Ordinance No. 70-18
Amendment to Polk County Shoreland Protection Zoning Ordinance

Offered this 21 day of Aug, 2018.

BY: _____
Brad Olson, Supervisor, District #1

_____
Doug Route, Supervisor, District #2

_____
Dean Johansen, Chair,
Supervisor, District #3,

_____
Chris Nelson, Supervisor, District #4

_____
Tracy LaBlanc, Supervisor, District #5

_____
Brian Masters, Supervisor, District #6

_____
Michael Prichard, Supervisor, District #7

_____
James Edgell, Supervisor, District #8

_____
Kim O'Connell, Supervisor, District #9

_____
Larry Jepsen, Supervisor, District #10

_____
Jay Luke, 1st Vice Chair,
Supervisor, District #11

_____
Michael Larsen, Supervisor, District #12

_____
Russell Arcand, Supervisor, District #13

_____
John Bonneprise, 2nd Vice Chair,
Supervisor, District #14

_____
Joe DeMulling, Supervisor, District #15

Introduced by County Administrator

_____
Jeffrey B. Fuge
Interim County Administrator/Corporation Counsel

Fiscal Impact Note: The amendments to the Ordinance seeking to transfer the authority to determine conditional use applications from the Board of Adjustments to the Environmental Services Committee will have no fiscal impact.

Legal Impact Note: Enactment of proposed amendments to the Ordinance present no legal impacts on county operations. The proposed amendments transfer authority to determine conditional use applications from the Board of Adjustments to the Environmental Services Committee. Under Wisconsin law, determinations of the Environmental Services Committee on such determinations are subject to administrative appeal before the Board of Adjustment.

Reviewed By County Administrator and Approved as to Form and Execution:

_____ _____
Jeffrey B. Fuge
Interim County Administrator/Corporation Counsel

Excerpt of Minutes

At its regular business meeting on the 21 day of Aug, 2018, the Polk County Board of Supervisors acted on Ordinance No. 70-18: Amendment to Polk County Shoreland Protection Zoning Ordinance, as follows:

- ☒ Enacted by majority voice vote
- ☐ Enacted by simple majority of the board of supervisors by a vote of _____ in favor and _____ against.
- ☐ Adopted by unanimous voice vote.
- ☐ Defeated: _____
- ☐ Other: _____

SIGNED BY: Dean Johansen
Dean Johansen, County Board Chairperson

ATTEST: Sharon Jorgenson
Sharon Jorgenson, County Clerk

Certification of Publication

Ord. No. 69-18, as enacted the 21 day of Aug, 2018 was published in the Inter-County Leader on the 5 day of Sept, 2018.

Sharon Jorgenson
Sharon Jorgenson, County Clerk

CERTIFIED COPY OF POLK COUNTY ORDINANCE

STATE OF WISCONSIN

COUNTY OF POLK

I, Sharon E. Jorgenson, Polk County Clerk due hereby certify that the attached hereto and incorporated herein is a full, true and correct copy of the Polk County Ordinance No. 70-18: Amendment to Polk County Shoreland Protection Zoning Ordinance as adopted by the Polk County Board of Supervisors on the 21st day of August, 2018.

Sharon E. Jorgenson 8/21/18

Sharon E. Jorgenson, Polk County Clerk Date

POLK COUNTY
SHORELAND PROTECTION ZONING ORDINANCE

Ordinance No. 70-18
Polk County Shoreland Protection Zoning Ordinance
Enacted: August 21, 2018; Published: August 29, 2018
Effective Date: August 29, 2018

Polk County Land Information Department
Polk County Government Center
100 Polk County Plaza, Suite 130
Balsam Lake, WI 54810
715-485-9111
715-485-9246 Fax
www.co.polk.wi.us/landinfo/zoning

POLK COUNTY
SHORELAND PROTECTION ZONING ORDINANCE
(Effective: August 29, 2018)

The County Board of Supervisors of the County of Polk does ordain as follows:

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Article 1. Title

This ordinance shall be known as the Polk County Shoreland Protection Zoning Ordinance.

Article 2. Statutory Authorization

This ordinance is adopted pursuant to the authorization in Sections 59.692 and 281.31, Wisconsin Statutes.

Article 3. Purpose and Intent

A. The purpose of these shoreland regulations is to insure the proper management and development of the shoreland of all navigable lakes, ponds, flowages, rivers and streams in the unincorporated areas of Polk County. The intent of these regulations is to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning ground for fish and aquatic life; control building sites, placement of structures, land uses; and preserve shore cover and natural beauty. For those reasons, development and alterations that may affect the natural function of the shore lands of Polk County shall be controlled and regulated so as to cause no harm. The Shoreland

Protection Zoning Ordinance shall be interpreted in harmony with federal, state, and local laws including, but not limited to, the Polk County Comprehensive Zoning Ordinance, Polk County Nuisance Ordinance, Polk County Flood Plain Ordinance, Polk County Chapter 18 Subdivision Ordinance, and others. Where any provision is inconsistent with applicable federal, state or local laws, rules and regulations, such provision shall be deemed void, but the remainder of this ordinance shall apply and remain in full force and effect. This ordinance shall conform to Chapters 30, 59, and 281 of Wisconsin Statutes Wis. Admin Code Chapter NR 115, and the American Disabilities Act.

B. To the extent that any of the provisions of this ordinance is interpreted to be more restrictive than the state shoreland standard as provided by NR115.05(1)(a) –(g), said ordinance provision shall lack application and the applicable state standard is hereby incorporated by reference as expressly provided herein so as to comply with Wisconsin Statute Section 59.692(1d) and to allow for lawful issuance of any permit, conditional use permit, as provided by this ordinance and to allow for the enforcement by ordinance of the state shoreland standard.

Article 4. Definitions

The following definitions apply to the provisions of this ordinance:
"ACCESSORY BUILDING" see "Building, Accessory"
"ACCESSORY STRUCTURE" see "Structure, Accessory"
"ATTACHED STRUCTURE" means a structure connected to another structure by a common wall or roof.
"BED & BREAKFAST" means any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.
"BOATHOUSE" means a structure designed solely for boat storage and storage of related marine equipment and not used by humans as a place of settled residence or habitat in any manner or form.
"BUILDING" means a structure having a roof supported by columns or walls.
"BUILDING, ACCESSORY" means a detached, subordinate building which is incidental to and customarily found in connection with the primary use of the property limited to 25' in height beyond the shoreland setback area.
"BUILDING ENVELOPE" means the three dimensional space within which a structure is built.
"BUILDING FOOTPRINT" means the perimeter square footage of enclosed building space
"BUNKHOUSE" means a residential accessory structure or part of a residential accessory structure with or without plumbing which is used as temporary sleeping quarters only; no cooking or food preparation facilities; and no greater than 400 sq. ft. of enclosed dwelling space.
"CAMPGROUND" means any lot or tract of land owned by a person, the state or a local government, which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or by one to 3 camping units if the lot or tract of land is represented as a campground.

"CAMPING UNIT" means any portable device, no more than 400 square feet in area, used as a temporary dwelling, including but not limited to a camping trailer/travel trailer, motor home, park model, pick-up truck camping topper or tent
"CONDITIONAL USE" see "Use, Conditional"
"CONSERVATION DESIGN DEVELOPMENT" means a style of development that clusters houses onto smaller lot sizes in order to preserve some feature, function, aspect of the property that is being developed.
"CONTRACTOR'S STORAGE YARD" means the outdoor portion of a lot where construction or service contractor stores and maintains 4 or more pieces of equipment and other materials in an area greater than 250 sq. feet customarily used by the construction or service contractor. This excludes vehicles which require a Class D driver's license to operate.
"DECK" (Patio) An unenclosed exterior accessory structure that has no roof or sides
"DEVELOPMENT" means any man-made change to real estate, including, but not limited to, the construction of buildings, principal structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.
"DIRECT DRAINAGE" means runoff from riparian areas within 300 feet that flow directly into a surface water resource as defined within the ordinance.
"DISTRICT" means lots or sections of Polk County, Wisconsin, for which the regulations for governing the use of land and buildings are uniform.
"DWELLING, SINGLE-FAMILY" means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others. This includes manufactured homes, but not mobile homes, camping units, travel trailers, and other temporary sleeping units.
"DWELLING, TWO-FAMILY" means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by two-families, to the exclusion of all others.
"DWELLING, MULTIPLE-FAMILY" means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by more than two families.
"ESSENTIAL SERVICES" means services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including those uses listed in the Polk County Telecommunications Towers, Antennas, and Related Facilities Ordinance.
"EXCAVATING" means to remove by scooping or digging out.
"EXISTING DEVELOPMENT PATTERN" means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.
"EXPANSION, HORIZONTAL" (Addition) means expansion of a principal structure outside of its existing building footprint.

"EXPANSION, VERTICAL" means expansion of a principal structure either up or down, within its existing building footprint and includes full replacement of roofs and basements/foundations.
"FAMILY" means the body of persons who live together in one dwelling unit as a single housekeeping entity.
"FARM ANIMALS" means dairy cattle, beef cattle, swine, sheep, horses, ducks, chickens, turkeys and animals or fowl of similar character and customarily maintained in a large parcel setting for food, recreational, breeding, zoological or similar purposes.
"FARM BUILDING" means a building or other structure used to house or feed farm animals, store farm animal feed, or to collect or store waste generated from farm animals.
"FARM RESIDENCE" means any of the following structures that are located on a farm:
A single-family dwelling or two-family dwelling that is the only residential structure on the farm or is occupied by any of the following:

- An owner or operator of the farm.
- A parent or child of an owner or operator of the farm.
- An individual who earns more than 50 percent of his or her gross income from the farm.
- A migrant labor camp that is certified under State Statute 103.92.

