five (75) feet from the OHWM;
    3. The average setback shall not be reduced to less than thirty-five (35) feet from the OHWM;
    4. A Land Use Permit shall be required; and
    5. The lot proposed for development meets the lot standards.
  - b. Existing principal structure in **one direction**, the reduced setback shall be determined by averaging the distance of the existing principal structure from the OHWM, located on the adjacent lot, with the required seventy-five (75) feet distance, provided all of the following are met:
    1. The existing principal structure is located within two-hundred fifty (250) feet of the proposed principal structure and is the closest structure;
    2. The existing principal structure is located less than seventy-five (75) feet from the OHWM;
    3. A Land Use Permit shall be required; and
    4. The lot proposed for development meets the lot standards.

## **16.320 Exempt Accessory Structure Setbacks**

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Purpose: Structure setbacks are established to conform to health, safety and welfare requirements, preserve the natural beauty, reduce flood hazards, and avoid water pollution.

1. **Setback Standards.**
  - a. Exempt accessory structures listed in § 16.320 3. - 8. shall be allowed within the seventy-five (75) foot setback from the OHWM;
  - b. Accessory structures to be constructed or placed in a floodplain shall comply with the Floodplain Overlay District; and
  - c. Front, side and rear setbacks shall meet the provisions of the base zoning district.
2. **Measurement.**
  - a. To determine compliance, measurement of setbacks shall be the horizontal distance from the closest point of a structure to the OHWM.
  - b. In the case of appendages to structures, such as decks, cantilevers, or overhangs, the measurement shall be from the point of such appendage closest to the OHWM.
3. **Boathouses.** Boathouses that are designed exclusively for the storage of watercraft and related equipment shall be allowed subject to the following:
  - a. A Land Use Permit shall be required;
  - b. One boathouse per lot or parcel will be permitted and shall meet the accessory setback standards in the base zoning district;
  - c. Shall meet the standards in the Floodplain Overlay District;
  - d. Shall be located entirely above the OHWM;
  - e. Shall be located at least ten (10) feet landward of the OHWM;

- f. Shall be located entirely within the access and viewing corridor;
- g. Shall not contain plumbing;
- h. Shall not be used for human habitation;
- i. The boathouse shall be one-story with a maximum wall height not to exceed 10 feet;
- j. The entire width of the structure, parallel to the shore, shall not exceed fourteen (14) feet;
- k. The area of a boathouse shall not exceed three-hundred fifty (350) square feet in floor area;
- l. The roof of a boathouse may be used as a deck provided that:
  - 1. The boathouse has a flat roof;
  - 2. The roof has no side walls or screens; and
  - 3. The roof may have an open railing, under 3½ feet tall, that meets the Department of Safety and Professional Services standards.
- m. Land disturbance activities shall be done in a manner to minimize erosion and sedimentation and meet the erosion control standards in § 16.345.5.

4. **Open-sided and screened structures** Open-sided and screened structures, such as gazebos, decks, patios, and screen houses in the shoreland setback area that satisfy the requirements in [Wis. Stat. § 59.692\(1v\)](#) shall be allowed subject to the following:

- a. A Land Use Permit shall be required;
- b. The part of the structure that is nearest to the water shall be located at least thirty-five (35) feet landward from the OHWM;
- c. The total floor area of all the structures in the shoreland setback area on the lot or parcel shall not exceed two-hundred (200) square feet. This calculation shall include the area of any deck, patio, and any other structure. Boathouses and allowed structures necessary for pedestrian access shall be excluded from the calculation;
- d. The structure has no sides or has open or screened sides and shall not be attached to any other structure unless the point of attachment is open or screened;
  - 1. If the structure is free-standing, a maximum height of the sides shall not exceed ten (10) feet;
- e. The owner of the property shall preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area (37 1/2 feet) that is nearest to the water;
- f. The county must approve a plan for the vegetative buffer prior to implementation that is designed to the technical standards outlined in § 16.340.4.;
- g. Prior to construction, an enforceable affidavit shall be filed with the Register of Deeds acknowledging the limitations on vegetation; and
- h. Any land disturbance activities shall be subject to the requirements in § 16.345.

5. **A Pedestrian Access.** Walkways, stairways, or lift systems, that are necessary to provide access to the shoreland in the shoreland setback area, shall be subject to the following standards:

- a. A Land Use Permit shall be required for any portion of the structure located within seventy-five (75) feet of OHWM;
- b. Shall be located within the viewing corridor, where topography allows;
- c. Maximum width may not exceed five (5) feet;
- d. At grade structures shall be constructed to minimize erosion;
- e. Shall be constructed with materials that generally blend with the natural ground cover;
- f. Landings are allowed where necessary for safety purposes and shall not exceed fifty (50) square feet;
- g. A plan shall be submitted to the Zoning Administrator and certified by a registered professional engineer or architect showing that the lift components are securely anchored to prevent them from shifting and from causing accelerated erosion; and
- h. Land disturbance activities shall be done in a manner to minimize erosion and sedimentation and meet the erosion control standards in § 16.345.5.

6. **Broadcast signal receivers.** Broadcast signal receivers, including satellite dishes or antennas, shall be allowed subject to the following:

- a. That is one meter or less in diameter; or

- b. Satellite earth station antennas that are two (2) meters or less in diameter.
- 7. **Utilities.** Utilities, including utility transmission and distribution lines, poles, towers, water towers, solar panels, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with Wis. Admin. Code Ch. SPS 383, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control stormwater runoff from the structure shall be allowed.
- 8. **Reasonable accommodations for disabled persons.** Ramps, walkways or decks to provide a disabled person with reasonable access to their property as required by the Federal Americans with Disabilities Act, the Federal Fair Housing Act and the Wisconsin Fair Housing Act shall be allowed, subject to the following standards:
  - a. A Land Use Permit shall be required;
  - b. Only the minimum relaxation of dimensional, density or other standards needed to provide reasonable access shall be approved;
  - c. No use, structure or other relaxation of standards shall be approved that would violate or undermine the stated purposes of this Chapter;
  - d. The Land Use Permit shall expire and the structure removed once the property is no longer primarily used by a disabled person. Subsequent landowners no longer needing disabled access shall not replace or expand the facilities;
  - e. Routine maintenance shall be allowed;
  - f. An affidavit describing the approved Land Use Permit shall be executed and recorded with the County Register of Deeds by the property owner within fourteen (14) days after approval of the permit; and
  - g. The affidavit shall state that the ramp, walkway, or deck must be removed as required above, and shall alert subsequent purchasers of the land of the requirements of the Land Use Permit.
- 9. **Existing exempt accessory structures.** Existing exempt accessory structures that were legally placed may be maintained, repaired, replaced, restored, rebuilt, and remodeled if the following conditions are met:
  - a. The activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure;
  - b. Is done in compliance with other county regulations outlined in this Chapter; and
  - c. The Zoning Administrator may allow the expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

## **16.325 Structure Height**

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Purpose: To protect and preserve wildlife habitats and natural scenic beauty.

1. **Applicability.**
  - a. The maximum structure height shall be thirty-five (35) feet within seventy-five (75) feet of the OHWM of any navigable waters.
  - b. Structure Height Measurement shall be measured according to the provisions outlined in the definitions.

## **16.330 Nonconforming Uses and Structures**

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Purpose: Nonconforming provisions are intended to regulate nonconforming uses and structures so as to protect water quality, fish and wildlife habitat, and natural scenic beauty.

1. **Applicability.**
  - a. Nonconforming structures located within the applicable setback areas; and
  - b. If a nonconforming use is discontinued for a period of twelve (12) months, any future use of the building, structure, or property shall conform to this Chapter.
2. **Maintenance, Repair or Replacement.**
  - a. An existing structure that was lawfully placed when constructed but that does not comply with the required building setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure;

- b. The Zoning Administrator may allow a structure to expand the existing footprint if the expansion is necessary to comply with a related state or federal requirement; and
- c. All other provisions of this Chapter are met.

3. **Vertical Expansion.**

- a. An existing structure that was lawfully placed when constructed but that does not comply with the required building setback may be vertically expanded unless the vertical expansion would extend more than thirty-five (35) feet above grade; and
- b. All other provisions of this Chapter are met.

4. **Lateral Expansion.**

- a. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback may be expanded laterally;
- b. The existing principal structure is at least thirty-five (35) feet from the ordinary high-water mark;
- c. Lateral expansions are limited to a maximum of two-hundred (200) square feet over the life of the structure. No portion of the expansion may be any closer to the OHWM than the closest point of the existing principal structure;
- d. A Land Use Permit shall be required;
- e. The mitigation requirements in § 16.350 shall be received, approved and implemented; and
- f. All other provisions of this Chapter are met.

5. **Expansion Beyond the Setback.**

- a. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under § 16.315 may be expanded horizontally, landward, or vertically;
- b. The new expansion area meets the building setback and height standards;
- c. A Land Use Permit shall be required; and
- d. All other provisions of this Chapter are met.

6. **Relocation of a Nonconforming Principal Structure.** An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under § 16.315 may be relocated on the property subject to all of the following:

- a. The existing principal structure is at least thirty-five (35) feet from the OHWM;
- b. No portion of the relocated structure is located any closer to the OHWM than the closest point of the existing principal structure;
- c. The Zoning Administrator determines by site evaluation that there is no other location on the property to build a principal structure of a comparable size that will result in compliance with the building setbacks;
  1. The site evaluation may include soils, steep slopes, vegetation and relationship to other setbacks;
- d. The Mitigation requirements in § 16.350 shall be received, approved and implemented;
- e. A Land Use Permit shall be required; and
- f. All other provisions of this Chapter are met.

7. **Structures that were Authorized by Variance.**

- a. A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015, may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure;
- b. The structure may be vertically expanded unless the vertical expansion would extend more than thirty-five (35) feet above grade;
- c. The Zoning Administrator may allow a structure to expand the existing footprint if the expansion is necessary to comply with a related state or federal requirement; and
- d. All other provisions of this Chapter are met.

8. **Maintenance, Repair, Replacement of Illegal Structures.**

- a. Enforcement action under this Chapter may not be taken against a structure that was illegally constructed, which is older than ten (10) years;

- b. The illegal structure may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the structure; and
- c. No vertical or lateral expansion shall be allowed for structures in violation.

## **16.335 Impervious Surfaces**

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Purpose: Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters.

1. **Applicability.** Impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface within three-hundred (300) feet of the OHWM of any navigable waterway for any new or existing development:
  - a. Riparian lot or parcel; and
  - b. Non-riparian lot or parcel that is located entirely within three-hundred (300) feet of the OHWM of any navigable waterway.
2. **General Standard.**
  - a. Up to 15% impervious surface shall be allowed on a lot or parcel; and
  - b. A Land Use Permit shall be required
3. **Maximum Standard.**
  - a. Impervious surfaces between 15% but not more than 30% shall be allowed on a lot or parcel;
  - b. A Land Use Permit shall be required; and
  - c. The Mitigation requirements in § 16.350 shall be received, approved, and implemented.
4. **Calculation.**
  - a. The percent of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within three-hundred (300) feet of the ordinary high-water mark by the total surface area of that lot or parcel and multiplied by one-hundred (100).
  - b. Treated impervious surfaces that meet the requirements described below, may be excluded from the calculation of impervious surface on the lot or parcel.
  - c. If an outlet lies between the OHWM and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlet shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface. The Zoning Administrator will review and determine what level of control a property owner has over an outlet, before applying this provision.
5. **Treated Impervious Surface Standard.**
  - a. Impervious surfaces that can document and demonstrate one of the following scenarios, shall be excluded from the impervious surface calculations:
    1. The first 1.5 inches of runoff from all impervious surfaces shall be treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems; or
    2. The first 1.5 inches of runoff from all impervious surfaces discharges to an internally drained, pervious area and retains the runoff and allows infiltration into the soil. The internally drained area shall be an existing area that is located on or off the parcel.
  - b. A Land Use Permit shall be required and must include the following:
    1. Calculations determining runoff coming from all impervious surface areas;
    2. Calculations determining runoff that is directed from the impervious surface area(s) to the proposed treatment system, treatment device or internally drained area(s);
    3. Design that demonstrates the runoff being treated is consistent with WDNR technical standards for stormwater management;
    4. An enforceable obligation that if a property owner or subsequent property owner fails to maintain the treatment system, treatment device or internally drained area, the impervious surface is no longer exempt; and

5. An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices, or internally drained area(s). The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the permit.
6. **Existing Impervious Surfaces.** For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standards, the property owner may do any of the following:
  - a. Maintain and repair the existing impervious surfaces;
  - b. Replace existing impervious surfaces with similar surfaces within the existing footprint; or
  - c. Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of this Chapter.
    1. The impervious surface meets the applicable setback requirements; and
    2. The land disturbance standards in § 16.345 are met.