"FEEDLOT" means a lot or building, or combination of contiguous lots and buildings, intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which animal waste may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy facilities, swine facilities, beef lots and barns, horse stalls, mink ranches and domesticated animal zoos, shall be considered to be animal feedlots.
"FENCE, PRIVACY" means a structure for enclosure or screening that is greater than 4 feet in height and greater than 50% opaque.
"FLOOD PLAIN" means the land which has been or may be hereafter covered by flood water during the regional flood. The flood plain includes the floodway and the flood fringe as those terms are defined in ch. NR 116.
"FRONTAGE" means all the property abutting on one side of a road or street between two intersecting roads or streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.
"FRONT YARD" means a yard extending the full width of the lot between the front lot line and the nearest part of the principal building, excluding uncovered steps.
"GENERAL PURPOSE DISTRICT" means district that includes all shorelands subject to regulation under this ordinance and not designated wetland areas on a shoreland zoning map.
"GRADING" means the filling, placing or moving of rock and soil material.
"HANDICAP/ADA ACCESS" means any temporary deck extension, walkway, ramp, elevator, or any mechanical device used as a means of movement or access by a handicapped person, which is deemed medically necessary.
"HEIGHT" means the elevation from the lowest exposed grade of the structure to the highest peak of the roof, excluding window wells and stairways.
"HOME BUSINESS" means a gainful occupation operated out of a residence or accessory structure, when such occupation is:

- Conducted solely by a member or members of the resident family
- Entirely within the residence and incidental to the residential use of the premises

- No external alterations that would effect a substantial change in the residential character of the building
- No more than 50 percent of only one floor of the dwelling shall be devoted to such offices
- Not more than 2 persons not members of the resident family may be employed in any such office.

"HOTEL/MOTEL" means a place where sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all related rooms, buildings and areas.
"HUMAN HABITATION" means the act of occupying a structure as a sleeping place whether intermittently or as a principal residence.
"IMPERVIOUS SURFACES" means surfaces that do not allow the infiltration of water to occur.
"INDUSTRIAL USE" means industrial district or restricted as defined within Polk County Comprehensive Land Use Ordinance.
"INOPERABLE" means not able to perform its normal function.
"IMPERVIOUS SURFACE" means an area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surface excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54), Wis. Adm. Code, or sidewalks as defined in s. 340.01(58), Wis. Adm. Code, are not considered impervious surfaces.
"JUNKYARD"/"SALVAGE YARD"/"RECYCLING CENTER" means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, disassembled or handled for commercial or noncommercial purposes including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard/salvage yard/recycling center includes, but is not limited to, an automobile wrecking or dismantling yard or an area where more than one unlicensed or inoperable motor vehicle is kept.
"KENNEL" means the use of land, with related buildings or structures, for the breeding, rearing or boarding of household pets 5 months of age or older.
"LANDSCAPING" means the removal or alteration of topsoil.
"LAND USE RUNOFF RATING" The land use runoff rating is a tool used to determine how much mitigation is needed to reduce the effects of development, particularly impervious surfaces, on water quality.
"LARGE OUTDOOR COMMERCIAL EVENT" means an event, regardless of whether it is singular or annual or multiple times per year in which payment is accepted, whether by a fee or by donation, in exchange for a public gathering with entertainment, including, but not limited to: music events, motor vehicle rallies, etc.
"LOT" means a parcel of land occupied or designed to provide space necessary for one principal building and its accessory buildings or uses, including the open spaces required by this ordinance 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 such part complies with the requirements of this ordinance as to width and area for the district in which it is located. No land included in any street, highway or railroad right-of-way shall be included in computing lot area.
"LOT, CORNER" means a lot located at the intersection of two streets, any two corners of which have an angle of 120 degrees or less, or if bounded by a curved street in which case the chord within the limits of the lot lines form an angle of 120 degrees or less.

"LOT LINES" means the lines bounding a lot as herein defined.
"LOT WIDTH" means for the purpose of this ordinance the width of a lot shall be the shortest distance between the sidelines at the setback line.
"MANUFACTURED HOME" means any structure, HUD certified and labeled under the National Manufactured Home Construction and Safety Standards Act of 1974 (U.S.C. Title 42, Chapter 70), that is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes the manufactured home structure, its plumbing, heating, air conditioning and electrical systems, all appliances and all other equipment therein, any additions, attachments, annexes, foundations and appurtenances.
"MANUFACTURED HOME PARK" (previously Mobile Home Park) means an area or premise on which is provided the required space for the accommodation of manufactured home, together with necessary accessory buildings, driveways, walks, screening and other required adjuncts.
"MITIGATION" means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities
"MOBILE HOME" means any structure, not HUD certified and labeled under the National Manufactured Home Construction and Safety Standards Act of 1974 (U.S.C. Title 42, Chapter 70) or manufactured or assembled before June 15, 1976, that is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, all appliances and all other equipment therein, any additions, attachments, annexes, foundations, and appurtenances.
"MOTEL" see "Hotel/Motel"
"NAVIGABLE" means all lakes, ponds, flowages, rivers and streams in Polk County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources' publication *Surface Waters Resources of Polk County*, or are shown on the United States Geological Survey Quadrangle Maps. Lakes, ponds, flowages, rivers and streams not included in these documents may also be determined to be navigable. Also, Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. Under Section 281.31(2)(d), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated there under, shoreland ordinances required under Section 59.692, Wisconsin Statues, and Chapter NR 115, Wisconsin Administrative Code do not apply to lands adjacent to:

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

"NONCONFORMING STRUCTURE" see "Structure, Nonconforming"
"NONCONFORMING USE" see "Use, Nonconforming"
"NONFARM RESIDENCE" means a single-family or multi-family residence other than a farm residence.

"NON-METALLIC MINING ACTIVITIES" means the excavation, mining or removal of minerals, clay, ceramic or refractor minerals, quarrying of sand, gravel, crushed or broken stone, including the extraction and removal of top soil, but not including sod farming. The term shall also include such mineral processing operations as aggregate or ready mix plants, hot mix asphalt plants, mining services, processing of top soil, washing, refining or processing of non-metallic mineral materials, when onsite or on a contiguous property.
"ORDINARY HIGH-WATER MARK" (OHWM) means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
"ORDINARY MAINTENANCE AND REPAIR" means those activities necessary to maintain the structural integrity and current function of the existing structure. Ordinary maintenance and repair may include replacement of windows, doors, siding, insulation, roofing, and roof replacement provided the pitch does not exceed the pitch necessary to match the existing roof.
"OUTLOT" means 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. An Outlot may not be developed for any use or structure that requires a private, onsite wastewater treatment system.
"PARENT LOT" means the lot and associated acreage of that lot that existed at the time of the adoption of this ordinance
"PARKING LOT" means a lot where automobiles are parked or stored temporarily, but not including the wrecking of automobiles or other vehicles or storage for the purpose of repair or wrecking.
"PATIO" See "deck"
"PERMIT" means a written form issued by the Zoning Department (See Article 18.B.).
"PERMITTED USE" see "Use, Permitted"
"PREEXISTING USE" means a building, structure, or use, which lawfully existed on the effective date of this ordinance as revised and the use of which has been continued uninterrupted and that does not conform to this ordinance.
"RECONSTRUCTION" means activities that exceed maintenance and repair, structural repair, structural alteration, horizontal expansion or vertical expansion.
"ROAD" means a public or private thoroughfare which affords a primary means of access to abutting property, and includes streets and highways.
"ROADSIDE STAND" means a structure having a ground area of not more than 300 square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premise (or adjoining premise). There shall not be more than one such roadside stand in any single premise.
"SETBACK" means the minimum horizontal distance between lot lines, the platted center line of the road, from Right-Of-Way line, or the ordinary high water mark measured to the closest point of the structure.
"SETBACK LINES" means lines established adjacent to the highways, lakes or streams for the purpose of defining limits within which no building, structure or any part thereof shall be erected or permanently maintained except as shown herein. "Within a setback line" means between the setback line and the highway right-of-way, lake or stream.

"SHORELAND" means area landward of the ordinary high water mark within the following distances: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
"SHORELAND PROTECTION AREA" means a vegetative strip of land 35 feet measured perpendicular from the ordinary high water mark.
"SHORELAND-WETLAND DISTRICT" means the zoning district, created as a part of this shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin Wetland Inventory maps.
"SIGN" means any device visible from a public place whose essential purpose and design is to convey either commercial or non-commercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Non-commercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.
"SIGN, FREESTANDING" means a sign principally supported by one or more columns, poles, or braces placed in or upon the ground
"SIGN, OFF PREMISE" means a sign advertising a business that is not conducted on the property or located in the immediate vicinity of the business.
"SIGN, ON PREMISE" means a sign at a business location advertising a business that is conducted on the property and that is located in the immediate vicinity of the business. "Immediate vicinity" means the sign is within the area bounded by the buildings, driveways and parking areas in which the activity is conducted or within 50 feet of that area. "Immediate vicinity" does not include any area across a street or road from the area where the business is conducted or any area developed for the purpose of erecting a sign.
"SIGN STRUCTURE" means any structure designed for the support of a sign.
"SIGN, TEMPORARY" means a sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, not permanently affixed to a building, or attached to a sign structure that is permanently embedded in the ground, are considered temporary signs.
"STORY" means the vertical distance between the surface of any floor and the floor next above it, or if there be no floor above it, the space between such floor and the ceiling next above it.
"STRUCTURAL ALTERATION" means any change in the exterior supporting members, such as bearing walls, columns, beams or girders, footings and piles.
"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, ACCESSORY" means a subordinate structure which is incidental to and customarily found in connection with the primary use of the property, including but not limited to: garages, sheds, barns, gazebos, fences, retaining walls, and pedestrian walkways and stairways to surface water.
"STRUCTURE, NONCONFORMING" means a dwelling or other building, structure or accessory building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the regulations in the current zoning ordinance.
"STRUCTURE, PRINCIPAL" (principal building) means a building that is utilized for the primary use of a lot.
"SUBSTANTIAL EVIDENCE" means 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.
"TOURIST OR TRANSIENT" means a person who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business or employment.
"TOURIST ROOMING HOUSE" means single family dwelling in which sleeping accommodations are offered for pay to a maximum of 2 tourists or transients per bedroom plus 2.
"TRANSIENT LODGING" means any bed & breakfast, hotel or motel that requires a license from the State Department of Health and Family Services.
"TRAVEL TRAILER" means any vehicle, house car, camp car, or any portable or mobile vehicle either self-propelled or propelled by other means which is used or designed to be used for residential living or sleeping purposes as defined in Wisconsin Administrative Code ATCP 79.
"UNDEVELOPED LOT" means a lot that does not have a well and an installed sanitary system, not including a privy.
"UNNECESSARY HARDSHIP" means for area variances, compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. An unnecessary hardship must be based on conditions unique to the property rather than considerations personal to the property owner when reviewing a variance application.
"USE, CONDITIONAL" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by the county, but does not include a variance. Conditional uses, listed by ordinance, are subject to certain conditions specified in the ordinance and/or designated by the Environmental Services Committee.
"USE, NONCONFORMING" means a building, structure or use of land lawfully existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district or zone in which it is located.
"USE, PERMITTED" means a use permitted in a district whereby a building can be constructed, erected, altered or moved and is consistent with the general intent of the district.
"USE, VARIANCE" means an authorization by the board of adjustment under this subsection for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.
"VARIANCE" (Area) means a modification to a dimensional, physical, or locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure that is granted by the Board of Adjustment. A variance may only be granted in cases of unnecessary hardship and when the spirit of the ordinance is not violated.
"VIEWING CORRIDOR" means an area in which all trees and shrubs may be removed to create a visual view.
"VISION CLEARANCE TRIANGLE" means an unoccupied triangular space at the intersection of highways or streets or railroads. Such vision clearance triangle shall be bounded by the intersecting highway, road or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection.
"WETLANDS" means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and which have soils indicative of wet conditions.

"YARD" means an open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

Article 5. General Provisions

A. Areas to be Regulated - The shorelands area shall be considered as those lands within one thousand (1,000) feet of the OHWM of any navigable lake, pond, or flowage, and those lands within three hundred (300) feet of the OHWM of any navigable river or stream, or to the landward side of the flood plain, whichever is greater.

   All land within the shoreland area shall be placed within one of the zoning districts listed in Article 6.A. Uses within the shorelands shall conform to requirements of those respective districts and in addition, each use and property shall be subject to the requirements of this Ordinance.

B. Greater Restrictions - The provisions of the shorelands and wetlands regulations supersede all the provisions of any county zoning ordinance adopted under Chapter 59, Wisconsin Statutes, which relate to shorelands. However, where an ordinance adopted under a statute other than Chapter 59, Wisconsin Statutes, applies and is more restrictive than this Ordinance, the more restrictive provision of said ordinance shall continue in full force and effect only to the extent of the greater restrictions that are applicable, but not otherwise. In addition:

   1. Shorelands and wetlands regulations shall not require approval or be subject to disapproval by any town or town board.
   2. If an existing town ordinance relating to shorelands is more restrictive than this Ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions, but not otherwise.
   3. The shorelands regulations are not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

C. Height Restrictions –The height regulations of the underlying zoning districts shall apply as well as a maximum of 35 feet in height for any structure within the shoreland setback area, whichever is more restrictive. All height restrictions apply as measured from the lowest exposed grade to the highest point of the structure.

D. The use of phosphate fertilizers within shoreland areas is prohibited.

E. Septic systems shall comply with the applicable federal, state, and local laws, including other county ordinances.

F. Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate office of the Department for a final determination of navigability or ordinary high-water mark. The county may work with surveyors with regard to s. 59.692(1h).

G. Structures including school bus stop shelters, deer stands, dog houses, tree houses and ice-fishing shacks with a footprint of less than 64 sq. feet shall not be deemed an accessory structure or use, do not require permits, and shall conform to the setbacks and cannot be used for storage.

Article 6. Shoreland Zoning District Boundaries

A. The shorelands of Polk County are hereby divided into the following Districts:

1. Shoreland-Wetland District
2. General Purpose District

B. The following maps have been adopted and made part of this ordinance and are on file in the office of the Polk County Zoning Administrator:

1. The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.
2. Lake Classification List
3. County Identified Shoreland and Wetland Maps

Article 7. Shoreland-Wetland District

A. Designation – The Shoreland-Wetland district includes all shorelands subject to regulation under Article 5.A, which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory on the Department of Natural Resources Surface Water Data Viewer that have been adopted and made a part of this ordinance under Article 6.B.

B. Locating shoreland-wetland boundaries. Where an apparent discrepancy exists between the Shoreland-Wetland District shown on the Wisconsin Wetland Inventory and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate field office of the Department of Natural Resources to determine if the shoreland-wetland district, as mapped, is in error. If the Department of Natural Resources staff concurs with the Zoning Administrator that a particular area was incorrectly mapped as a wetlands, the Zoning Administrator shall have the authority to immediately grant or deny a land use permit in accordance with the regulations applicable to the correct zoning district.

In order to correct wetland-mapping errors shown on the official map, the Zoning Administrator shall complete a map amendment in a timely manner.

C. Purpose and Importance - The purpose of the Shoreland-Wetland District is: to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and aquatic life, to preserve shore cover and natural beauty, and to control building and development in wetlands whenever possible.

D. Allowed Uses – Allowed uses within the Shoreland-Wetland Zoning District are specifically enumerated in this paragraph. The following uses enumerated shall be allowed, subject to the regulations of this ordinance and the applicable provisions of Federal, State and local laws. The following uses are allowed within the Shoreland-Wetland District:

1. Allowed- The following uses are allowed and do not need a permit, so long as the use involves no filling, flooding, draining, dredging, ditching, tiling, excavating or grading:

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

2. The following uses do not require the issuance of a land use permit and may involve filling, flooding, draining, dredging, ditching, tiling or excavating to the extent specifically provided below:

   (a) Temporary water level stabilization measures, in the practice of silviculture, which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silviculture activities if not corrected.
   (b) Dike and dam construction and ditching for the purpose of growing and harvesting cranberries.
   (c) Ditching, tiling, dredging, excavating or filling done to maintain or repair existing agricultural drainage systems only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.
   (d) The maintenance, repair, replacement and reconstruction of existing town and county highways and bridges

3. The issuance of a land use permit is required before the following uses may be commenced:

   (a) The construction and maintenance of roads which are necessary to conduct silvicultural activities or are necessary for agricultural cultivation provided that:

      (1) The road cannot, as a practical matter, be located outside the wetland; and,
      (2) The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland and meets the following standards:

         (A) The road is designed and constructed as a single lane roadway with only such depth and width as is necessary to accommodate the machinery required to conduct agricultural and silvicultural activities; and,
         (B) Road construction activities are carried out in the immediate area of the roadbed only; and,
         (C) Any filling, flooding, draining, dredging, ditching, tiling or excavating that is done is necessary for the construction or maintenance of the road.

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

(1) Any such building does not exceed 500 square feet in floor area; and,
(2) No filling, flooding, draining, dredging, ditching, tiling or excavating is to be done.

(c) The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, provided that:

(1) Any private recreation or wildlife habitat area is used exclusively for that purpose.
(2) No filling or excavation is done except for limited filling and excavation necessary for the construction of boat access sites which cannot, as a practical matter, be located outside the wetland.
(3) Ditching, excavating, dredging, dike and dam construction in wildlife refuges, game preserves and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

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

(1) The transmission and distribution lines and related facilities cannot, as a practical matter, be located outside the wetland; and
(2) Any filling, excavating, ditching or draining that is done is necessary for such construction or maintenance and is done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.

(e) The construction and maintenance of railroad lines provided that:

(1) The railroad lines cannot, as a practical matter, be located outside the wetland; and
(2) Any filling, excavating, ditching or draining that is done is necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.

(f) The construction and maintenance of piers and walkways, including those built on pilings, provided that no filling, flooding, dredging, draining, ditching, tiling, or excavating is done.

E. Prohibited Uses - Any use not specifically enumerated in Article 7.D, is prohibited, unless the wetland or portion of the wetland is rezoned by an amendment of this ordinance in accordance with the requirements of Section 59.69 (5)(e), Wisconsin Statutes, Chapter NR 115, Wisconsin Administrative Code and Article 7.F. of this Ordinance.

F. Rezoning of Maps and amendments of text in the Shoreland-Wetland District - The following procedures shall be required for rezoning of lands within the Shoreland-Wetland District:

1. For all proposed text and map amendments to the Shoreland-Wetland District, the appropriate district office of the Department of Natural Resources shall be provided with the following:

(a) A copy of every petition for a text or map amendment to the Shoreland-Wetland District within 5 days of the filing of such petition with the County Clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland area.
(b) Written notice of the public hearing to be held on a proposed amendment, at least 10 days prior to such hearing;
(c) A copy of the County Zoning Department's findings and recommendations on each proposed amendment, within 10 days after the submission of those findings and recommendations to the County Board; and
(d) Written notice of the County Board's decision on the proposed amendment, within 10 days after it is issued.