## **16.340 Vegetation**

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Purpose: To promote preservation and restoration of native vegetation, protect natural scenic beauty, fish and wildlife habitat, and water quality, when the removal of vegetation in shoreland areas occurs, sound forestry and soil conservation practices, as well as the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments, and nutrients, shall be considered.

A compliant vegetative buffer shall contain three distinct layers including a native tree canopy, shrub layer, and groundcover layer, except for closed-canopy forests such as pine plantations where the groundcover and/or shrub layers are absent.

1. **Vegetative Buffer Zone.**
  - a. The land that extends from the ordinary high water mark to thirty-five (35) feet inland;
  - b. Removal of vegetation from the buffer zone is prohibited unless allowed under § 16.340 3.; and
  - c. Developed lots can maintain the vegetative conditions that existed prior to July 15, 2014, if the vegetative buffer was less than thirty-five (35) feet wide from the OHWM.
2. **Maintenance of Vegetation.**
  - a. Routine vegetation maintenance including pruning, trimming, or other accepted horticulture practices that do not result in the loss of plant densities, are allowed in the vegetative buffer zone.
3. **Vegetation Removal Standards.**
  - a. Creation of access and viewing corridor(s) within the vegetative buffer zone shall be allowed subject to the following:
    1. The removal of trees and shrubs in the vegetative buffer zone shall be allowed to create a viewing corridor up to a maximum of thirty-five (35) feet wide for every one-hundred (100) feet of shoreline frontage;
    2. The viewing corridor may run contiguously for the entire maximum width allowed per shoreline frontage owned; and
    3. The access and view corridor must be maintained with some form of ground vegetation that prevents bank erosion and sedimentation of the waterway.
  - b. Vegetation management, within the vegetative buffer zone, shall be allowed as necessary to manage exotic or invasive species, damaged vegetation, diseased vegetation, or vegetation creating an imminent safety hazard.
    1. Prior to performing maintenance activities, the applicant contacts the Zoning Administrator to determine if a Land Use Permit shall be required and to file a restoration plan;
    2. Vegetation removal is completed with minimal soil disturbance; and
    3. Replanting with native vegetative species or approved cultivars of native stock that is equally effective, takes place concurrently where applicable.
  - c. Forestry management, the removal of trees and shrubs in the vegetative buffer zone, shall be allowed on a parcel with ten (10) or more acres of forested land consistent with "generally accepted forestry management practices" as defined in Wis. Admin. Code § [NR 1.25\(2\)\(b\)](#), and described in [WDNR publication Wisconsin Forest Management Guidelines \(FR-226\)](#). Provided that vegetation removal is consistent with these practices.

- d. Except where construction within the vegetative buffer is authorized, all vegetation within the required buffer shall be protected by fencing to exclude construction activities. Such vegetation shall be maintained so as to maximize the soil stabilization and filtering functions of the shoreland buffer.
- e. Vegetation removal outside of the vegetative buffer zone more than thirty-five (35) feet inland shall be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality as outlined in the Department of Natural Resources Publication "[Wisconsin's Forestry Best Management Practices for Water Quality](#)."

4. **Activities requiring restoration.** Where a vegetative buffer is required, the buffer shall be designed in accordance with [NRCS Conservation Practice Standard 643](#) and [NRCS Wisconsin Biology Technical Note 1: Shoreland Habitat](#) or [NRCS Conservation Practice for Riparian Forest Buffers](#). In cases where these standards provide options, the Zoning Administrator shall make the determination of which option is most appropriate in the design and execution of the project.

- a. A Land Use Permit shall require an enforceable restriction to preserve the newly restored area.
- b. The following instances shall require an affidavit recorded in the County Register of Deeds to serve as an official notice of the shoreland vegetative buffer zone requirements:
  1. Where vegetative buffer zone requirements or cutting limitations are a component of proposed mitigation; or
  2. When cutting and clearing activities takes place within the vegetative buffer zone create a violation and a vegetative buffer zone restoration is a component of resolving the violation.

## **16.345 Land Disturbance**

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Purpose: Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of Wis. Admin. Code Ch. § NR 115.04, the requirements of Wis. Stat. Ch. 30, and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

- 1. **Applicability.** Filling, grading, lagooning, dredging, ditching, excavating or any other land disturbance activities in the Shoreland Overlay District, which is within three-hundred (300) feet or one-thousand (1000) feet landward of the OHWM of a navigable waterbody, that slopes towards and drains directly to the waterbody shall require a permit, subject to [§§ 16.345.2-6, 16.335, and 16.340](#).
- 2. **Slope Measurement.** Slopes, as described in this section, shall be measured over a horizontal distance of fifty (50) feet. The fifty (50) foot segment will be selected by County staff to include any slope segment inclusive of the proposed disturbance, using a County-generated slope map.
- 3. **Activities within three-hundred (300) feet.**
  - a. A Land Use Permit shall be required for the following activities:
    1. Land disturbance activities of more than two-thousand (2,000) square feet on slopes less than 12%;
    2. Land disturbance activities of more than one-thousand (1,000) square feet on slopes of 12%-19.9%;
    3. Land disturbance activities affecting slopes 20% to 24.9%;
    4. Land disturbance activities affecting slopes 25% or greater shall be prohibited;
    5. Land disturbance activities for public improvements affecting slopes 30% or greater shall be prohibited; and
    6. Land disturbance activities that disturb four-hundred (400) cubic yards or more of dirt, sand, or other excavation or fill material.
- 4. **Activities within one-thousand (1,000) feet.**
  - a. A Land Use Permit shall be required for the following activities:
    1. Any land disturbance activity ten-thousand (10,000) square feet or greater and within one-thousand (1,000) feet landward of the OHWM of a navigable waterbody, which slopes toward and drains directly to the waterbody; and
  - b. A Conditional Use Permit shall be required for the following activities:

1. Any construction or dredging commenced on an artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within three-hundred (300) feet landward of the OHWM of a navigable body of water or where the purpose is to ultimately connect with a navigable body of water.

**5. Exempt Activities.**

- a. Cultivation of agricultural fields or the installation of conservation practices is exempt from land disturbance permitting requirements of this Chapter, as long as the prescribed practices and adhere to Wis. Stat. §§ 92 and 281.
- b. Installation of a new or replacement POWTS, as long as erosion control measures are implemented as needed to prevent erosion.

**6. Erosion Control Performance Standards.**

- a. Erosion control management shall reduce sedimentation onto adjacent properties, down steep slopes, and into navigable waterbodies or other drainage ways;
- b. Erosion and sediment control shall meet or exceed the applicable WDNR Technical Standards for Erosion and Sediment Control;
- c. Vegetation management shall include permanent and temporary stabilization methods for all disturbed areas including the rate, species, and planting dates for all seed mixes; fertilizer rates; and mulching rates;
- d. A winter suspension schedule shall be required;
- e. The smallest amount of bare ground shall be exposed for as short a time as feasible;
- f. Construction-related soil compaction shall be minimized and mitigated. ;
- g. Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion;
- h. Fill shall be stabilized according to accepted technical standards;
- i. Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain; and
- j. The property owner is responsible for any damage caused to neighboring properties through increased run-off, grade changes, etc.

## **16.350 Mitigation**

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Purpose: Mitigation shall be designed to proportionately compensate for the loss of natural shoreland functions and vegetation when development or improvements occur in a shoreland area.

1. **Applicability.** This section is applicable when the county issues a permit, requiring mitigation, for the following:

- a. Lateral Expansion;
- b. Relocation of a Nonconforming structure; or
- c. Impervious Surfaces between 15% but not more than 30%.

2. **Mitigation Points.** Mitigation points shall be awarded as follows:

- a. Impervious Surface coverage is greater than 15% but less than 20% - two (2) points;
- b. Impervious Surface coverage is from 20% to 30% - three (3) points;
- c. Lateral expansion of nonconforming principal structure within the shoreland setback – three (3) points; and
- d. Relocation of Nonconforming principal structure within the shoreland setback – one (1) point.

3. **Mitigation Options.**

- a. Active restoration (accelerated recovery) of a vegetative buffer - three (3) points;
- b. Increasing depth of a compliant existing vegetative buffer – one (1) point for every fifteen (15) feet of depth;
- c. Passive restoration (natural recovery) of a vegetative buffer – one (1) point;
- d. Existing compliant vegetative buffer - two (2) points;
- e. Install rain gutters/downspouts to divert water to a naturally vegetated area or rain garden – one (1) point;
- f. Install a rain garden in accordance with UWEX publication GWZ037 or stormwater infiltration system and direct runoff from impervious surfaces to rain garden - up to three (3) points;

- g. Removal of a structure located within seventy-five (75) feet of the OHWM – two (2) points;
- h. Removal of a structure located within thirty-five (35) feet of the OHWM – three (3) points;
- i. Reducing the allowable viewing and access corridor – one (1) point for every fifteen (15) feet of depth; and
- j. At the discretion of the Zoning Administrator, mitigation measures not specifically identified above which are likely to provide significant benefits in meeting the objectives of this Chapter may be approved – one half to three (1/2 – 3) points.
  - 1. Example: construction of water detention basin or implementation of other storm water management activities.

4. **Shoreland Mitigation Plan.** A shoreland mitigation plan shall include the following items:

- a. A site plan that describes the proposed mitigation measures and shall only apply to the lot or parcel for which the Land Use Permit is issued;
- b. An implementation schedule;
- c. An enforceable obligation on the property owner to establish and maintain the mitigation measures. The mitigation measures shall be maintained in perpetuity, unless the property owner receives approval of a new, approved mitigation plan; and
- d. The enforceable obligation, such as a Shoreline Mitigation agreement, affidavit, or deed restriction, recorded in the Register of Deeds office prior to issuance of the permit, unless an alternative timeline is approved by the Zoning Administrator.

## 16.355 Permit Table

1. **Permit Categories.** The Permit Table (see Table 16.355.2) establishes activities and the permit requirement. The permit categories established in this Chapter are defined as follows:

Table 16.355.1 Permit Categories	
<b>Permitted</b>	Activities are permitted subject to the standards listed in this Chapter.
<b>Land Use Permit</b>	The activity is permitted if it meets the standards listed in this Chapter and a land use permit is issued (see § 16.445).
<b>Conditional Use Permit</b>	Conditional Uses and related activities may be allowed only after the County Board of Adjustment grants approval based upon the application of standards found in this Chapter § 16.450.
<b>Mitigation</b>	Some permitted activities require mitigation to offset the impacts of that permitted activity.

2. **Permit Summary.**

- a. Table 16.355.2 provides a summary of permit requirements for the supplemental shoreland activities contained in this Chapter and is for illustrative purposes only.
- b. Submittal requirements for the various permit types are found in § 16.480 of this Chapter.