2. A wetland, or a portion thereof, in the Shoreland-Wetland District shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

   (a) Storm and flood water storage capacity;
   (b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
   (c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable water;
   (d) Shoreline protection against soil erosion;
   (e) Fish spawning, brooding, nursery or feeding grounds;
   (f) Wildlife habitat; or,
   (g) Areas of special recreational, scenic or scientific interest, including scarce wetland types.

3. If the Department of Natural Resources has notified the County Zoning Department that a proposed amendment to the Shoreland-Wetland District may have a significant adverse impact upon any of the criteria listed in Article 7.F.2, that amendment, if approved by the County Board, shall contain the following provision: "This amendment shall not take affect until more than 30 days have elapsed since written notice of the County Board's approval of this amendment was mailed to the Department of Natural Resources. During that 30-day period, the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the county under Section 59.692(6) of the Wisconsin Statutes. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the adoption procedure under Section 59.692(6) is completed or otherwise terminated."

Article 8. General Purpose District

A. Designation - This district includes all shorelands subject to regulations under Article 5, which are not designated as wetland areas on the shoreland zoning maps in Article 6.

B. Purpose - The General Purpose District shall be used to allow a wide range of uses, subject to the general provisions of this ordinance which are designed to further the maintenance of safe and healthful conditions, protect spawning grounds, fish and aquatic life; and preserve shore

cover and natural beauty.

C. Allowed Uses – All allowed and sanctioned uses that increase the impervious surfaces that are within 300 feet of the OHWM and have direct drainage to a water resource are required to comply with Article 14.

The following uses are allowed within the General Purpose District:

1. Any use allowed under Article 7.
2. Single-family dwelling for owner occupancy, rent or lease.
3. Accessory buildings, incidental to the primary use of the property provided that:
   (a) A riparian lot on any class 1 or 2 water body shall not have more than two (2) accessory buildings, including a boathouse, within 300 feet of the OHWM.
   (b) Accessory buildings are allowed on class 3 waterways without the limitation listed sub (a) above.
4. Boathouses- The roof of a boathouse may be used as a deck if the boathouse has a flat roof with no side walls or screens. Boathouses shall meet the following requirements:
   (a) The maximum dimension is: 14' in width by 26' in depth. The width dimension runs parallel to the water.
   (b) Open handrails under 3 ½ feet tall that meet the Department of Safety and Professional Services standards may be constructed on the roof of the boathouse.
   (c) The roof must pitch away from the lake.
   (d) Designed solely for boat storage and storage of related marine equipment and not used by humans as a place of settled residence or habitat.
   (e) Shall not extend below the OHWM.
   (f) Structure cannot contain any plumbing
   (g) Must be at least 10 feet landward of the OHWM.
   (h) Must be located within the allowed access and viewing corridor.
   (i) Boathouses shall be a single story with a 14' maximum sidewall height.
5. A single (one per lot) bunkhouse will be permitted with the following conditions:
   (a) The bunkhouse shall not exceed 50% of the square footage of the accessory structure with a maximum of 400 square-foot floor area. The 50% square footage limitations will not apply when loft or attic truss type area is being used; however, the area shall not exceed 400 square feet. Stand-alone bunkhouses cannot exceed 400 sq. ft. of floor area in total.
   (b) All of the setback requirements for an accessory structure are met.
   (c) Leasing, rental or use as a residence is strictly prohibited.
   (d) Sanitary systems must be sized for the total number of bedrooms on the lot after the bunkhouse is built. No affidavits allowed for undersized systems
   (e) Holding tanks are only allowed for the purposes of these regulations if absolutely no other system will work on the property (i.e. a mound system or conventional system). A soil test is required to prove the necessity of a holding tank.
   (f) A separate sanitary system for a bunkhouse is prohibited
   (g) The bunkhouse shall be built to Uniform Dwelling Code compliance. A copy of the completed and passed final inspection of the bunkhouse by the Town's Building Inspector is due to the zoning office within 2 years of obtaining the land use permit, as proof that this condition has been satisfied.

(h) Plumbing, if installed, conforms to the Polk County Sanitary Code.
(i) Height of the structure is limited to 25 feet
(j) Maximum of 1 bathroom allowed per bunkhouse
(k) Cannot be split from original property
(l) Cooking facilities are prohibited
(m) Cannot be built on an Outlot
(n) Cannot be the first building on a lot
(o) An affidavit is recorded in the Register of Deeds outlining use restrictions.
(p) Boathouses cannot become bunkhouses
(q) Only allowed in zoning districts where single-family residential uses are allowed
(r) Must meet minimum lot size requirements at time of lot creation
(s) Bunkhouses created on riparian lots shall be required to install and maintain mitigation as described in Article 15 of this ordinance. For the purposes of this ordinance, changing the use of a structure to a bunkhouse counts as the same additional square footage of impervious surface.
(t) Use of accessory structures in a manner consistent with the definition of bunkhouse prior to enactment of this ordinance is prohibited by ordinances referenced in Article 3 and such use is not a nonconforming use as defined in Wisconsin Statute. Accordingly, any and all accessory structures that are to be used as bunkhouses must comply with the above conditions regardless of prior existing use.

6. General agricultural buildings, provided that:

   (a) Non-farm residences shall not be located within 300 feet of any feedlot or structure housing farm animals.
   (b) Farm buildings housing animals, barnyards, feedlots and animal waste disposal facilities shall be located at least 100 feet from any navigable water and shall be so located and constructed that there will be no drainage either directly or indirectly from such facilities into any navigable water.

7. Home occupations, including professional offices, incidental to the residential use of the property, provided that no more than 50 percent of the one floor shall be devoted to such offices contained within the dwelling or accessory building.

   (a) Home occupation, when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building; provided further that no article is offered for sale that is not produced by such home occupation, that no stock in trade is kept or sold and that no person other than a member of the resident family is employed.
   (b) Professional office, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises: provided further that there shall be no external alterations that would effect a substantial change in the residential character of the building and that not more than two persons not members of the resident family may be employed in non-professional capacities in any such office.

8. Snowmobile-bridges that have received written approval from the Department of Natural Resources.

9. Travel Trailers-

   (a) A travel trailer will not be allowed on any lot without a principal structure for more than fourteen days in any sixty consecutive days unless c-e applies below.

   (b) One travel trailer may be placed on a piece of property by the owner of the property for storage purposes only, if a principal structure exists.

   (c) A temporary permit may be issued if the property owner has installed a state approved septic system and well and the Zoning Administrator has issued a permit to begin constructing a dwelling within one year. Travel trailers must meet the setback requirements of Article 11.

   (d) An annual, seasonal permit may be obtained from the zoning office which would allow for the utilization of the travel trailer on the subject property from May 15th through December 1st annually. In order to obtain the above seasonal permit, the following requirements apply:
      (1) Must have an approved sanitary system installed by a Wisconsin licensed plumber (privies are not an allowed system)
      (2) Must meet all setbacks on property for an accessory structure
      (3) Must be removed once season is over

   (e) A travel trailer may be placed on a property for more than 14 days in any sixty consecutive days if a land use permit is obtained and all the following criteria are met:
      (1) The parcel is on a Class 3 body or water or is a non-riparian parcel
      (2) The property owner has at least 40 acres in one parcel or parcels adjacent to each other with common ownership
      (3) The travel trailer will not be used as a permanent residence
      (4) The setbacks required for an accessory building are met
      (5) A non-plumbing sanitary system is installed. If there is a well, a state sanitary system must be installed in compliance with the Polk County Private Onsite Wastewater (POWTS) Ordinance.

10. Any other structures that are customarily associated with a dwelling.
11. All agricultural activities that follow Best Management Practices as adopted by the Environmental Services Committee acting under Wisconsin Statute 92.06, Federal, State, and Local rules and ordinances.
12. Signs allowed in a Residential (R-1) zoning district under Section 10.5.3 of the Polk County Comprehensive Land Use Ordinance.

D. Changes in use that require a land use permit- These uses require a permit from the zoning office prior to these uses being an allowed use.

1. Tourist Rooming House provided they meet the following conditions:
   (a) No RVs, campers, tents or other means of overnight stay allowed.
   (b) All sleeping accommodations must be within the dwelling unit.
   (c) All parking must be contained on the property.
   (d) Applicant must obtain all proper licensing.
   (e) Applicant must have 24-hour contact number available to the public.

(f) Property must remain free from citation and charges for nuisance, disorderly conduct or any other illegal activity, and in compliance with county ordinances, state and local laws.

2. Bed and Breakfast
   (a) No RVs, campers, tents or other means of overnight stay allowed.
   (b) All sleeping accommodations must be within the dwelling unit.
   (c) All parking must be contained on the property.
   (d) Applicant must obtain all proper licensing.
   (e) Applicant must have 24-hour contact number available to the public.
   (f) Property must remain free from citation and charges for nuisance, disorderly conduct or any other illegal activity, and in compliance with county ordinances, state and local laws.
3. A Bunkhouse with the conditions in Article 8.C. 5 at a minimum

E. Conditional Uses- The following uses are authorized upon the issuance of a conditional use permit according to the procedure set forth in Article 18. Unless a greater distance is specified, any structure shall be at least 100 feet from a residence other than that of the owner of the lot, his/her agent, or employee; 75 feet from a residential property line; or 25 feet from a lot line. Erosion control plans and storm water management plans shall be required.

1. Hotels, motels, restaurants, dinner clubs, taverns, private clubs, power generating stations, churches and cemeteries/burial sites.
2. Institutions of a philanthropic or educational nature.
3. Recreational camps and campgrounds provided all buildings are more than 100 feet from the side lot line. Recreational camps shall conform to Chapter ATCP 78, Wisconsin Administrative Code and campgrounds shall conform to Chapter ATCP 79, Wisconsin Administrative Code.
4. Businesses customarily found in recreational areas.
5. Marinas, boat liveries, sale of bait, fishing equipment, boats and motors, forest industries, snowmobile sales, service and maintenance, recreational archery, custom rod building, indoor archery range, storage units, and licensed daycare centers.
6. Mobile home parks, provided that:

   (a) The minimum size of mobile home parks shall be 5 acres.
   (b) The maximum number of mobile homes shall be 8 per acre.
   (c) Minimum dimensions of a mobile home site shall be 50 feet wide by 100 feet long.
   (d) All drives, parking areas and walkways shall be hard surfaced or graveled, maintained in good condition, have natural drainage, and the driveways shall be lighted at night.
   (e) In addition to the requirements of Article 11, there shall be a minimum setback of 40 feet from all other lot lines and a minimum shoreline setback of 150 feet.
   (f) The park shall conform to the requirements of Chapter ATCP 125 Wisconsin Administrative Code.
   (g) No mobile home site shall be rented for a period of less than 30 days.
   (h) Each mobile home site shall be separated from other mobile home sites by a yard not less than 15 feet wide.
   (i) There shall be 2 surfaced automobile parking spaces for each mobile home.
   (j) Unless adequately screened by existing vegetation cover, the mobile home park shall be screened by a temporary planting of fast growing plant material capable of

reaching 15 feet or more, and so arranged that, within 10 years, there shall be formed a screen equivalent in screening capacity to a solid fence or wall. Such permanent planting shall be grown and maintained to a height of not less than 15 feet.

(k) The mobile home park site shall meet all applicable town and county subdivision regulations.

(l) Any mobile home site shall not have individual onsite soil absorption sewage disposal system unless it meets the minimum lot size specification as stated in Article 11.

7. Travel trailer parks provided that:
   (a) The minimum size of the travel trailer park shall be 5 acres.
   (b) The maximum number of travel trailers shall be 15 per acre.
   (c) Minimum dimensions of a travel trailer site shall be 25 feet by 40 feet.
   (d) Each travel trailer site is separated from other travel trailer sites by a yard not less than 15 feet wide.
   (e) There shall be 1½ automobile parking space for each trailer site.
   (f) In addition to the requirements of Article 11, there shall be a minimum setback of 40 feet from all other exterior lot lines.
   (g) The park shall conform to the requirements of Chapter ~~HFS 178~~ ATCP 79, Wisconsin Administrative Code.
   (h) The screening provisions for mobile home parks shall be met.
   (i) The travel trailer park site shall meet all applicable town and county subdivision regulations.

8. Nonmetallic mining - The extracting of the material consisting of, but not limited to, stone, clay, peat, and topsoil.
9. Industrial Use:
   (a) Light and general manufacturing including, but not limited to:
      - Metal, glass, plastic and wood assembly, fabrication and manufacturing
      - Electronics assembly, fabrication and manufacturing
      - Clothing
      - Bottling facilities
   (b) General warehousing and storage directly connected with the uses listed above provided they are not a nuisance
   (c) There may be one single-family dwelling unit and an associated residential accessory building on the premises, either attached or detached in connection with any of the above Industrial uses.

F. Prohibited Uses - Any use not specifically enumerated in Article C and D above is prohibited.

Article 9. Classification of Waters

A. Navigable waters in Polk County are classified according to criteria established in the Polk County Lakes Classification System, which was adopted by the Polk County Board of Supervisors on April 20, 1999 and is hereby incorporated herein and made part of this ordinance in Appendix A.

B. Polk County waters are classified into three (3) classes.

C. Class 1 waters are those that are the most developed; Class 2 waters are those that are

moderately developed and includes all rivers and streams; and Class 3 waters are those that are the least developed and includes all lakes that are twenty (20) acres or less in size, and all unnamed lakes not appearing on the DNR publication entitled: *Surface Water Resources of Polk County.* The Zoning Administrator shall make available a copy upon demand.

D. Any named lake inadvertently omitted from the DNR's *Surface Water Resources of Polk County* will be classified according to available information or Class 3 until information is available.

Article 10. Reclassification of Waters

Waters may be reclassified by amendment of the Polk County Waters Lakes Classification System under Article 10 of this ordinance. A petitioner for reclassification shall provide evidence related to each of the criteria described below and identify the waterway or specific portion of a waterway, which is the subject of the request. To avoid fragmentation of watersheds by numerous management strategies and to preserve administrative efficiency, a contiguous portion of a waterway, which is less than 0.5 mile in length, may not be reclassified. The following criteria shall be the sole basis for the County Board decision on the petition: The criteria specified in the Polk County Waters Classification System.

Article 11. Lot Requirements, Setbacks, & Minimum Shoreland Lot Dimensional Requirements

A. Preexisting Lots of Record

Any owner must obtain a permit prior to improving an existing lot. The Zoning Administrator shall not issue a permit unless the subject property meets Shoreland and side yard setbacks in Article 11.C and the lot area and dimensions as follows:

1. Dimensions of Building Sites for Lots Recorded Prior June 1, 1967:

   (a) Lots not served by a public sanitary sewer:
   (1) Minimum lot area.....10,000 sq. feet
   (2) Minimum lot width.....65 feet
   (3) Minimum Average Lot Width ..... 65 feet
   (b) Lots served by public sanitary sewer:
   (1) Minimum lot area.....7,500 sq. feet
   (2) Minimum lot width .....50 feet
   (3) Minimum average lot width...50 feet

2. Dimensions of Building Sites after June 1, 1967 but Before Passage of This Amendment:

   (a) Lots not served by a public sanitary sewer:
   (1) Minimum lot area.....20,000 sq. feet
   (2) Minimum lot width .....90 feet
   (3) Minimum average lot width...100 feet
   (b) Lots served by public sanitary sewer:
   (1) Minimum lot area.....10,000 sq. feet
   (2) Minimum lot width .....60 feet

(3) Minimum average lot width...65 feet

3. Dimensions of Building Sites after July 1, 1996 but Before the Passage of This Amendment:

   (a) Lots not served by a public sanitary sewer:
      (1) Minimum lot area.....43,560 sq. feet
      (2) Minimum lot width .....100 feet
   (b) Lots served by public sanitary sewer:
      (1) Minimum lot area.....20,000 sq. feet
      (2) Minimum lot width .....90 feet

B. Other Substandard Lots

Except for lots which meet the requirements of Article 11.B.1 below, a building permit for the improvement of a lot having lesser dimensions than those stated in Article 11.C.Table 1 shall be issued only if a variance is granted by the board of adjustment.

1. 'Substandard lots' A legally created lot or parcel that met the minimum area and minimum average width requirements when created but does not meet current lot size requirements, may be used as a building site if all the following apply:
   (a) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
   (b) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
   (c) The substandard lot or parcel is developed to comply with all other ordinance requirements.
2. 'Planned Unit Development' A non-riparian lot may be created which does not meet the requirements of Article 11.C. Table 1 if the county has approved a recorded plat or certified survey map including that lot within a planned unit development, if the planned unit development contains as least 2 acres or 200 feet of frontage, and if the reduced non-riparian lot sizes are allowed in exchange for larger shoreland buffers and setbacks on those lots adjacent to navigable waters that are proportional to and offset the impacts of the reduced lots on habitat, water quality, and natural scenic beauty.

C. All New Developed Lots and Construction Allowed After July 14, 2015 That Have Riparian Access Must Conform To Table 1.

Table 1. Site Dimensions

	Class 1	Class 2	Class 3	Rivers/Streams
Lot Size**	20,000 sq. ft. 10,000 sq. ft.*	20,000 sq. ft. 10,000 sq. ft.*	20,000 sq. ft. 10,000 sq. ft.*	20,000 sq. ft. 10,000 sq. ft.*
Lot Width (Minimum Average)	100 ft. 65ft.*	100 ft. 65ft*	100 ft. 65ft.*	100 ft. 65ft.*
Shoreline (OHWM) Setback	75 ft.	75ft.	75 ft.	75 ft.
Shoreline Vegetation Protection Area Landward from OHWM	35 ft	35 ft	35 ft	35 ft

Side Yard Setback to a Principal Structure	10 ft	15 ft	25 ft	15 ft
Side Yard Setback to an Accessory Structure	5 ft	10 ft	25 ft	10 ft
Rear Setback for a Dwelling	25 ft	25 ft	25 ft	25 ft
Rear Setback for Accessory Structure	10 ft	10 ft	10 ft	10 ft
Setback Averaging	1. Distance from proposed building site: 250' or less from main building to main building 2. Number of buildings needed: 2, one on each side 3. Setback is the average of the principal structures on adjoining lots 4. Minimum setback: 35'			
Increased Principal Structure Setback	Where there are existing principal structures in <u>both</u> directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met: 1. Both of the existing principal structures are located on adjacent lot to the proposed principal structure. 2. Both of the existing principal structures are located within 200' of the proposed principal structure. 3. Both of the existing principal structures are located greater than 75' from the ordinary high water mark. 4. Both of the existing principal structures were required to be located at a setback greater than 75' from the ordinary high water mark. 5. The increased setback does not apply if the resulting setback limits the placement to an area on which the structure cannot be built.			