Table 16.355.2 Permit Table				
Activity	Permitted	Land Use Permit	Conditional Use Permit	Mitigation
<b>Structure Setbacks § 16.315</b>				
Principal Structure Setback Reduction		X		
<b>Exempt Accessory Structures § 16.320</b>				
Boathouse		X		
Open-sided and screened structures*		X		X

**Table 16.355.2 Permit Table**

Pedestrian Access: Walkway, Stairway or Lift System		X		
Broadcast signal receivers	X			
Utilities	X			
Reasonable accommodation for disabled persons		X		
<b>Nonconforming Uses / Structures § 16.330</b>				
Maintenance, Repair or Replacement	X			
Vertical Expansion	X			
Lateral Expansion		X		X
Expansion Beyond the Setback		X		
Relocation of a Nonconforming Principal Structure		X		X
Maintenance, Repair, Replacement or Vertical Expansion of Variance Structures	X			
<b>Impervious Surfaces § 16.335</b>				
Less than 15%		X		
15-30%		X		X
Treated Impervious Surface		X		
<b>Vegetation § 16.340</b>				
Routine Maintenance	X			
Creating a Viewing and Access Corridor	X			
Vegetation Management- Exotic, Invasive, Damaged, Diseased, etc.	X			
Forestry Management	X			
Construction Protection	X			
Restoration of Vegetative Buffer		X		
<b>Land Disturbance § 16.345</b>				
<b>Land Disturbance within 300 feet</b>				
Land disturbance activities of more than two-thousand (2,000) square feet on slopes less than 12%		X		
Land disturbance activities of more than one-thousand (1,000) square feet on slopes of 12%-19.9%		X		
Land disturbance activities affecting slopes 20% to 24.9%		X		
Land disturbance activities that disturb four-hundred (400) cubic yards or more of dirt, sand, or other excavation or fill material.		X		

**Table 16.355.2 Permit Table**

Any construction or dredging commenced on an artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within three-hundred (300) feet landward of the OHWM of a navigable body of water or where the purpose is to ultimately connect with a navigable body of water			X	
<b>Land Disturbance within 1,000 feet</b>				
Any land disturbance activity ten-thousand (10,000) square feet or greater		X		
Installation of POWTS	X			
Cultivation of Agricultural Crops	X			

## **16.356 to 16.399 Reserved**

## **PROCEDURES**

### **Contents:**

- 16.400 General Provisions**
- 16.405 General Procedural Requirements & Authority**
- 16.410 Pre-application**
- 16.415 Completeness Review**
- 16.420 Notice Provisions**
- 16.425 Public Hearings**
- 16.430 Specific Processes**
- 16.435 Changes and Amendments**
- 16.440 Reserved**
- 16.445 Land Use Permits**
- 16.450 Conditional Use Permits**
- 16.455 Appeals**
- 16.460 Variances**
- 16.461 to 16.474 Reserved**

## **16.400 General Provisions**

1. **Generally.** This Section applies to any permit application within this Chapter.
2. **Permits and Licenses.** If a use is subject to this section, no permit, license, or other document of approval shall be issued by any County department, agency, or board until the Zoning Administrator certifies that it complies with this Chapter.

## **16.405 General Procedural Requirements & Authority**

1. **Common Procedures.** This section sets up rules for procedures, such as pre-application, neighborhood notification, notices, and public hearings. It then describes the process for specific land use decisions. The procedures all have a common workflow and description, as follows:

**Table 16.405.1**

Element	What does this mean?
<b>Applicability</b>	The type of development or situation that is subject to the process.
<b>Initiation</b>	This is how the applicant begins the process, including which department or official receives the application.

**Table 16.405.1**

Element	What does this mean?
<b>Completeness</b>	This is how St. Croix County determines that the application has sufficient information to be processed.
<b>Notice</b>	This describes the type of notice, and how it is provided.
<b>Decision</b>	This states who approves the application, and the type of proceeding that leads to the decision.
<b>Approval Criteria</b>	These are any standards that apply to the application. All applications are subject to this Chapter and zoning district regulations.
<b>Subsequent Applications</b>	If an application is denied, some processes have a waiting period before that type of application can be re-filed for the property.
<b>Appeals</b>	This provides a way to review an application that is denied, or that have conditions that the applicant disagrees with.
<b>Scope of Approval</b>	This states the activities that the application authorizes. For example, some approvals send the applicant to the next step in the overall process, while others authorize construction or use.
<b>Recordkeeping</b>	This states how the formal decision of approval is maintained.
<b>Review timeframe</b>	The review timeframe is calculated on "calendar" days.

2. **Summary.** The processes established in this section are summarized below:

**Table 16.405.2 General Procedural Requirements**

Process	Agency				Notice		Reference
	ZA	CDC	CB	BOA	Publication	Mail	
<b>Changes and Amendments</b>	I	R-PH	D		*	*	16.435
<b>Land Use Permit</b>	D			A-PH			16.445
<b>Conditional Use Permit</b>	I			D-PH	*		16.450
<b>Appeal</b>	I			D-PH			16.455
<b>Variance</b>	I			D-PH			16.460

Note: this table is a general summary. Refer to the referenced sections for the specific procedure. If there is any conflict between the text section referenced here and this Table, the text section controls.

Building permits and certificates of occupancy are issued by the Towns subject to the applicable building code.

Key:

ZA = Zoning Administrator

CDC = Community Development Committee

CB = County Board of Supervisors

BOA = Board of Adjustment

I = intake, review and referral

R = Recommendation

D = Decision

A = Appeal

PH = public hearing

\* = required

[] = notice is required for specific situations as indicated in the referenced [Procedures](#)

## 16.410 Pre-application

### 1. Applicability.

- This section applies to any of the following applications:
  - Conditional use permits; and

2. Appeals or variances.
- b. The Zoning Administrator may waive the pre-application meeting upon finding that the applicant has sufficient familiarity with the approval process that a pre-application meeting would not serve a valid purpose.

2. **Timing.** The pre-application meeting shall occur at least ten (10) days before the application is filed.
3. **Meeting Contents.**
  - a. The applicant shall provide a brief overview of the project, including the proposed location, uses, densities, project layout, and design features.
  - b. Zoning Administrator will provide information and comments at the pre-application meeting, but will not take formal action on the application. In addition to providing verbal information, the Zoning Administrator may provide a pre-application meeting checklist.
  - c. The applicant's and Zoning Administrator's comments are for purposes of information but are not binding on either the county or the applicant.
  - d. The pre-application meeting shall include the following:
    1. A discussion of technical studies, plans, and other information deemed relevant to the specific application request;
    2. Discussion of the anticipated level of citizen interest;
    3. Identification of town notification and neighborhood meeting requirements, if applicable; and
    4. A discussion of the general project consistency with the Comprehensive Plan.
4. **Documentation.**
  - a. If presented during the meeting, the Zoning Administrator will review and complete an informational checklist, based on the scope of the application.
  - b. The Zoning Administrator will record in writing any pertinent information concerning the project scope, as described by the applicant, as well as verbal guidance provided by County staff.
  - c. After the pre-application meeting is completed, the Zoning Administrator and the applicant shall certify in writing that the meeting occurred. The Zoning Administrator will retain a copy of the certification as an official record for the project file.

## **16.415 Completeness Review**

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1. **General Requirements.**
  - a. Applications filed under this section must include the information required by the Submittal Requirements. All applications shall be made on forms prepared by the Zoning Administrator. St. Croix County will not process incomplete applications.
  - b. An application is not complete until all required items are submitted (see Submittal Requirements).
  - c. Review for completeness of application forms is solely to determine whether preliminary information required for submission with the application is sufficient to allow further processing. It does not constitute a decision as to whether an application complies with this Chapter.
  - d. An application is not complete unless it is accompanied by the required fee. The Board of Supervisors may establish fees for all applications required in this section by resolution.
2. **Completeness Review Process.**
  - a. When applications are filed, the Zoning Administrator will review them for completeness.
  - b. The time period to process an application does not commence until the Zoning Administrator determines that the application contains all the information required on the initial checklist.
  - c. The Zoning Administrator will determine whether any additional information is needed to complete the review of the application and will transmit the determination to the applicant.
  - d. If the Zoning Administrator determines that additional information is necessary, the Zoning Administrator will provide to the applicant a list and description of the information necessary to complete the review. The Zoning Administrator and the decision making agency are not obligated to further review the application until the required information is provided.

e. The Zoning Administrator or the decision making agency may provide submission deadlines for materials required in support of any application provided for in the Submittal Requirements. Compliance with those deadlines is required to have the application placed on an agenda to be heard by the decision making agency.

## 16.420 Notice Provisions

1. **Generally.**
  - a. State law establishes various requirements for public notice. Unless otherwise provided, the notice established in this section is as provided in Table 16.420.1 below.
  - b. This Chapter does not prohibit the Zoning Administrator from providing additional notice not required by this section or state law.

**Table 16.420.1 Type and Description of Notice**

Type of notice	Description
<b>Publication</b>	Class 2 notice under Wis. Stat. chapter 985, unless otherwise provided.
<b>Mail</b>	The Zoning Administrator will mail the notices. Regular mail is sufficient unless certified mail is required by a specific process or state law.
<b>Electronic Transmission</b>	<ul style="list-style-type: none"> <li>■ The County may communicate with the applicant or persons requesting notice by electronic transmission.</li> <li>■ Electronic transmission may include email, or communication through social media or online notification procedures established by the Zoning Administrator.</li> </ul>

2. **Required Information.** Notice shall include the following unless the process includes a different requirement:
  - a. A brief summary of the proposed ordinance or application;
  - b. Time, date, and place of the public hearing or meeting;
  - c. The type of land use or development decision that is being considered;
  - d. A telephone point of contact within the Community Development Department;
  - e. The Zoning Administrator's website address (URL); and
  - f. The address or location of the subject parcel.
3. **Failure to Provide Notice.** The failure of St. Croix County to provide any notice not otherwise required under State law does not affect the validity of any action undertaken pursuant to this Chapter, and no person may challenge an action for lack of notice where the County has complied with the applicable State law governing notice.

## 16.425 Public Hearings

A public hearing gives interested parties an opportunity to be heard. The specific processes for providing testimony and conducting the hearing are established by the agency that conducts the hearing.

## 16.430 Specific Processes

Sections 16.435 through 16.474 set out processes for specific types of permits or decisions required by this Chapter.

## 16.435 Changes and Amendments

Purpose: This section establishes processes for the County Board to amend this Chapter. Two (2) major steps occur:

- The Community Development Committee holds a hearing and makes recommendations to the County Board;
- The County Board votes on the proposal. The County Board's vote is subject to a protest petition, which triggers a supermajority voting requirement; and

The procedures in this Section are subject to state law, including Wis. Stat. §§ 59.69., 87.30, and subchapter V of Ch. 91.

1. **Applicability.**
  - a. Any changes to maps or amendments to the text of this Chapter.
2. **Initiation.**

- a. A petition for map change or text amendment to this Chapter may be filed by:
  - 1. Any property owner in the area affected by a map or the amendment;
  - 2. The town board of any town where this Chapter is in effect;
  - 3. Any member of the County Board; or
  - 4. Any member of the Community Development Committee (CDC).
- b. The applicant shall present the petition to the Community Development Department.
- c. The Community Development Department shall refer the petition to the CDC with notice to the County Board.
- d. Upon receipt of the petition, the CDC shall set a time and place for a public hearing on the petition and shall publish notice of the application.

3. **Completeness.** See § 16.415.

4. **Notice.**

- a. The notice required by Table 16.440.1 applies to any change or amendment.
- b. A written notice of the public hearing on any proposed shoreland amendment shall be submitted to the district office of the Department of Natural Resources at least ten (10) days prior to the CDC hearing.

Table 16.440.1 Notice Required for Text Amendments			
Type	Required?	To Whom?	When?
<b>Publication</b>	Yes - Class 2	--	Once each week for 2 consecutive weeks, with the last notice at least 1 week before the hearing
<b>Mail</b>	Yes - registered mail	Town Clerk of each town affected by the proposed amendment	10 days before the CDC hearing 7 days after adoption
<b>Electronic Transmission</b>	Optional	--	--

5. **Decision.**

a. **CDC Action.**

1. **Public Hearing.** The CDC shall conduct a public hearing and shall recommend approval, approval with modifications, or disapproval of the proposed amendment.
2. **CDC Recommendation.**
  - a. If the CDC action is favorable to the proposed change or amendment as originally sought in the petition or with modifications, it shall submit a proposed ordinance with its recommendations to the County Board.
  - b. If the CDC action is unfavorable to the petition, the CDC shall report its recommendations of denial to the County Board along with a statement of its reasons.
  - c. The report to the County Board shall contain the CDC recommendations, proof of publication of the notice of public hearing, proof of notice of hearing to town clerks, and copies of all town board resolutions that were received.
  - d. A copy of the CDC's findings and recommendations on every proposed shoreland amendment shall be sent to the district office of the Department of Natural Resources within ten (10) days after the submission of those findings and recommendations are sent to the County Board.

b. **County Board Action.** The County Board shall:

1. Refuse to deny the petition as recommended by the CDC and refer the petition to the CDC with instructions to draft an ordinance approving the petition and report the ordinance back to the County Board, which may then adopt or reject the proposed ordinance;
2. Refuse to adopt the ordinance submitted or amended by the CDC;
3. Adopt the ordinance submitted by the CDC or with amendments; or
4. A protest petition may be processed, and has the effect, as provided in Wis. Stat. § 59.69(5)(g).