*Minimum lot size and average width for lots served by a public sewer system.
**New lots are also subject to the requirements of the Polk County Subdivision Ordinance

1. The county shall review, pursuant to s. 236.45, Stats, all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less within a 5-year period. In such review all of the following factors shall be considered:

   (a) Hazards to the health, safety or welfare of future residents.
   (b) Proper relationship to adjoining areas.
   (c) Public access to navigable waters, as required by law.
   (d) Adequate storm water drainage facilities.
   (e) Conformity to state law and administrative code provisions.

D. Private Access Outlots
   1. After the effective date of this ordinance, no new access lots shall be allowed to be created.

2. Any existing lot created to provide lake access prior to the effective date of this ordinance shall meet the following requirements:

   (a) Such access strip must be a minimum of 50 feet in width for its entire depth.
   (b) No private access strip may serve more than five single-family dwellings or five backlots.
   (c) No camping or RV parking is allowed on such access strip.
   (d) No structures are allowed on such access strip.
   (e) Private access strips must be at least 1,000 feet apart.

E. For all properties located within the Shoreland Zoning District, the following setback requirements shall apply:
   1. The setback from any state or federal highway shall be 110 feet from the centerline of the highway or 50 feet from the right of way, whichever is greater.
   2. The setback from any county highway shall be 75 feet from the centerline of the highway or 42 feet from the right of way, whichever is greater.
   3. The setback from any town road, public street, or highway shall be 63 feet from the centerline of the road or 30 feet from the right of way, whichever is greater or as required by the Polk County Subdivision Ordinance, unless the Town Board approves a reduced setback. A permit may be issued for the reduced setback once written Town approval (i.e. minutes, letter, or resolution) is received if all of the other ordinance requirements are met.
   4. The setback from any private road shall be 35 feet from the centerline of the road.
   5. All buildings and structures shall be set back from the OHWM of navigable waters as required by the table of dimensional standards in Article 11.C. Table 1. Such setback shall be measured as the shortest horizontal distance from the structure to the OHWM.
   6. The following structures are exempt from shoreline, drainage way, and wetland setback requirements:

      (a) Shoreline protection structures permitted by the Department of Natural Resources;
      (b) Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.
      (c) Pedestrian walkways, stairways, and railings essential to access the shore due to steep slopes or wet soils and which comply with Article 12. Such stairways or walkways may be no more than five (5) feet in width and landings may not exceed 50 square feet;
      (d) Erosion control projects designed to remedy significant, existing erosion that cannot otherwise be controlled provided the project is received prior to project start and approved by the Land and Water Resource Department.
      (e) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pump house covers, private on-site wastewater treatment systems that comply with SPS 383,Wis. Adm. Code, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.
      (f) Open structures listed in 59.69(1v) or Article 13.

8. Boathouses shall be set back at least ten (10) feet from the ordinary high water mark of non-navigable streams and drainage ways.
9. All buildings and structures except for those permitted to be within wetland areas shall be setback at least 25 feet from the boundary of mapped wetlands.

F. For nonconforming principal structures located within the applicable setback areas, the following will apply:
   1. If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to this ordinance.

   2. An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure or is limited by another provision of this ordinance.

   3. An existing principal structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level or is limited by another provision of this ordinance.

   4. A structure, of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 153, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Any expansion of the structure beyond the existing footprint must comply with the provisions of this ordinance.

   5. Nonconforming principal structures: The following shall apply to nonconforming principal structures:

      (a) Lateral expansion within the setback area provided the following requirements are met:
         (1)The use of the nonconforming structure has not been discontinued for a period of 12 months or more if a nonconforming use.
         (2)The existing principal structure is at least 35 feet from the OHWM
         (3)Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion can be closer to the OHWM than the closest point of the existing principal structure.
         (4)Limitations on land disturbing activities in Article 16 are observed.
         (5)The mitigation requirements of Article 15 are received, approved, and implemented.
         (6)All other provisions of the shoreland ordinance shall be met.

      (b) Expansion beyond the setback area provided the following requirements are met:
         (1)May be expanded horizontally, landward, or vertically provided the expanded area meets the building setback requirements under Article 11.C. Table 1 and all other provisions of this ordinance.

(c) Relocation of a principal structure provided the following requirements are met:

(1)The use of the nonconforming structure has not been discontinued for a period of 12 months or more if a nonconforming use.

(2)The existing principal structure is at least 35 feet from the OHWM

(3)No portion of the relocated structure will be closer to the OHWM than the closest point of the existing principal structure.

(4)The county determines that no other location is available on the property to build a principal structure of the same square footage as the structure proposed for relocation that will result in compliance with the shoreland setback under Article 11.C. Table 1. Determination of acceptable location may include the following: soils, steep slopes, setback compliance. Setback compliance shall be in this order: shoreland, roadway, side yard, rear yard, vegetation considerations are not allowed.

(5)Limitations on land disturbing activities in Article 16 are observed.

(6)The mitigation requirements of Article 15 are received, approved, and implemented.

(7) All other provisions of the shoreland ordinance shall be met.

G. Boathouses - Maintenance and repair of preexisting boathouses that extend beyond the ordinary high water mark of any navigable waters shall comply with the requirements of Chapter 30.121(3) Stats.

H. Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. The county may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Article 12. Shoreland Protection Area

A. The shoreland protection area of all lots shall conform to Admin Code NR115.05 (1)(c) regarding vegetation removal to protect natural scenic beauty, fish and wildlife habitat, and water quality. Developed lots can be maintained in their present condition without removal of trees and shrubs within the shoreland protection area. Accordingly:

1. In the vegetated strip of land 35 feet wide measured perpendicular from the ordinary high water mark, no more than 35ft in every 100ft measured parallel to the shore, on any lot shall allow removal of all trees and shrubs for a viewing corridor. A viewing corridor requires a land use permit from the Polk County Zoning Office.
2. In the shoreland areas more than 35 feet wide inland, trees and shrubbery cutting shall be governed by consideration of the effect on water quality and consideration of sound forestry practices and soil conservation practices.
3. The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.
4. Viewing corridor may be split on a property but the total width of all of the corridors cannot total more than the maximum width allowed

5. Viewing Corridors are measured perpendicular to the water on an angle and pedestrian access may meander within corridor, however they must not exceed the maximum width.
6. Viewing corridors are allowed to run contiguously for the entire maximum width allowed.

B. Allowed uses by permit or conditional use permit in a shoreland protection area.

1. Placement of a pier, wharf, temporary boat shelter or boatlift shall be confined to waters immediately adjacent the viewing corridor described in Article 12.A.1. unless such location is not feasible due to steep slopes, wet soils or similar limiting conditions.
2. One developed pedestrian access to the shoreline may be provided if:

   (a) It is located within the viewing corridor unless such location is not feasible due to steep slopes, wet soils or similar limiting conditions;
   (b) It is located and constructed so as to avoid erosion;
   (c) It is located and constructed so as to maintain screening of development from view from the water;
   (d) It is the minimum construction necessary to provide access and includes no additional construction other than railings essential for safety;
   (e) It is no more than five (5) feet wide with landings of 50 square feet or less; and,
   (f) It is constructed of materials that blend with the natural ground cover in the vicinity of the pathway.

3. An elevated walkway or powered lift may be added to a developed access if:

   (a) It is the minimum construction essential to access the shore because of steep slopes, wet soils or similar limiting conditions;
   (b) It complies with the standards for location and construction of such pathways;
   (c) Construction plans are approved by the Zoning Office; and
   (d) Stairways on 20% or greater slopes are constructed to minimize erosion.

4. Shoreline protection activities authorized by a state permit with erosion control measures approved by the County Land and Water Resources Department must be designed to remedy significant, existing erosion problems.

6. Removal of dead and diseased trees that are a safety hazard, which endanger structures, and the removal of noxious vegetation which possess a threat to health or safety (i.e., poison ivy), provided that any vegetation removed be replaced by replanting in the same area as soon as practicable. The permit fee is waived for removing vegetation under this provision.

6. Roadways are constructed adjacent to permitted stream crossings.

7. Public and private water craft constructed launching sites are authorized only by the following standards and are authorized as a conditional use permit provided the following are maintained:

   (a) Construction allowed on slopes of less than 20%.
   (b) There is no general public access otherwise available to the waterway.

(c) Launching sites on residential property shall not be paved.
(d) Access sites shall be located within the viewing corridor unless such location is not feasible due to steep slopes, wet soils or similar limiting conditions.
(e) A State Chapter 30 permit shall be obtained for all construction and also be required when areas of 10,000 square feet are disturbed above the OHWM and must be obtained prior to said county application, and;
(f) Vegetation removal and land disturbing activities minimized and runoff diverted or controlled so that erosion within the access corridor is avoided.

8. Fish and wildlife habitat management projects included in a Department of Natural Resources approved management plan.
9. Commercial timber harvest is allowed and exempt from permit requirements of Article 12.A-B, if one or both of the following conditions is satisfied:

   (a) Such activity complies with appropriate practices specified in Wisconsin's *Forestry Best Management Practices for Water Quality* published by the Department of Natural Resources or a plan approved by the County Forest Committee.
   (b) Such activities are conducted on public lands and conform to Federal, State, and County management plans. Respective master plans are deemed to meet the intent of this Ordinance by established riparian protection standards through aesthetic management zones and appropriate management practices to maintain water quality and wildlife habitat.
10. Agricultural cultivation is allowed exemption from the provisions of this Section related to the vegetation protection area and land disturbing activities if such activity complies with Federal, State, and local laws or ordinances.

C. Vegetation Removal Penalties
1. In addition to any other penalties, the penalty for removing vegetation in violation of this Ordinance shall include replacement of vegetation with native vegetation at the property owner's expense according to one of the following options:

   (a) Option 1- Replace vegetation removed within 35 feet of the ordinary high water mark according to the tree replacement schedule below. All trees must be replanted within 75 feet of the ordinary high water mark.

Tree Replacement Schedule	
DBH of Existing Tree Removed	**Number of Replacement Trees**
< 6 inches	1
Between 6 - 12 inches	2
Between 12 - 18 inches	3
Between 18 - 24 inches	4
Between 24 - 30 inches	5
Between 30 - 36 inches	6
> 36 inches	The equivalent of 1 tree per 6" DBH of the removed trees.

DBH = Diameter Breast height

(b) Option 2- Calculate the number of trees under option 1 to be replaced. Plant 75% of the required trees and establish 40 square feet of native plantings for each additional tree required within shoreland protection area. The native planting shall be contiguous, and at least ten feet wide-parallel or perpendicular to the shore.

(c) Option 3- Calculate the number of trees under option 1 to be replaced. Plant 50% of the trees within 75 feet of the ordinary high water mark, and 70 square feet of native plantings for each additional tree required within shoreland protection area. The native planting shall be contiguous and follow practices found in the Wisconsin Field Office Technical Guide.

(d) Option 4- Calculate the number of trees under option 1 to be replaced. Plant 25% of the required trees, and establish a full buffer of native vegetation according to the practices found in Wisconsin Field Office Technical Guide in the shoreland protection area.

Article 13. Open Structures in Shoreland Setback Area

A. As required by Section 59.692(1v), Wis. Stats., the construction or placement of certain structures within the shoreland setback area shall be granted special zoning permission. An Administrative Land Use Permit will be issued for the structure for record keeping purposes. Structures will be allowed if all of the following conditions are met:

1. The structure has no sides or has open or screened sides. The structure shall not be attached to any other structure unless the side of such structure at the point of attachment is open or screened;
2. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary high water mark;
3. The total floor area of all structures in the shoreland setback area on the property will not exceed 200 square feet. This calculation shall include the area of any deck, patio, the portion of any pier landward of the OHWM, and any other structure, but boathouses and allowed structures necessary for water access shall be excluded;
4. The side yard setback shall be a minimum of 10 feet;
5. The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.

Article 14. Impervious Surface

A. Impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any non-riparian lot or parcel entirely within 300 feet of the ordinary high–water mark of any navigable waterway.

1. Calculation of impervious surface- Percentage of impervious surface shall be calculated by dividing the surface area of existing and proposed impervious surfaces on the lot by the total surface area of the lot, and multiplied by one hundred (100). If an Outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the Outlot shall be considered one lot or parcel

for the purposes of calculating the percentage of impervious surface. Treated impervious surfaces described below shall be excluded from the calculation of impervious surface on the lot or parcel.

2. Treated impervious surfaces- Impervious surfaces that can be documented to demonstrate they meet either of the following standards shall be excluded from the impervious surface calculations:
   (a) The impervious surface is treated by devices such as storm water ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
   (b) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.
   (c) The treatment system, treatment device or internally drained area must be properly maintained; otherwise the impervious surface is no longer exempt from the impervious surface calculations.

3. Impervious surface standards- ANY development within 300ft of the ordinary high water mark of a navigable waterbody is permitted up to 15% impervious surface on the lot. Impervious surfaces from 15-30% on the lot are permitted, provided that mitigation is completed and a mitigation agreement is recorded in the Register of Deeds. The maximum amount of impervious surface allowed on a lot is 30%. Mitigation options are listed in Article 15.

4. Existing impervious surfaces exceeding 30%- For existing impervious surfaces that were lawfully placed when constructed but exceeds 30% impervious surface the property owner may do any of the following:
   (a) Maintenance and repair of all impervious surfaces;
   (b) Replacement of existing impervious surfaces with similar surfaces within the existing building envelope;
   (c) Relocation or modification of existing impervious surfaces with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and meets the applicable setback requirements.

Article 15. Mitigation

A. The following sections of the ordinance are subject to the mitigation requirements listed here, and the options listed in this article shall be used to satisfy the mitigation requirements of the shoreland overlay section of the ordinance, including: Article 11.F.4(a) lateral expansion of a nonconforming structure, Article 11.F.4(c) relocation of a nonconforming structure, and when the impervious surface standards in Article 14.A.3 are exceeded. These properties shall mitigate to ensure that no additional runoff is discharged to the water body. A single option or a combination of options shall be selected by the land owner to satisfy the mitigation requirements with review by the Zoning Department to ensure the appropriate amount of mitigation is installed.

   1. Mitigation options:

(a) Install and/or maintain a full shoreland buffer with allowed viewing corridor

(b) Removal or replacement of nonconforming structures and/or other impervious surfaces of equal or greater square footage

(1) Non-conforming structures get an additional bonus of 1.25 square feet per 1 square foot removed.

1. Example: A property owner needs to remove 500 sq. ft. of impervious surface in order to add a 500 sq. ft. addition to their house. If the impervious surface that the property owner wanted to remove was a non-conforming structure, then they would only need 400 sq. ft. to qualify.

(c) Pre equals Post Calculation:

The property owner can utilize the Land Use Runoff Rating as a mitigation calculator to determine the pre development (prior to proposed improvements) and the post development (after proposed improvements) runoff ratings based on the land cover, existing impervious surfaces, and soil types. The post-development runoff amount must be less than or equal to the pre-development runoff or the allowed 15% of impervious surface runoff on the lot._The difference in the two values is the amount of runoff that needs to be mitigated. Options to equalize these values may include, but are not limited to: Vegetative Plantings, Rain gardens, Impoundments, including but not limited to, infiltration pits and rainwater harvesting.

(1) Land Use Runoff Rating – A rating number is determined for the entire impervious surface on the lot within 300 feet of the ordinary high water mark for Lake Classes 1, 2, 3 and rivers. To calculate the runoff rating the landowner/agent must complete the following steps:

I. Measure each land use of the lot and draw them to dimension or scale. Convert the land use areas into percentages of the lot.

II. Determine the Hydrologic Soil Type (HST) from a map that will be provided by the Zoning Department which indicates the assigned HST number.

III. Multiply each land use percentages by the HST number, and add the products of all the land uses resulting in the land use rating applied to the lot.

IV. Point Credits:

a. One point credit will be applied for the lots with public sewage and a 1.5 point credit for landowners who establish continuous vegetative cover starting from the OHWM and continuing landward.

b. Other practices or measures that the county determines adequate to offset the impacts of the impervious surface on water quality, near shore aquatic habitat, upland wildlife habitat and natural and scenic beauty. (i.e. practices found in Wisconsin Field Office Technical Guide or NRCS Technical Standards)

2. Additional mitigation requirements

a. Mitigation plans, including existing mitigation options, must be recorded by an affidavit in the Register of Deeds.
b. Mitigation plans will have two calendar years to be installed. If mitigation options are not installed and established within two years of issuance of a permit, then citations shall be issued and a new permit could be required.
c. For each mitigation plan, dated photo documentation of the mitigation area during and/or after the mitigation installation, as appropriate to show compliance, must be submitted as part of the application. Mitigation must be maintained and is subject to periodic compliance checks.

Article 16. Filling, Grading, and Ditching

A. Filling, grading, lagooning, dredging, ditching, or excavating which does not require a permit may be allowed in the Shoreland-Wetland Zoning District Area provided that:

1. Such activities are implemented in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat.
2. All applicable federal, state, and local permits are obtained.
3. An erosion control plan shall be required and reviewed by the Land Information Department.

B. Except as provided in Article 16.A, a filling and grading plan and permit is required before filling or grading of any area which is within 300 feet of the ordinary high water mark of a navigable water and which has surface drainage toward the water and on which such activities will occur:

1. On areas having slopes of 20% or more.
2. Areas of 1,000 square feet or more on slopes of 12% to 20%.
3. Areas of 2,000 square feet or more on slopes of 12% or less.
4. A landscaping permit may be required for any disturbance under the thresholds listed in 1-3 above.

C. Excavating for dwellings and sanitary systems in addition to soil conservation practices including, but not limited to, terraces, runoff diversions, and grassed waterways which are used for sediment retardation shall not require a permit provided:

1. Soil conservation practices that are planned and supervised by the Land and Water Resources Department are implemented. Soil conservation practices examples include, but are not limited to, terraces, runoff diversions, and grassed waterways, which are designed to retard sediment or control animal waste runoff.
2. Excavation for dwellings and sanitary systems are exempted from a permit under Article 16.B. if the excavation plan has been approved by the Zoning Office prior to construction. A landscaping permit shall be required unless a land use permit for the structure or state sanitary permit has been issued.

D. Filling and grading plans shall be submitted to, reviewed and approved by the Land Information Department for activities in Article 16.B. In order to determine if a filling and grading permit may be granted, a site plan is required and must contain the following information:

1. Location of buildings on the property
2. Property lines
3. Location of surface waters
4. Slope
5. North Arrow
6. Legend
7. Location of the filling and grading activities on the property
8. Property owner name and address
9. Erosion control practices implemented and locations on the property
10. Revegetation/stabilization plan
11. Site plan shall be at a scale of 1 inch represents 10 feet

Article 17. Off-Street Parking and Loading

A. Loading Space - All commercial uses shall provide sufficient maneuvering, loading, and parking space on the premises for pick-up, delivery and service vehicles necessary for normal operations.

B. Off-Street Parking - Each parking space shall be 200 square feet in area. Each use shall provide the following minimum off-street parking spaces:

1. Dwellings - one space for each dwelling unit.
2. Restaurants, taverns and similar establishments - one space for each 50 square feet of floor space devoted to patrons. Drive-in eating stands offering car service - five spaces for each person employed to serve customers.
3. Motels and tourist cabins - one space per unit.
4. Retail businesses and service establishments--one space for each 200 square feet of floor area.
5. Warehouses - one space for each two employees on the premises at a maximum employment on the main shift.