6. **Approval Criteria.** Changes or amendments to this Chapter are committed to the St. Croix County Board's legislative discretion, and subject to any applicable requirements of state or federal law.

7. **Appeals.** An ordinance text amendment is not appealable.

## 8. Recordkeeping.

- a. The County Clerk shall:
  1. Record in its office the date when amending ordinances become effective;
  2. Notify the town clerk of all towns of the effective dates; and
  3. Make a report to the St. Croix County Board, which shall be printed in the proceedings of the County Board.
- b. Amending ordinances that affect portions of this Chapter which apply to shorelands and floodplains shall be printed in the proceedings of the County Board.

## **16.440 Reserved**

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## **16.445 Land Use Permits**

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Purpose: Land Use Permits are required to provide for the administrative review of compliance with this Chapter, and where specifically required by individual sections of this Chapter. Land Use Permits do not require a public hearing but are appealable to the Board of Adjustment.

1. **Applicability.** This section applies to any use or situation that requires a land use permit.
2. **Initiation.** An application for approval of a land use permit is filed with the Zoning Administrator.
3. **Completeness.** See § 16.415.
4. **Notice.** Notice of the application is not required unless specifically required for the use or situation by this Chapter.
5. **Decision.**
  - a. **Consideration of Application.** The Zoning Administrator shall review the application for a land use permit when it is complete.
  - b. **Time to Act Upon Application.** Unless otherwise provided for the specific use or situation, the Zoning Administrator shall approve, approve with conditions, or deny the application within thirty (30) days of receiving a complete application.
  - c. **Determination in Writing.** The Zoning Administrator shall state the conditions of approval or reasons for disapproval in writing.
  - d. **Requests for Additional Information.** Before passing upon an application for a land use permit, the Zoning Administrator may require the applicant to furnish further relevant information (see Submittal Requirements, § 16.480).
6. **Approval Criteria.** The Zoning Administrator shall approve a land use permit if the proposed use complies with all applicable standards of the underlying zoning district and Supplemental Shoreland Standards.
7. **Subsequent Applications.** There are no limits on refiling a land use permit.
8. **Appeals.** A land use permit appealable to the Board of Adjustment as provided in § 16.455.
9. **Scope of Approval.**
  - a. **Generally.** The land use and structures permitted and the use approved apply only to the structures, use, and property described in the approved land use permit application, subject to any modifications approved by the Zoning Administrator.
  - b. **Termination.** Where a use does not continue in conformity with the conditions of the original approval, the Zoning Administrator may initiate an enforcement action (see § 16.565).
10. **Recordkeeping.** The Zoning Administrator shall retain a record of any approved use or development, along with all conditions of approval. The applicant shall maintain the record as certified by the Zoning Administrator at the location of the conditional use.

## **16.450 Conditional Use Permits**

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Purpose: Conditional uses are those that have a special nature or impacts, and depend on specific circumstances, such that it is impractical to determine in advance where or when they should be permitted. This Chapter provides a public hearing by the Board of Adjustment to determine whether they meet the criteria of this Chapter.

1. **Applicability.** This section applies to any use designated as a conditional use by the applicable zoning district, or any other situation designated by this Chapter as a conditional use.
2. **Initiation.**
  - a. An application for approval of a conditional use permit is filed with the Zoning Administrator.
  - b. Conditional Use permit applications can include single parcels of land or groupings of parcels contiguous or noncontiguous.
3. **Completeness.** See § 16.415.
4. **Notice.**
  - a. The notice required by Table 16.450.1 applies to any conditional use permit.
  - b. A written notice of any conditional use permit shall be submitted to the Wisconsin Department of Natural Resources:
    1. A copy of the notice and application so that it is received at least thirty (30) days before the hearing; and
    2. A copy of the decision within ten (10) days after it is rendered.

Table 16.450.1 Notice Required for Conditional Use Permits			
Type	Required?	To Whom?	When?
Publication	Yes - Class 2	--	Once each week for 2 consecutive weeks, with the last notice at least 1 week before the hearing
Mail	No	--	--
Electronic Transmission	Optional	--	--

5. **Decision.**
  - a. **Public Hearing.** The Board of Adjustment shall hold a public hearing. Upon the hearing, a party may appear in person or by agent or attorney.
  - b. **Time to Act Upon Application.** The Board shall act on an application in the manner described above within ninety (90) days of receiving the application unless information is required by the Board of Adjustment as provided below.
  - c. **Action.** After the hearing is closed, the Board of Adjustment will approve, approve with conditions, or deny the conditional use permit.
  - d. **Determination in Writing.**
    1. The conditions of approval or reasons for disapproval shall be stated in writing by the Board of Adjustment and made a permanent part of the minutes.
    2. The Board of Adjustment shall reduce its decision in writing within ten (10) days after its decision, stating its reasons for the action. The Zoning Administrator shall provide the written decision to the applicant.
  - e. **Majority Rule.** A majority vote of the Board of Adjustment is required to decide in favor of the applicant.
  - f. **Requests for Additional Information.** Before passing upon an application for a conditional use, the Board of Adjustment may require the applicant to furnish further relevant information (see Submittal Requirements, § 16.480). The requirement may apply to specific points or may include an environmental impact statement as described in the Submittal Requirements.
  - g. **Written Decision.** The Board shall render its decision in writing, setting forth the findings of fact and conclusions of law.
6. **Approval Criteria.** The Board of Adjustment shall approve a conditional use if it finds, based on substantial evidence, that it complies with all of the following standards or can be made to comply with reasonable conditions:
  - a. The proposed use complies with all applicable standards of the Shoreland Overlay Zoning Districts and the Supplemental Shoreland Standards.
  - b. The proposed use will not cause a reduction of the property values in the affected neighborhood. For purposes of this section, the "affected neighborhood" includes any area within:
    1. A contiguous residential subdivision or a planned development; and

2. Any other area where a person demonstrates that their property would be adversely affected by the proposed conditional use.
- c. The proposed use would not constitute a nuisance by reason of noise, dust, smoke, odor, lighting, water or air contaminants, traffic, stormwater runoff quantity or quality, pests, or similar factors.
- d. The use does not violate the spirit or intent of this Chapter.
- e. The use is not contrary to the public health, safety or general welfare.

7. **Subsequent Applications.** There are no limits on refiling a conditional use permit.

8. **Appeals.** A conditional use permit is not appealable to a County agency. An applicant or aggrieved party may commence an action pursuant to Wis. Stat. § 59.694(10).

9. **Scope of Approval.**

- a. **Generally.** The land use and structures permitted and the conditional use approved apply only to the structures, use, and property described in the approved conditional use permit application, subject to any modifications approved by the Board of Adjustment.
- b. **Conditions.** The Board of Adjustment may make the granting of an application for a conditional use contingent upon express conditions as it considers necessary to comply with the criteria listed above. These conditions may include but are not limited to, specifications of:
  1. The period of time in which all or part of the use may be permitted;
  2. Increased setback and yard dimensions;
  3. Specified sewerage disposal and water supply facilities;
  4. Specified stormwater management facilities;
  5. Lighting control;
  6. Screening and landscaping;
  7. Location and design of property access;
  8. Operational control;
  9. Sureties;
  10. Deed restrictions;
  11. Location of docks, piers or other structures, signs, etc.;
  12. Location and amount of parking facilities;
  13. Type of construction; and
  14. Type of shore cover.
- c. **Termination.** Where a conditional use does not continue in conformity with the conditions of the original approval, the Board of Adjustment may terminate the use after a public hearing and notice to affected parties.

10. **Recordkeeping.** The Zoning Administrator shall retain a record of any approved conditional use, along with all conditions of approval. The applicant shall maintain the record as certified by the Zoning Administrator at the location of the conditional use.

## **16.455 Appeals**

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Purpose: This section establishes a process for the Board of Adjustment to consider an appeal from an administrative official in administering or enforcing this Chapter.

1. **Applicability.** Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the Zoning Administrator, or other administrative officers.
2. **Initiation.**
  - a. The appeal shall be taken within a reasonable time, as provided by the rules of the Board of Adjustment.
  - b. The applicant shall file a notice of appeal specifying the grounds for the appeal with the officer from whom the appeal is taken and with the Board of Adjustment.
  - c. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.

- d. An appeal states all proceedings in furtherance of the action appealed from, in accordance with Wis. Stat. § 59.694(5).
- 3. **Completeness.** See § 16.415.
- 4. **Notice.**
  - a. The notice required by Table 16.455.1 applies to any appeal.
  - b. A written notice of any shoreland appeal shall be submitted to the Wisconsin Department of Natural Resources:
    - 1. A copy of the notice and application so that it is received at least thirty (30) days before the hearing; and
    - 2. A copy of the decision within ten (10) days after it is rendered.

**Table 16.455.1 Notice Required for Appeals**

Type	Required	To Whom?	When?
<b>Publication</b>	Yes - Class 2	--	Once each week for 2 consecutive weeks, with the last notice at least 1 week before the hearing
<b>Signs</b>	No	--	
<b>Mail</b>	No	--	
<b>Electronic Transmission</b>	Optional	--	

- 5. **Decision.**
  - a. **Public Hearing.** The Board of Adjustment shall hold a public hearing and render a decision as provided below.
  - b. **Action.**
    - 1. After the hearing is closed, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
    - 2. The Board of Adjustment shall render its decision within a reasonable time.
    - 3. A majority vote of the Board of Adjustment is required to reverse any order, requirement, decision or determination of any an administrative official, or to decide in favor of the Applicant.
    - 4. **Written Decision.** The Board of Adjustment shall render its decision in writing, setting forth the findings of fact and conclusions of law.
- 6. **Approval Criteria.** The Board of Adjustment may approve the appeal if the decision subject to the appeal:
  - a. Is the result of an incorrect interpretation of this chapter; or
  - b. Would violate Wisconsin or federal statutes; or
  - c. Would violate the applicant's state or federal constitutional rights.
- 7. **Appeals.** The Board of Adjustment's decision is not appealable. An applicant or aggrieved party may commence an action pursuant to Wis. Stat. § 59.694(10).
- 8. **Scope of Approval.** If the appeal is approved:
  - a. The Applicant may apply for any permits or approvals required for development or establishment of the use, building or structure, as provided in this Chapter and any order, requirement, decision or determination of the Board of Adjustment; or
  - b. If the appeal challenges an administrative action, the administrative action is terminated or reversed in accordance with the order, requirement, decision, or determination of the Board of Adjustment.
- 9. **Recordkeeping.** The Zoning Administrator shall retain a record of any approved appeal. The Applicant and the appellant shall maintain the record as certified by the Zoning Administrator.

## **16.460 Variances**

Purpose: This section establishes a process for the Board of Adjustment to vary a standard of this Chapter that is proven to create unnecessary hardship.

1. **Applicability.** This section applies to any request for a variance from this Chapter.
2. **Initiation.**
  - a. The variance application shall be filed as an appeal (see § 16.455.2).
3. **Completeness.** See § 16.415.
4. **Notice.**
  - a. The notice required by Table 16.460.1 applies to any variance.
  - b. A written notice of any shoreland variance shall be submitted to the Wisconsin Department of Natural Resources:
    1. A copy of the notice and application so that it is received at least thirty (30) days before the hearing; and
    2. A copy of the decision within ten (10) days after it is rendered.