Article 18. Administrative Provisions

A. Zoning Administrator - The Zoning Department staff shall have the following duties and powers and the Land & Water Resources Department staff shall assist in the same:

1. Advise applicants on the provisions of this ordinance and assist them in preparing permit applications and appeal forms.
2. Issue permits and inspect properties for compliance with this ordinance.
3. Keep records of all permits issued, inspections made, work approved and other official actions.
4. Must have permission to access any premises between 8:00 a.m. and 6.00 p.m. for the purpose of performing duties set forth in this ordinance.
5. Submit copies of variances, conditional uses and decisions on appeals for map or text interpretation and map or text amendments within 10 days after they are granted or denied to the Department of Natural Resources.
6. Investigate and report all violations of this ordinance to the Environmental Services Committee.

B. Zoning Permits - The following applies to the issuance and revocation of permits:

1. When Required - Except where another section of this ordinance specifically exempts certain types of activities, development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any said activity or development, structural alteration, or repair, as defined in Article 8, is initiated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when s. 13.48(13), Stats, applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.2022(1), Stats, applies.
2. Application - An application for a zoning permit shall be made to the Zoning Administrator upon forms furnished by the County and shall include, for the purpose of proper enforcement of these regulations, the following data:

   (a) Name and address of applicant and property owner.
   (b) Legal description of the property and type of proposed use.
   (c) A to-scale sketch of the dimensions of the lot and location of buildings from the lot lines, centerline of abutting highways and the ordinary high water mark at the day of the sketch.
   (d) Whether or not a private water or septic system is to be installed.

3. Land Use Permits for land use changes shall expire twelve months from their date of issuance where no action has been taken to accomplish such changes or two (2) years after issuance.

C. Revocation - Where the conditions of a zoning permit, conditional use permit or a variance are violated, the same are deemed revoked.

D. Environmental Services Committee- The Committee shall be responsible for hearing all conditional use permit applications submitted to the Land Information Department and the following shall apply to conditional use permits:

1. Application for a Conditional Use Permit- Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted and an appropriate application fee paid to the Zoning Administrator and a conditional use permit has been granted by the Environmental Services Committee.

2. Standards Applicable to All Conditional Uses - In passing upon a conditional use permit, the Environmental Services shall evaluate the effect of the proposed use upon the following criteria:

   (a) The maintenance of safe and healthful conditions.
   (b) The prevention and control of water pollution including sedimentation.
   (c) Existing topographic and drainage features and vegetative cover on the site.
   (d) The location of the site with respect to floodplains and floodways of rivers and streams.

(e) The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
(f) The location of the site with respect to existing and future access roads.
(g) The need of the proposed use for a shoreland location.
(h) Its compatibility with uses on adjacent land.
(i) The amount of septic waste to be generated and the adequacy of the proposed disposal system.
(j) Location factors that:

I. Domestic uses shall be generally preferred;
II. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source; and
III. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.

3. Conditions Attached to Conditional Use Permit - Upon consideration of the factors listed above, the Environmental Services Committee shall attach such conditions, in addition to those required elsewhere in this ordinance as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance and result in immediate revocation of the conditional use permit. Such conditions may include, without limitation of a specific enumeration: type of shore cover; increased setbacks and yards; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; bonding; deed restrictions; location of piers, docks, parking and signs; and type of construction. To secure information upon which to base its determination, the Environmental Services Committee may require the applicant to furnish, in addition to the information required for a conditional use permit, the following information:

a) A plan of the area showing contours, soil types, ordinary high water marks, ground water conditions, bedrock, slope and vegetative cover.
b) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
c) Plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.
d) Specifications for areas of proposed filling, grading, lagooning or dredging.
e) Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.

4. Notice and Public Hearing - Before passing upon an application for a conditional use permit; the Environmental Services Committee shall hold a public hearing. Notice of such public hearing, specifying the time, place, and matters to come before the Environmental Services Committee, shall be given as a Class 2 notice under Chapter 985, Wisconsin Statutes, and notice shall be provided to the appropriate district office of the Department of Natural Resources at least 10 days prior to the hearing as well as all property owners

within 300 feet of the site under consideration. The Environmental Services Committee shall state in writing the grounds for refusing a conditional use permit.

5. Recording - When a conditional use permit is approved, an appropriate record shall be made of the land use and structures permitted and such permit shall be applicable solely to the structures, use and property so described. A copy of any decision on a conditional use permit shall be provided to the appropriate district office of the Department of Natural Resources within 10 days after application for the conditional use permit is granted or denied.
6. Revocation - Where the conditions of a conditional use permit are violated, the conditional use permit shall be revoked by the Zoning Department
7. Expiration –Conditional use permits for construction, alteration or removal of structures shall expire twelve months from their date of issuance if no building activity has begun within such time.

E. Board of Adjustment –Subject to confirmation of the County Board, The County Administrator shall appoint a Board of Adjustment under Section 59.694, Wisconsin Statutes, consisting of 5 members, with no less than 1 of the members being a riparian landowner. The County Board shall adopt rules for the conduct of the business of the Board of Adjustment as required by Section 59.694 (3), Wisconsin Statutes.

1. Powers and Duties - The Board of Adjustment shall have the following powers and duties:

   (a) The Board of Adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by Section 59.694 Wisconsin Statutes.
   (b) It shall hear and decide appeals where it is alleged there is an error in any order, requirements, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
2. It may authorize upon application, in specific cases, such variances from the terms of the ordinance as shall not be contrary to the public interest, where owing to special conditions, and a literal enforcement of the ordinance will result in unnecessary hardship.

   (a) In the issuance of a variance, the spirit of the ordinance shall be observed and substantial justice done. No variance shall have the effect of granting or increasing any use of property, which is prohibited in that zoning district by this ordinance.
3. Appeals to the Board of Adjustment - Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or bureau of the county affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days, as provided by the rules of the Board of Adjustment, by filing with the officer from whom the appeal is taken, and with the Board of Adjustment, a notice of appeal specifying the ground thereof. The Zoning Administrator or other officer from when the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appeal was made.

4. Hearing Appeals - The following procedures shall be taken in hearing any appeals:

(a) The Board of Adjustment shall fix a reasonable time for the hearing of the appeal. The Board shall give public notice thereof by publishing a Class 2 notice under Chapter 985, Wisconsin Statutes, specifying the date, time and place of hearing and the matters to come before the Board, and shall provide notices to the parties within 300 feet of the site under consideration and the appropriate district office of the Department of Natural Resources at least 10 days prior to the public hearing.
(b) A decision regarding the appeal shall be made as soon as practical and a copy shall be submitted to the Department of Natural Resources within 10 days after the decision is issued.
(c) The final disposition of an appeal or application to the Board of Adjustment shall be in the form of a written resolution or order signed by the chairman and secretary of the Board. Such resolution shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed in whole or in part, dismiss the appeal for lack of jurisdiction or persecution or grant the application.
(d) At the public hearing, any party may appear in person or by agent or by attorney.
(e) All decisions may be reviewed by a court of competent jurisdiction.

F. Fees - The Environmental Services Committee may, by motion, adopt fees for the following:
1. Land Use Permits.
2. Erosion Control Plan reviews.
3. Storm water Management Plan review.
4. Variances
5. Legal Notice Publications.
6. Conditional Use Permits.
7. Appeals to the Board of Adjustment
8. Amendments of Ordinance on Petition

Article 19. Changes and Amendments

A. The County Board may from time to time alter, supplement, or change the boundaries of use, districts, and the regulations contained in this Ordinance in accordance with the requirements of Chapter 59.69(5)(e), Wisconsin Statutes, and Article 7 where applicable.

B. Amendments to this Ordinance may be made on petition of any interested party as provided in Chapter 59.69(5)(e), Wisconsin Statutes.

C. In the instance that a petition for an ordinance amendment is filed by a member of the county board or by the agency designated by the board to consider county zoning matters, the petitioner shall be exempt from the fee required to propose such amendment.

D. Every petition for a text or map amendment filed with the County Clerk shall be referred to the County Zoning Agency. A copy of each petition shall be provided to the appropriate district office of the Department of Natural Resources within 5 days of the filing of the petition with the County Clerk. Written notice of the public hearing to be held on a proposed amendment shall be mailed to the appropriate district office of the Department of Natural Resources at least 10 days prior to the hearing.

E. A copy of the County Board's decision on each proposed amendment shall be provided to the appropriate district office of the Department of Natural Resources within 10 days after the decision is issued.

Article 20. Enforcement and Penalties

A. Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this Ordinance contrary to the provisions of this Ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. As authorized by Wis. Stat. CHAPTER 66, the Zoning Administrator or the County Zoning Agency shall issue citations for any violations of this Ordinance. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than two-hundred ($200.00) dollars nor more than one-thousand ($1000.00) dollars per offense, together with the taxable costs of action. Each day of continued violation shall constitute a separate offense. Every violation of this Ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance there may be abated by action at suit of the county, the state, or any citizen thereof pursuant to Section 87.30(2), Wisconsin Statutes. The County also retains the summons and complaint avenue for forfeitures and remedial action as provided by Wis. Stat. Section 59.69(11).

B. There shall be a penalty fee of 2 times the regular permit fee in those cases where building is commenced without first obtaining a land use permit, providing the structure is in conformance with the provisions of this ordinance. In cases where the project cannot be permitted without a variance, the penalty fee shall be applied towards the variance application fee.

C. The Zoning Department may issue an on-site stop work order, as appropriate, whenever it determines that a violation of this Ordinance or the building permit is taking place.