**Table 16.460.1 Notice Required for Variance**

Type	Required?	To Whom?	When?
<b>Publication</b>	Yes - Class 2	--	Once each week for 2 consecutive weeks, with the last notice at least 1 week before the hearing
<b>Mail</b>	No	--	--
<b>Electronic Transmission</b>	Optional	--	--

5. **Decision.**
  - a. **Public Hearing.** The Board of Adjustment shall hold a public hearing and render a decision as provided below.
  - b. **Action.**
    1. After the hearing is closed, the Board of Adjustment may authorize or deny the variance.
    2. The Board of Adjustment shall render its decision within a reasonable time.
    3. A majority vote of the Board of Adjustment is required to reverse any order, requirement, decision or determination of any an administrative official, or to decide in favor of the applicant.
  - c. **Written Decision.** The Board of Adjustment shall render its decision in writing, setting forth the findings of fact and conclusions of law.
  - d. **Conditions.** In granting a variance, the Board of Adjustment may prescribe appropriate conditions and safeguards that conform with the purposes of this Chapter.
6. **Approval Criteria.**
  - a. The Board of Adjustment may grant a variance if the property owner demonstrates that:
    1. Literal enforcement of the provisions of the ordinance will result in unnecessary hardship on the applicant;
    2. The hardship is due to special conditions unique to the property; and
    3. Is not contrary to the public interest.
  - b. The Board of Adjustment shall not grant a variance that has the effect of granting or increasing any use of property which is prohibited in that zoning district by the shoreland zoning ordinance.
  - c. A variance shall not:
    1. Be granted for a hardship based solely on an economic gain or loss;
    2. Be granted for a hardship which is self-created;
    3. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure;
    4. Allow in any district uses not permitted in that district; or
    5. Otherwise violate Wisconsin law.
7. **Appeals.** A Board of Adjustment's decision is not appealable to a St. Croix County agency. An applicant or aggrieved party may commence an action pursuant to Wis. Stat. § 59.694(10).
8. **Scope of Approval.** If the appeal is approved:

- a. The applicant may apply for any permits or approvals required for development or establishment of the use, building or structure, as provided in this Chapter and any conditions of the variance and any provisions of this Chapter not affected by the order authorizing or denying the variance.
9. **Recordkeeping.** The Zoning Administrator shall retain a record of any approved variance. The applicant shall maintain the record as certified by the Zoning Administrator.

## **16.461 to 16.474 Reserved**

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### **SUBMITTAL REQUIREMENTS**

#### **Contents:**

- 16.475 General Provisions**
- 16.480 Application Checklist**
- 16.485 Fees**
- 16.486 To 16.499 Reserved.**

## **16.475 General Provisions**

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This section establishes the information that applications must include in order to be considered complete for review under the **Procedures**.

## **16.480 Application Checklist**

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1. **Generally.**
  - a. Table 16.480.1 provides the information required for changes and amendments, land use permits, conditional use permits, appeals, and variances.
  - b. If Table 16.480.1 requires the same information for two (2) separate applications, the information is required only once for one (1) of the applications. If the information is revised and the applications are approved in sequence, the revised information is required for the successive application.

**Table 16.480.1 Submittal Requirements**

Item	Changes/ Amendments	Land Use Permit	Conditional Use Permit	Appeal	Variance
General					
Property Owner	*	*	*	*	*
Contractor/Agent	*	*	*	*	*
Contact information for the property owner and contractor/agent (mailing address, daytime phone, and mobile number, email)	*	*	*	*	*
Site Address	*	*	*	*	*
Property Location (Town, township, section, and range)	*	*	*	*	*
Computer number	*	*	*	*	*
Parcel number	*	*	*	*	*
Application fee		*	*	*	*
Proof of ownership (provide most recent tax bill from County Treasurer's office)			*		
For adjoining property (including property across roadways), names and mailing addresses of property owners			*		
Concurrent or related applications (e.g., Rezoning, Conditional Use permit, Land Division, Variance)		*	*		
Existing Conditions					
Area subject to application (acres)	*				
Metes and Bounds description or boundary description (prepared by a registered land surveyor)	*				
Recorded Warranty Deed		*	*		*
Base zoning district			*		
Aerial Photo (from County website)	*	*	*		*
Scaled map with exact boundaries of the subject parcel	*				
Site Plan					
Signature indicating that the plan was prepared by a registered surveyor		*	*		*
Project location in the town		*	*		*
Lot/parcel dimensions with total lot area, property lines, and all applicable setbacks		*	*		*
Location of existing access roads, right-of-way, road setbacks, and recorded easements		*	*		*
Topographic map (minimum of 2-foot contours)		*	L		
Pre- and post-contours with grading limits (minimum 2-foot contours)		L	L		*
Location of all existing and proposed structures and their square footage and distance from setbacks		*	*		*
Location of existing and proposed POWTS, wells, driveways, parking areas, access, signs, and other features		*	*		*

Location of navigable waterways with accurate OHWM, delineated wetlands, floodplains, bluff lines, slopes in excess of 12%, wooded areas, and any other unique limiting conditions of the property		*	*		*
Location of slopes 12% and greater (minimum contours to be determined by the Zoning Administrator)		*	*		*
Location of the OHWM of any abutting navigable waterways and all setbacks from the OHWM		*	*		*
Location and landward limit of all wetlands, specifications, and dimensions for areas of proposed wetland alteration		*	*		
Existing and proposed topographic and drainage features and vegetative cover		*	L		
Location of floodplain and floodway limits on the property		*	*		*
Any other unique limiting conditions of the property or information deemed necessary by the Zoning Administrator		*	*		*
<b>Analyses</b>					
Written analysis of how application complies with the approval criteria in <a href="#">Procedures</a>	*	*	*	*	
Statement of whether a private water or sanitary system is to be installed		L	L		
Detailed drawings (scale not greater than 1" inch = 200')		L	L		
Grading plan showing grading limits and pre and post contours		L	L		
Project schedule and contractor list		L	L		
Erosion control plan (Best Management Practices) per § 16.345.5		L	L		
Stormwater management plan stamped by an engineer and including all runoff calculations		L	L		
Vegetation plan including schedule, seeding rates, and species size, type and location		L	L		

\* =information required L=information required if the project involves land disturbance

## 2. Erosion and Sediment Control Plan.

- a. An erosion and sediment control plan must be prepared by a registered landscape architect, professional soil scientist, professional engineer, engineer in training, certified professional in erosion and sediment control, certified professional in storm water quality, certified soil tester, or other licensed professional acceptable to the Zoning Administrator.
- b. The erosion and sediment control plan shall include all of the following items:
  1. Description of construction sequencing;
  2. Contact information for the property owner, grading contractor, and erosion control subcontractor as applicable; and
  3. Site map showing all of the following:
    - a. Property boundaries;
    - b. Existing and proposed buildings;
    - c. The location of buildings on adjoining properties;

- d. Soil types;
- e. Grading limits;
- f. Pre and post-construction two (2) foot contours;
- g. Pre and post-construction drainage patterns;
- h. The locations and quantities of all BMPs;
- i. Water bodies with OHWM and OHWM setback;
- j. Wetland boundaries;
- k. Existing and proposed wells and POWTS; and
- l. Existing and proposed vegetation.

### 3. **Stormwater Management Plan.**

- a. A stormwater management plan must be prepared and submitted by a registered landscape architect, professional soil scientist, professional engineer, engineer in training, certified professional in erosion and sediment control, certified professional in storm water quality, certified soil tester, or other licensed professional acceptable to the Zoning Administrator.
- b. Unless otherwise specified, the stormwater management plan shall meet the performance standards described in Wis. Admin. Code Ch. [NR 151 Subchapter III, Non-Ag Performance Standards](#).

## **16.485 Fees**

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Fees for approvals required by this Chapter are established by ordinance of the Board of Supervisors and published on the County's website. [Reference: Wis. Stat. § [59.696](#)]

## **16.486 To 16.499 Reserved.**

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## **AGENCIES**

**Contents:**

- [16.500 General Provisions](#)
- [16.505 Zoning Administrator](#)
- [16.510 Community Development Committee \(CDC\)](#)
- [16.515 Board of Adjustment](#)
- [16.516 To 16.549 Reserved.](#)

## **16.500 General Provisions**

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This section formally establishes committees, agencies or officials, or recognizes existing committees, agencies, or officials, that administer this Chapter. It establishes the composition of those agencies, their jurisdiction, and related administrative matters.

## **16.505 Zoning Administrator**

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1. **Created.** The County Zoning Administrator has the powers and duties set forth below.
2. **Powers and Duties.** The Zoning Administrator shall:
  - a. **Advise Applicants.** Advise applicants for permits as to the provisions of the chapter and assists them in preparing applications;
  - b. **Issue Permits.** Issue permits as provided for specific processes in this Chapter or the St. Croix County Code of Ordinances;
  - c. **Keep Records.** Keep records of all permits issued, inspections made, work approved and other official actions;
  - d. **Determine District Boundaries.** Determine questions of the exact location of district boundaries;

- e. **Inspect Sewage Systems.** Inspect new and existing sewage systems to determine compliance with applicable ordinances;
- f. **Access to Premises.** Access to premises to perform the duties as prescribed in this Chapter. This power shall be exercised at a reasonable hour and after a twenty-four (24) hour notice; and
- g. **Enforcement.** Take actions to enforce violations of this Chapter as provided in § 16.550.

## **16.510 Community Development Committee (CDC)**

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- 1. **Created.** The Community Development Committee (CDC) is created as a standing committee of the County Board of Supervisors.
- 2. **Powers and Duties.** The CDC is organized and has the powers assigned by the Rules and Bylaws of the Board of Supervisors, St. Croix County Wisconsin (effective March 6, 2018, as amended). This includes the power and duty to act as the County Zoning Agency pursuant to Wis. Stat. § 59.69(2).

## **16.515 Board of Adjustment**

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- 1. **Created.** A Board of Adjustment is created pursuant to Wis. Stat. § 59.694.
- 2. **Authorization and Composition.** The Chair of the St. Croix County Board of Supervisors shall appoint a Board of Adjustment consisting of five (5) members and two (2) alternate members. All appointments shall be subject to confirmation by the St. Croix County Board of Supervisors.
- 3. **Procedural Rules.**
  - a. The Board of Adjustment shall select its own chairman and meet at the call of the chairman and at other times that the Board determines, at a fixed time and place.
  - b. All meetings of the Board of Adjustment shall be open to the public.
  - c. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Zoning Administrator as a public record.
  - d. In the case of an appeal, the Board of Adjustment shall solicit and weigh information and comments from the CDC.
- 4. **Powers and Duties.** The Board of Adjustment shall:
  - a. Adopt rules that it considers desirable for the conduct of business, subject to the provisions of this Section and relevant State Statutes;
  - b. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this chapter. All appeals are governed by § 16.455;
  - c. Grant variances pursuant to § 16.460; and
  - d. Grant conditional uses pursuant to § 16.450.

## **16.516 To 16.549 Reserved.**

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## **ENFORCEMENT**

### **Contents:**

- 16.550 General Provisions**
- 16.555 Violations**
- 16.560 Penalties**
- 16.565 Enforcement Procedures**
- 16.570 Revocation of Permit or Approval**
- 16.571 To 16.599 Reserved.**

## 16.550 General Provisions

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This section provides for enforcement and penalties for violations of this Chapter. The County may initiate court action to enforce this Chapter. Enforcement can result in a citation, court injunction, and/or forfeitures.

### 16.555 Violations

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1. **Declaration of Violations.** Any of the following are considered unlawful and a violation of this Chapter, and are subject to the enforcement remedies provided by § 16.565 and Wisconsin state law:

a. **Generally.**

1. Any of the following activities if they occur in a manner that does not conform to this Chapter, including the district where the land or structure is located:
  - a. The use or occupancy of any land, premises, building or structure;
  - b. The construction, placement, design, erection, moving, altering, use or occupancy of a building or structure;
  - c. Establishing, changing, or expanding a use, building or structure;
  - d. Operating a use;
  - e. Designing, erecting, constructing, or altering a structure; or
  - f. Reducing or enlarging a building, site, or development area.
2. Examples of ways that the activities described above may not conform to this Chapter include:
  - a. Buildings or structures that exceed the applicable height limits;
  - b. Buildings or structures with less lot area than required by this Chapter; and
  - c. Buildings, structures, or lots with larger, wider, narrower or smaller front, side, and rear yards than required by the district where the structure is located.

b. **Development or use without, or inconsistent with, permit or approval.** Any activity that is not authorized or is inconsistent with all of the required permits, approvals, certificates, and authorization required by this Chapter (see Procedures).

c. **Development or use inconsistent with this Chapter.** Any use or activity that:

1. Is not allowed by the applicable zoning district;
2. Does not include any conditional use permit or other authorization required by the zoning district or this Chapter;
3. Does not comply with the dimensional standards or other regulations of the applicable district;
4. Does not comply with any applicable Development Standards;
5. Does not comply with any applicable Use Regulations; or
6. That is a nonconformity, but:
  - a. Was not lawfully established, or
  - b. Is operated in a manner that becomes unlawful after it is lawfully established, or
  - c. It does not comply with any lawful conditions relating to its operation, expansion, or continuation.

d. Development or use is inconsistent with conditions. With regard to any term, condition or qualification placed by the County upon a required permit, certificate, rezoning, conditional use permit, variance, appeal, land use permit, or other forms of an authorization granted by the County to allow the use, development or other activity upon land or improvements of land:

1. Any non-compliance with the condition, by act or omission; or
2. Failure to timely fulfill the condition.

e. Making setbacks or yard nonconforming. To reduce or diminish any lot area so that the setbacks, yards, or open spaces are smaller than prescribed by this Chapter.

f. Increasing use of intensity. To increase the intensity and/or density of use of any land or structure in a way that exceeds any limits prescribed by the applicable zoning district.

- g. Removing, defacing, obscuring notice. To remove, deface or obscure, or otherwise interfere with, any notice required by this Chapter.

2. **Violations of Prior Regulations.**

- a. All violations of prior County zoning regulations as of the effective date of this Chapter, continue to be violations and are not considered legal nonconforming situations under this Chapter.
- b. The County has the same authority to secure remedies for violations of those regulations to the same extent that it may secure civil remedies for violations of this Chapter.

3. **Identification and Liability of Parties.**

- a. The following parties shall comply with all provisions of this Chapter which bear upon their area of competency and responsibility:
  1. Owners of land or properties;
  2. Occupants of land or premises;
  3. Agents of owners or occupants including without limitation, building contractors, surveyors, plumbers, installers, soil technicians, road builders, grading and excavating contractors and their agents; and
  4. Lending institutions and insurers, and their agents.
- b. Any person who violates or aids or abets in a violation of this chapter is liable to prosecution or remedial action.
- c. This Chapter applies fully to all public governmental and quasi-public and quasi-governmental lands, developments and activities unless specifically exempted by State or federal law.

4. **Continuation of a Separate Offense.** Each day a violation exists or continues is a separate offense.

## **16.560 Penalties**

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- 1. **Citations.** For a violation, a citation may be issued pursuant to Chapter 1 of the St. Croix County Code of Ordinances.
- 2. **Forfeitures.** For a violation, a forfeiture of not less than \$100 nor more than \$500 may be imposed upon conviction or adjudication, plus the cost of prosecution for each violation, if so ordered by the court.
- 3. **Injunctions/Restraining Orders.** As a substitute for or in addition to forfeiture actions, the Office of Corporation Counsel may, on behalf of the County, seek enforcement of any and all parts of this Chapter by court actions seeking an injunction or restraining order.
- 4. **Stop work.** With or without revoking permits, the County may stop work on any development, building, or structure on any land on which there is an uncorrected violation of a provision of this Chapter or a violation of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the County.
- 5. **Other Remedies.**
  - a. No provision of this Chapter shall be construed to bar action to enjoin or abate the use or occupancy of any land or structure as a nuisance under Wisconsin law.
  - b. In addition to the enforcement powers and remedies specified in this Section, the County may exercise any and all enforcement powers and remedies granted to it by Wisconsin state law.
- 6. **Cumulative.** These remedies are cumulative.

## **16.565 Enforcement Procedures**

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- 1. Investigation and Notice of Violations
  - a. **Zoning Administrator to Enforce Chapter.** The Zoning Administrator or designee shall inspect and investigate the compliance of land use activities with the terms of this Chapter.
  - b. **Notice of Violation.**
    1. The Zoning Administrator or designee shall:
      - a. Inspect and investigate conditions that are or are likely to become a violation (as defined in § 16.555);
      - b. Immediately notify the parties responsible and potentially liable pursuant to § 16.555 above of the detected violation; and
      - c. Is authorized to report the violation to the Corporation Counsel and to sign a complaint.

2. **Contents of Notice of Violation.** The notice of violation shall include:
  - a. The person(s) responsible for the violation;
  - b. The nature of the violation;
  - c. A demand that the condition that is alleged to constitute the present or potential violation be halted, prevented from occurring or remedied; or
  - d. A statement that a complaint on the condition and demand for prosecution has been or will be transmitted to the Corporation Counsel or enforcement officials, state agencies, or both.
- c. **Referral for Prosecution.** If an enforcement demand is issued above and is not complied with, the Zoning Administrator may file a complaint and demand for prosecution, unless an administrative appeal is commenced and a stay order is issued pursuant to § 16.455.

2. **Prosecution.**
  - a. The Office of Corporation Counsel shall prosecute violations of this Chapter reported by the Zoning Administrator or his/her designee.
  - b. Nothing in this section shall be deemed to prevent private prosecutions of violations pursuant to Wis. Stat. § 59.69(11), or other sections of the Wisconsin Statutes or common law.

## **16.570 Revocation of Permit or Approval**

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1. **Permits.**
  - a. A permit may be revoked by the official issuing the permit at any time prior to the completion of the use, building, structure or sign for which the permit was issued, when any of the following conditions are present:
    1. There is a departure from the plans, specifications or conditions as required under the terms of the permit;
    2. The permit was procured by false representation;
    3. The permit was issued by mistake; or
    4. Any provision of this chapter is being violated.
  - b. Written notice of the revocation shall be:
    1. Served upon the owner, the owner's agent or contractor, or upon any person employed in the building or structure for which the permit was issued;
    2. Posted in a prominent location on the property; or
    3. Sent by certified mail.
  - c. Where notice of revocation is served or posted, no further construction or use of the property shall proceed.
  - d. Any revocation of a permit may be appealed to the Board of Adjustment as provided in § 16.455.
2. **Conditional Use Permit, Variance, or Appeal.** Where a conditional use, appeal or variance is approved subject to specified conditions and where those conditions are not complied with, the Board of Adjustment may conduct a hearing following procedures similar to those followed in considering the granting of a conditional use, appeal or variance. The finding of noncompliance with the conditions originally imposed is grounds for revocation.

## **16.571 To 16.599 Reserved.**

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## **DEFINITIONS & RULES OF INTERPRETATION**

### **Contents:**

- 16.600 General Rules of Interpretation**
- 16.605 Definitions**
- 16.610 Acronyms**
- 16.615 Conflicting Rules**
- 16.616 To 16.699 Reserved.**

## 16.600 General Rules of Interpretation

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**Purpose:** This section contains basic rules on how this Chapter is interpreted. In addition to the general statements in this section, which primarily repeat rules of legal interpretation established by the Wisconsin State Legislature or by the courts, the reader should consult:

- § 16.605, which contains definitions of terms found throughout this Chapter;
- § 16.610, which provides a list of acronyms used throughout this Chapter; and
- § 16.615, which describes how to apply conflicting rules.

1. This Chapter shall be liberally construed in favor of St. Croix County.
2. This Chapter shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes.
3. The terms or words used in this Chapter shall be interpreted as follows:
  - a. Words used in the present tense include the future;
  - b. Words used in the singular include the plural and words used in the plural include the singular;
  - c. The words "shall" or "must" are mandatory. The words "should" or "may" are permissive;
  - d. "Building," "land," or "area" includes any part of a building, land or area unless otherwise provided;
  - e. "Including" or "includes" is without limitation because of enumeration, unless otherwise provided; and
  - f. All distances, unless otherwise specified shall be measured horizontally.
4. Any reference to a building, structure, or facility also refers to a part of the building, structure, or facility.
5. Section references are to the St. Croix County Code of Ordinances unless otherwise indicated.
6. All definitions that refer to Wisconsin Statutes or the Wisconsin Administrative Code shall incorporate any revisions or amendments to the statutory language or regulations.
7. Where a provision of this Chapter is required by statute and a standard in Wis. Admin. Code Ch. NR 115, and where the provision is unclear, the provision shall be interpreted in light of the statute and Wis. Admin. Code Ch. NR 115 standards in effect on the date of the adoption of this Chapter or in effect on the date of the most recent text amendment to this Chapter.

## 16.605 Definitions

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This section defines key words and phrases used throughout this Chapter.

**Abut:** To share a property line, or lie directly across a street or stream. Includes "adjacent," "adjoin," "adjoining" or "abutting."

**Access and Viewing Corridor:** A strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

**Accessory Structure:** A subordinate structure, the use of which is incidental to, customarily found in connection with, and located on the same lot as the principal structure or use of the property. Accessory structures include, but are not limited to, detached garages, sheds, barns, gazebos, swimming pools, hot tubs, fences, retaining walls and detached stairways and lifts; and impervious, pervious or porous driveways, parking lots, sidewalks, patios and decks (both detached and attached).

**Agricultural Use:** Any of the following activities conducted for the purpose of an income or livelihood crop or forage production, keeping livestock, beekeeping, wholesale nursery, sod or Christmas Tree production, floriculture, aquaculture, fur farming, forest management, or enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

**Antenna:** Communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

**Applicant:** Any person who applies for a permit under this Chapter.

**Attached:** A building having any portion of one (1) or more walls in common with adjoining buildings.

**Basement:** Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

**Base Zoning District:** The zoning districts that generally apply throughout the unincorporated County, including AG-1, AG-2, R-1, R-2, R-3, C-1, C-2, C-3, I-1, and I-2 (§§ 15.220 through 15.251) and CON (§ 15.275).

**Best Management Practice (BMP):** A practice or industry standard designed to minimize environmental damage.

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

**Building:** A structure used, designed or intended for the protection, shelter, enclosure or support of person, animals or property. When a building is divided into separate parts by a division wall without openings, extending from the ground up, each part shall be deemed a separate building.

**Building Envelope:** The three-dimensional space within which a structure is built.

**Building Line:** A line measured across the width of a lot at that point where the principal structure is placed in accordance with setback provisions.

**Bulkhead Line:** A geographic line along a reach of navigable water that has been adopted by this Chapter and approved by the WI DNR pursuant to Wis. Stat. § 30.11, and which allows limited filling between this bulkhead line and the OHWM, except where the filling is prohibited by the floodway provisions of this Chapter.

**Centerline:** A line connecting the points on highways from which setback distances shall be measured, at any point on the highway.

**Certificate of Compliance:** A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure complies with all of the provisions of this Chapter.

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

**Committee:** The St. Croix County Community Development Committee.

**Compliant Building Location:** An area on a lot where a building could be located in compliance with all applicable requirements of this Chapter.

**Conditional Use:** A use that would not be appropriate generally or without restriction throughout the zoning district, but would not be detrimental to the public health, safety or general welfare with appropriate conditions.

**Conservation Design Development:** A subdivision or development that complies with § 13.7.K of the County Code of Ordinances. This type of development provides the controlled, sustainable development of land, which allows for commercial and residential development while ensuring the protection of natural environmental features such as open spaces and vistas.

**Conservation Practice:** A facility or practice that is designated to prevent or reduce soil erosion, prevent or reduce non-point pollution, or achieve or maintain compliance with soil and water conservation standards; it includes a nutrient management plan.

**Construction Permit:** A written document issued by the Zoning Administrator authorizing design, location, enlargement, construction and/or reconstruction of an animal waste storage facility.

**Contiguous:** Adjacent to or sharing a common boundary.

**Dam:** Any artificial barrier in or across a watercourse which has the primary purpose of impounding or diverting water. A dam includes all appurtenant works, such as a dike, canal or powerhouse. [Source: Wisconsin Administrative Code Ch. NR 333.03] A "dam" includes a levee.

**Deck:** An unenclosed exterior structure that has no roof or sides, but has a permeable floor that allows the infiltration of precipitation.

**Department:** The St. Croix County Community Development Department, unless otherwise indicated.

**Detached:** A building having open space on all sides, and that is not an attached building.

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

**Disabled:** Having a physical or mental impairment that substantially limits one or more major life activities.

**District:** Parcels or sections of St. Croix County, Wisconsin, for which the regulations governing the use of land and buildings are uniform.

**Dock, Pier or Wharf:** Structures extending into the water to facilitate the launching or mooring of watercraft or for fishing during the open water season.

**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.

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

**Dwelling:** A room or suite of rooms occupied or capable of being occupied as an independent and separate housekeeping establishment by only one (1) family, and which contains independent cooking, bathroom and sleeping facilities.

**Earth-tone:** Colors that harmonize with the natural surroundings on the site during leaf on conditions.

**Encroachment:** Any fill, structure, equipment, building, use, accessory use or development in the floodway.

**Excavation:** Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the resulting conditions.

**Existing Development Pattern:** Principal structures that exist within two-hundred fifty (250) feet of a proposed principal structure in both directions along the shoreline.

**Expansion:** An addition to an existing structure regardless of whether the addition is vertical or horizontal or both.

**Federal Emergency Management Agency:** The federal agency that administers the National Flood Insurance Program.

**Fence:** Any non-masonry vertical structure constructed to prevent physical or visual access to a parcel or portion thereof.

**Fill:** Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved to a new location and shall include the resulting conditions.

**Filling, Draining, or Dredging of Wetlands:** The act of altering existing wetlands through their filling, draining, or dredging, as follows:

- "Filling" means the activities referred to in the definition of "discharge of fill material" in 40 CFR 232.2 in a wetland, regardless of whether the wetland is a "water of the United States."
- "Draining" means any human activity that diverts or reduces wetland groundwater and/or surface water sources.
- "Dredging" means the activities referred to in the definition of "discharge of dredged material" in 40 CFR 232.2 in a wetland, regardless of whether the wetland is a "water of the United States."

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

1. The overflow or rise of inland waters;
2. The rapid accumulation or runoff of surface waters from any source; or
3. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm or other unanticipated force of nature.

Includes **"Flooding."**

**Floodfringe:** The portion of the floodplain outside of the floodway, which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

**Floodplain:** Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes. The floodplain includes the floodway and the flood fringe as defined in this Chapter.

**Floor Area:** The area within the exterior wall lines of a building. This floor area of a dwelling does not include space not usable for living quarters, such as attics, basements or utility rooms, garages, breezeways, unenclosed porches or terraces.

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

**Footprint:** The land area covered by a structure at ground level, measured on a horizontal plane. The "footprint" of a residence includes attached garages and porches, but excludes decks, patios, carports and roof overhangs.

**Flowage Area:** A body of water formed by overflowing or damming.

**Forest Management:** Forest management for the purpose of an income or livelihood. "Forest Management" means establishments that grow and harvest timber on a production cycle of at least 10 years and that specialize in various stages of the production cycle, including reforestation, timber production, and timber harvesting. Reforestation means the production of seedlings in specialized nurseries. Timber production means the maintenance of natural forest or growing timber on areas of land that are available for the entire production cycle. Timber means the use of specialized machinery to gather forest products, such as timber, gums, barks, balsam needles, rhizomes, fibers, Spanish moss, and ginseng and truffles. Examples include timber tract operations, logging, and forest nurseries (growing trees for reforestation, and gathering forest products).

**Foundation:** The underlying base of a building or other structure, including pillars, footings, and concrete and masonry walls.

**Frontage:** That side of a lot abutting on a street or road and ordinarily regarded as the front of the lot. To determine yard requirements on corner lots, all sides of a lot adjacent to streets are considered frontage, and yards shall be provided as indicated in § 15.425.

**Fur Farm:** A commercial operation that raises and harvests wild game and fur producing animals for fur, including such animals as deer, elk, mink and chinchilla.

**Game Management:** A commercial and duly licensed operation raising and harvesting wild game for meat, including animals such as deer and elk.

**Generally Accepted Forestry Management Practices:** Forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the WDNR publication known as Wisconsin Forest Management Guidelines and identified as [PUB FR-226](#).

**Grading:** Filling, placing or moving of rock and soil material.

**Grazing:** The use of public and/or private land for the free range feeding of livestock (cattle, pigs, sheep, etc.). Unlike Keeping Livestock, grazing does not involve buildings or structures (other than fences used to confine the livestock).

**Ground Cover:** Small plants such as mosses, forbs, ferns, grasses, and under shrubs growing on a forest floor.

**Groundwater:** Any of the Waters of the State occurring in a saturated subsurface geological formation of permeable rock or soil. [See [Wis. Stat. § 281.75](#)]

**Habitable Structure:** Any structure used or designed for occupation by humans for the purpose of cooking, eating, sleeping, recreation and general living periods.

**Harvesting of Wild Crops:** The use of machinery to reap the fruit and/or seed produced by wild plants on undeveloped public and/or private land. Unlike Agriculture - Crop or Forage Production, Harvesting of Wild Crops does not involve buildings or structures, or the use of seeds or fertilizers to propagate plant growth.

**Highway:** Any arterial, as defined by § 15.405.

**Hiking, Biking, and Bridle Trails:** A linear corridor that is a public right-of-way or private easement reserved for recreation and travel by foot, bicycle, horseback, or other forms of non-motorized travel.

**Historic or Natural Resource:** Any of the following uses that are preserved for the uses listed below by a local, state or federal agency, or a conservation easement:

- An Historic Structure; and

- Any land that is preserved for scenic, scientific or wildlife use.

**Historic Structure:** Any structure that is:

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

**Hunting Facilities** (with compost toilets only): Land used for: (1) commercial hunting and trapping; (2) operating commercial game preserves, such as game retreats; or (3) operating hunting preserves. Buildings may include only compost toilets, and are not connected to a public or private water or sewer system.

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

**Karst Feature:** An area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, disappearing streams, sinkholes, springs, seeps or swallets.

**Land Disturbance Activity:** Any alteration or disturbance that may result in soil erosion, sedimentation, or change in runoff including, but not limited to, filling, grading, trenching, excavating and removal of ground cover.

**Land Division:** As defined in § 13.13 of the St. Croix County Code of Ordinances.

**Landscape Architect:** A person who has graduated with a major in landscape architecture from a college accredited by the American Society of Landscape Architects.

**Lift:** A mechanical device, either temporary or permanent, containing a mobile open top car including hand or guard rails, a track upon which the open top car moves, and a mechanical device to provide power to the open top car.

**Livestock:** Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.

**Loft:** A floor level located more than thirty (30) inches above the main floor, open to the main floor on one or more sides with a ceiling height of less than six (6) feet eight (8) inches and used as a living or sleeping space.

**Lot:** A parcel of land occupied or designed to provide space necessary for one main building and its accessory buildings or uses, including the open spaces required by this Chapter and abutting on a public street or other officially approved means of access. A lot may be a parcel designated in a plat or described in a conveyance recorded in the office of the Register of Deeds, or any part of a large parcel when that part complies with this Chapter as to width and area for the District where it is located.

**Lot, Corner:** A lot that:

- Is located at the intersection of two (2) streets, where any two (2) corners have an angle of 120° or less; or
- Is bounded by a curved street, and the chord within the limits of the lot line forms an angle of 120° or less.

**Lot, Interior:** A lot other than a corner lot.

**Lot Line:** A line bounding a lot.

**Lot, Reverse Corner:** A corner lot where the rear lot line abuts the side lot line of another lot.

**Lot Width:** The shortest distance between the side lot lines and the setback lines.

**Lower St. Croix Riverway or Lower St. Croix National Scenic Riverway:** The area described in Wisconsin Administrative Code § NR 118.02(1).

**Mitigation:** Balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development or human activities.

**Modification:** Includes but is not limited to, any addition, alteration, rebuilding or replacement of any existing building, accessory building or accessory use

**Native Vegetation:** Those species of vegetation that occurred naturally in pre-settlement Wisconsin. Refer to publications about native vegetation available from the Wisconsin Department of Natural Resources, such as the Wisconsin Native Plants manual published in August 2016.

**Navigable Waters:** 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. [See [Wis. Stat. § 281.31\(2\)\(d\)](#)]

Under [Wis. Stat. § 281.31\(2m\)](#), shoreland ordinances required under [Wis. Stat. § 59.692](#) do not apply to lands adjacent to:

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

**Net Project Area:** Developable land area minus slope preservation zones, floodplains, road rights-of-way, and wetlands.

**New Construction:** For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by the County and includes any subsequent improvements to those structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to those structures.

**Nonconforming Lot:** A lot that at the time of creation conformed to the applicable existing regulations including lot size, dimensions, lot configuration, and other dimensional and design standards, but is now inconsistent with this Chapter. Typically, a nonconforming lot is smaller than the minimum lot area required by the applicable zoning district.

**Nonconforming Structure:** A dwelling or other building that existed lawfully before the current Chapter was enacted or amended, but that does not conform with one or more of the development regulations in the current Chapter. For purposes of this definition, "development regulations" means any part of this Chapter that applies to elements including setback, height, lot coverage, and front, rear and side yards. [Reference: [Wis. Stat. §§ 59.69\(10e\) and \(10m\)](#)]

**Obstruction to Flow:** Any development that (alone or together with any future development) blocks the conveyance of floodwaters in a manner that causes an increase in regional flood height.

**Off-Site:** Located outside the lot or parcel lines of the principal use.

**Open Space:** An open space with natural vegetation and landscaping, and that is designed and reserved for passive recreational, educational, cultural, or aesthetic uses such as picnic areas, garden plots, or walking and jogging trails.

**Open Space Use:** Those uses having relatively low flood damage potential and not involving structures.

**Ordinary High Water Mark (OHWM):** 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 erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic.

**Ordinary Maintenance and Repair:** Any work done on a nonconforming structure that does not constitute expansion, structural alteration or reconstruction and does not involve the replacement, alteration or improvement of any portion of the structure's foundation.

**Outlot:** A lot remnant or parcel of land within a plat remaining after platting, which is intended for open space use, for which no development is intended other than that which is accessory to the open space use.

**Overstory:** The upper forest canopy layer.

**Parcel:** Contiguous land under single ownership.

**Park:** Any land reserved for recreational, cultural, or aesthetic use (such as a picnic area) by a public agency, conservation easement, or a legally enforceable covenant or restriction. This includes any mini-park, neighborhood park, community park, special use park, school park, county park, state forest, state park, as defined by Appendix E of the 2011–2016 Wisconsin Statewide Comprehensive Outdoor Recreation Plan (Wisconsin Department of Natural Resources).

**Person:** An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

**Plan Revision:** A modification to an approved application where a valid permit is in effect.

**Pollution:** Contaminating or rendering unclean or impure the land and/or Waters of the State, or making those features injurious to public health, harmful for commercial or recreation use or deleterious to fish, bird, animal or plant life.

**Porch:** A building walkway with a roof over it, providing access to a building entrance.

**Principal Dwelling:** The main dwelling on a lot where the property's principal use is located. Principal dwelling includes attached garages.

**Principal Structure:** The main building or other structure on a lot where the property's principal use is located. Principal structure includes attached garages.

**Principal Use:** The primary purpose for which a lot or parcel is used.

**Public Safety:** Government establishments primarily engaged in criminal and civil law enforcement, police, traffic safety, firefighting, related fire protection activities, and other activities related to the enforcement of the law and preservation of order.

**Public Utilities:** Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

**Raising of Waterfowl, Fowl, and Fish:** Buildings primarily used for breeding, hatching, and raising waterfowl, minnows and other similar lowland animals, fowl, and fish, and that are not occupied for residential purposes.

**Reasonable Accommodation:** Allowing a disabled person to deviate from the strict requirements of this Chapter if an accommodation is necessary and reasonable, in order not to unlawfully discriminate against the disabled person and to allow them equal housing opportunity.

**Reconstruction:** The replacement of all or substantially all of the components of a structure other than the foundation.

**Recreation:** The pursuit of leisure-time activities. Includes "recreational."

**Regional Flood:** A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent (1%) chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

**Removal of Topsoil and Peat:** The grading or removal of topsoil or peat for compensation by excavating, stripping or any other process. "**Topsoil**" means the surface layer of soil which is generally more fertile than the underlying soil layers, which is the natural medium for plant growth. "**Peat**" means organic matter, excluding coal, formed by the partial decomposition of plant material under saturated conditions.

**Residential:** A property where dwelling units for personal residences are allowed as the principal use including accessory structures and uses.

**Rezoning:** An amendment to this Chapter that changes a shoreland-wetland district boundary lines.

**Road:** A public way for vehicular traffic. Includes any highway, or any collector, sub-collector, or access road as defined by § 15.405.

**Routine Vegetation Maintenance:** Normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require a land disturbing activity.

**Septic Tank and Related Services:** Establishments primarily engaged in (1) pumping (i.e., cleaning) septic tanks and cesspools and/or (2) renting and/or servicing portable toilets.

**Setback:** The minimum horizontal distance between a structure (excluding roof eaves) and any of the following:

- Ordinary High Water Mark (OHWM);
- Side and rear lot lines; or

- Streets or roads.

**Setback Line:** A line established parallel to a highway, lot line, lake or stream, or other place, to define limits within which any or certain buildings, structures or uses may not be constructed, maintained or carried on (except as specifically provided in this Chapter). "Within a setback line" means between the setback line and the highway, lot line, lake or stream to which the setback line is parallel.

**Shoreland:** Lands within the following distances from the Ordinary High Water Mark of navigable waters (whichever distance is greater):

- One-thousand (1,000) feet from a lake, pond, or flowage; and
- Three-hundred (300) feet from a river or stream or to the landward side of the floodplain.

**Shoreland setback:** Also known as the "Shoreland setback area" in [Wis. Stat. § 59.692\(1\)\(bn\)](#), which is an area in a shoreland that is within a certain distance of the ordinary high water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under [Wis. Stat. § 59.692](#).

**Shoreland-Wetland District:** The zoning district, created as a part of the shoreland overlay districts section, comprised of shorelands that are designated as wetlands on the Wisconsin Wetland Inventory which have been adopted and made part of this Chapter.

**Sign:** A display, illustration, structure or device that has a visual display visible from a public right-of-way and designed to identify, announce, direct or inform.

**Silvicultural Thinning:** A woodland management practice which, for the purposes of this chapter, 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.

**Single-Family Residence:** See Dwelling, Single-Family.

**Slope:** The net vertical rise over horizontal run, expressed as a percentage, which represents a relatively homogeneous surface incline or decline over the area disturbed.

**Soil and Water Conservation and Stream Bank Protection:** Management practices that conserve or stabilize soil, water, or stream banks and provided that do not involve structures, fill, soil or peat removal, disruption of the natural flow of any water course, or alteration of the natural topography.

**Start of Construction:** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one-hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Stormwater Runoff:** The waters derived from rains falling or snowmelt or ice melt occurring within the drainage area, flowing over the surface of the ground and collected in channels, watercourses or conduits.

**Story:** The vertical distance between:

- The surface of any floor and the floor next above it; or
- If there is no floor above it, the space between such floor and the ceiling next above it.

**Story, Half:** A story under any roof except a flat roof, the wall plats of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of the story.

**Street:** A public or private thoroughfare which affords a primary means of access to abutting property. A "street" includes a road or highway.

**Street Line:** A dividing line between a street and the abutting lot.

**Structural Alteration:** The replacement or alteration of one or more of the structural components of any of a structure's exterior walls.

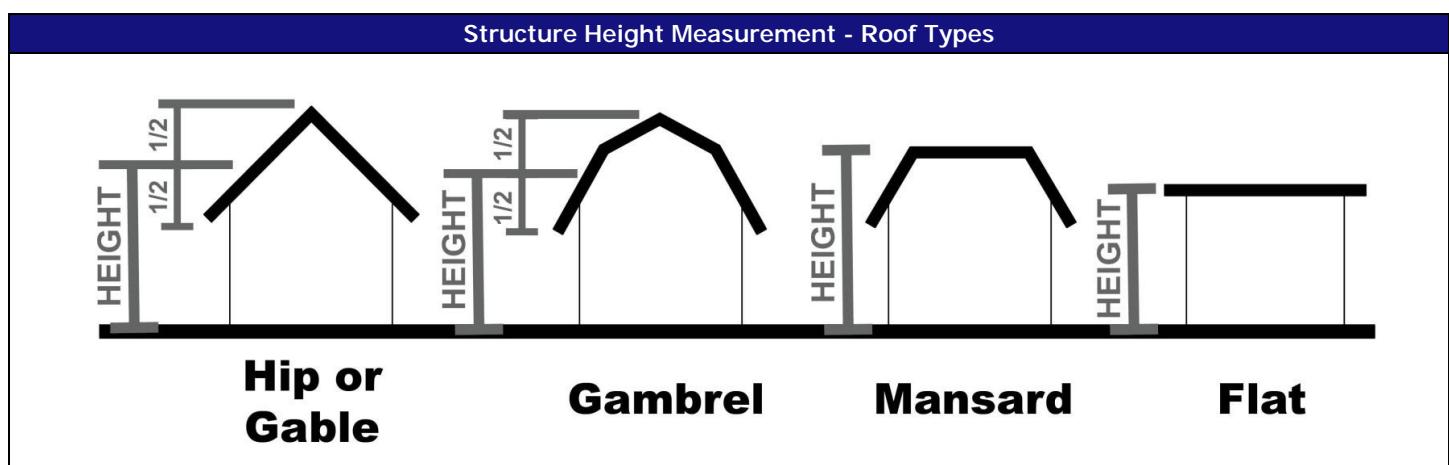
**Structural Component:** Any part of the framework of a building or other structure. The structural components of a building's exterior walls include the vertical studs, top and bottom plates, and window and doorsills and headers. A structural component may be non- load-bearing, such as the framework of a wall at the gable end of a one-story house. Wall coverings, such as siding on the exterior and dry wall on the interior, are not included in the definition of structural component.

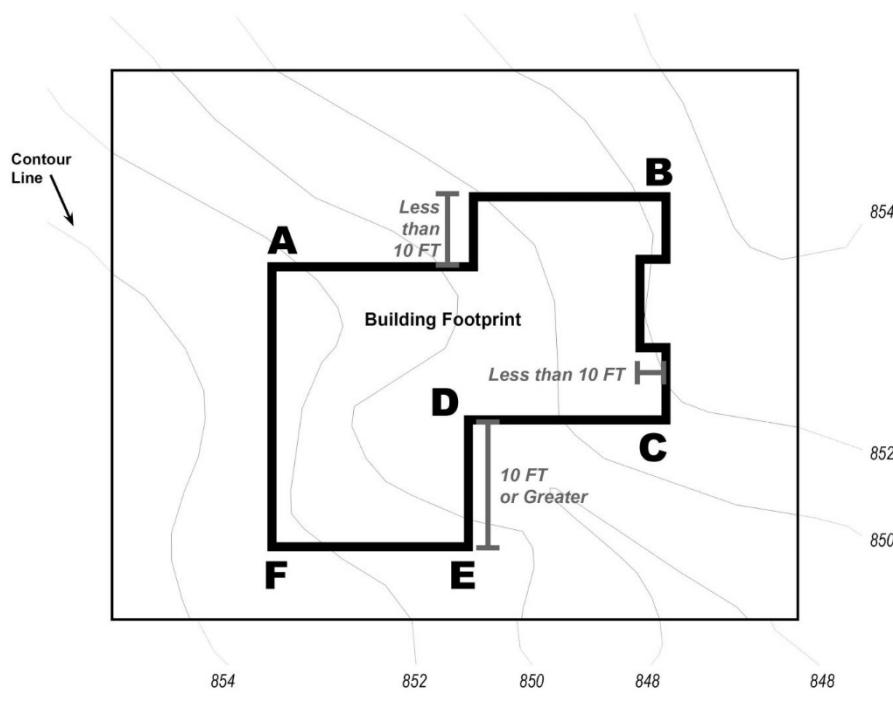
**Structural Erosion Control Measure:** A retaining wall or other man-made structure whose primary function is to control erosion.

**Structure:** For purposes of the Shoreland Overlay (SO) District, "structure" means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck, retaining wall, porch, or fire pit.

**Structure Height Measurement:** The vertical distance from the average ground elevation to the highest point of a flat roof, to the deckline of a mansard roof or to the average height of the highest gable of a gambrel, hip or pitched roof, except as otherwise specified in the SO and SCR districts. This measurement shall exclude chimneys.

The average ground elevation shall be calculated with an accurate drawing of the proposed structure with finished grade contours and spot elevations at each of the four outermost corners of the structure. Add up the spot elevations and divide by four to calculate the average ground elevation.





**Subdivision:** As defined in § 13.13.

**Substandard Lot:** Substandard means a legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current requirements for a new lot.

**Substantial Damage:** Damage of any origin sustained by a structure, if the cost of restoring the structure to its pre-damaged condition is at least 50% of the equalized assessed value of the structure before the damage occurred.

**Substantial Evidence:** Facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

**Text Amendment:** An amendment to this Chapter that does not affect district boundary lines, including any amendment that is not a rezoning.

**Undeveloped Natural Resources and Open Space Land Use:** Land withheld from development due to future natural resource extraction or to facilitate agriculture and recreational uses that require open green spaces such as livestock grazing, parks, and conservation.

**Unnecessary Hardship:** Special conditions affecting a particular property, which were not self-created, and that have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this Chapter.

**Variance:** An authorization by the Board of Adjustment for the construction, modification or maintenance of a building or structure in a manner that deviates from dimensional standards (not uses) contained in this Chapter.

**Wastewater Treatment System:** A wastewater treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative wastewater treatment system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

**Watershed:** An entire land area contributing runoff or surface water to a watercourse or body of water.

**Waters of the State:** Those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person. [Source: [Wis. Stat. § 281.01\(18\)](#)]

**Well:** An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

**Wetland:** An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. [Source: [Wis. Stat. § 23.32](#)]

**Yard:** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward (except as otherwise provided in this Chapter).

**Yard, Rear:** The open space on a parcel between the primary building and the rear parcel boundary (the boundary typically opposite from and parallel to the street right-of-way).

**Yard, Side:** The open space on a parcel between the primary building and a side parcel boundary (typically a boundary perpendicular to the street).

**Yard, Street:** The open space on a parcel between the primary building and the street right-of-way.

## 16.610 Acronyms

Abbreviations and acronyms used in this Chapter have the following meanings:

Table 16.607 Acronyms

BMP	Best Management Practice
CDC	Community Development Committee
CFR	Code of Federal Regulations
ft or ' (e.g., 3')	foot or feet
DATCP	Wisconsin Department of Agriculture, Trade and Consumer Protection
DBH	Diameter at Breast Height
DNR or WDNR	Wisconsin Department of Natural Resources
EPA	United States Department of Environmental Regulation
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
HUD	United States Department of Housing and Urban Development
IBC	The International Building Code, as adopted under Wisconsin Administrative Code Ch. SPS 361.05.
max	Maximum
min	Minimum
NAVD	North American Vertical Datum
OHWM	Ordinary High Water Mark
RFE	Regional Flood Elevation
sf	Square feet
USC	United States Code
USDA	United States Department of Agriculture
Wis. Admin. Code	Wisconsin Administrative Code
Wis. Stat.	Wisconsin Statutes

## 16.615 Conflicting Rules

- Generally.** This Chapter supersedes all inconsistent provisions of any County Zoning Ordinance enacted under Wis. Stat. § 59.69. However, when an ordinance adopted under a statute other than Wis. Stat. § 59.69 is more restrictive than this Chapter, that ordinance continues in full force and effect to the extent of the greater restriction, but not otherwise.

2. **Deeds or Permits.** This Chapter does not repeal, abrogate or impair any existing deed restrictions, easements, covenants, or permits already issued. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

## **16.616 To 16.699 Reserved.**

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## **LEGAL PROVISIONS**

### **Contents:**

- 16.700 Relationship to Other Provisions of the County Code**
- 16.710 Private Restrictions**
- 16.715 Severability**
- 16.720 Effective Date**
- 16.721 to 16.799 Reserved.**

## **16.700 Relationship to Other Provisions of the County Code**

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1. **Stricter Standards in this Chapter.** If this Chapter requires a greater width or size of yards or other open spaces, a lower height of buildings, a greater percentage of the lot be left unoccupied, or other higher standards than are required in any other applicable statute, chapter or regulation, the provisions of this Chapter govern. This section does not apply to the extent that a Wisconsin or federal statute preempts local regulation.
2. **Stricter Standards in Other Statutes, Ordinances or Regulations.** If another applicable statute, ordinance, or regulation requires a higher standard than a provision of this Chapter, the other applicable statute, chapter or regulation governs.

## **16.710 Private Restrictions**

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1. **Stricter Provisions Apply.** This Chapter does not abrogate any deed restriction, covenant, easement, or any other private agreement or restriction on the use of land. However, where this Chapter is more restrictive or imposes higher standards than a private restriction, this Chapter controls. Where a private restriction is more restrictive or imposes higher standards than this Chapter, the private restriction controls if properly enforced by a person having the legal right to enforce the restrictions.
2. **Enforcement.** The County does not enforce private restrictions.

## **16.715 Severability**

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If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.

## **16.720 Effective Date**

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1. **Generally.** This Chapter takes effect on the 1st day of September, 2020.