Ordinance No. 72-18
Amendment to Polk County Lower St. Croix Riverway 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

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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. 72-18: Amendment to Polk County Lower St. Croix Riverway Ordinance, as follows:

- [X] 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. 72-18: Amendment to Polk County Comprehensive Land Use 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
LOWER ST. CROIX RIVERWAY
ORDINANCE

Ordinance No. 72-18
Polk County Lower ST. Croix Riverway 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
715-485-8279
715-485-9246 FAX
www.co.polk.wi.us/landinfo/zoning

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POLK COUNTY LOWER ST. CROIX RIVERWAY ORDINANCE

Article A. Title, Authority and Effective Date

1. **Title**
   a. This Ordinance shall be cited as the "Polk County Lower St. Croix Riverway Ordinance" and hereinafter referred to as the "Ordinance."
2. **Authority**
   a. This Ordinance is enacted pursuant to the authority granted by Wisconsin Statute § 30.27 and Wisconsin Administrative Code NR118.
   b. The County Zoning Administrator shall administer this Ordinance pursuant to Wisconsin Statute § 59.69.
   c. Any mandatory amendments, repeals or recreations to the statutes pertaining to the subject matter of this Ordinance are incorporated into this Ordinance as of the effective date of amendment, repeal or recreation.
3. **Effective Date**
   a. This Ordinance shall be effective on August 29, 2018.

Article B. Purpose

1. **Purpose**
   a. The purpose of this Ordinance is to promote the public health, safety, and general welfare of the public by:
      1) Reducing the adverse effects of overcrowding and poorly planned shoreline and bluff area development.
      2) Preventing soil erosion and pollution and contamination of surface water and groundwater.
      3) Providing sufficient space on lots for sanitary facilities.
      4) Minimizing flood damage.
      5) Maintaining property values.
      6) Preserving and maintaining the exceptional scenic, cultural, and natural characteristics of the water and related land of the Lower St. Croix Riverway in a manner consistent with the National Wild and Scenic Rivers Act (P.L. 90-542), the Federal Lower St. Croix River Act of 1972 (P.L. 92-560) and the Wisconsin Lower St. Croix River Act (Wisconsin Statute § 30.27).

Article C. Applicability

1. **Boundaries**
   a. The Lower St. Croix Riverway Ordinance is an overlay zoning district. This Ordinance applies in addition to other zoning regulations that may fall within the Riverway District boundary.
      1) Polk County Shoreland Protection Zoning Ordinance
      2) Polk County Comprehensive Land Use Ordinance
      3) Polk County Floodplain Ordinance

b. This Ordinance applies to all unincorporated land in the Federal Zones of the Riverway District of Polk County. The boundaries of the Riverway District are shown in Appendix A, and are found in the Code of Federal Regulations. The same boundaries are shown on the map identified as the Lower St. Croix National Scenic Riverway Map, which are on file in the office of the Zoning Department. The legal description and maps referred to above are made a part of this Ordinance.

c. Within the unincorporated lands of Polk County, the Riverway District falls under the Conservation Management Zone as defined in Wisconsin Administrative Code NR 118.04:

1) The conservation management zone is primarily natural and mostly wooded, with some single-family residential uses. Shoreline areas are natural and do not contain residential lawns. The conservation management zone is established in both of the following locations:

a) In an area bounded on the north by the south boundary of Wisconsin Interstate state park and on the south by the north corporate boundary of the Village of Osceola as they existed January 1st, 1976.

b) In an area bounded on the north by the south corporate boundary of the Village of Osceola as they existed on January 1st, 1976, and on the south by the south boundary of Polk County.

2. Interpretation

a. Compliance

1) No development of land or water shall hereafter be implemented and no use, structure or part thereof shall be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with provisions of this Ordinance and all other applicable local, State and federal regulations.

b. Provisions

1) If any provision of this Ordinance conflicts with any provision of any other Polk County Ordinances, the more restrictive provision shall apply.

2) This Ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall take precedence.

3) The provisions of this Ordinance shall be liberally construed in favor of Polk County and shall not be construed to be a limitation or repeal of any other power now possessed or granted to Polk County.

c. Severability

1) Should any portion of this Ordinance be declared invalid or unconstitutional for any reason, by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

3. Limitation of Action

a. Claims

1) Pursuant to Wisconsin Statutes § 59.69(14), a land owner, occupant or other person affected by this Ordinance or amendment hereto who claims that this Ordinance or amendment is invalid because procedures prescribed by the statutes or the Ordinance were not followed in enacting this Ordinance or amendment hereto shall commence a court action within six months after enactment of this Ordinance or amendment or be forever barred.

Article D. Definitions

1. Interpretation

a. For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows:

1) Words used in the present tense include the future: in the singular include the plural and in the plural include the singular.
2) The word "shall" is mandatory, not permissive.
3) All distances, unless otherwise specified, shall be measured horizontally.
4) All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.

2. Definitions

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

Accessory Use: A use subordinate to and serving the principal use on the same lot and customarily incidental thereto. It must also be subordinate in area, extent or purpose to the principal building or use served. Accessory uses include, but are not limited to, family daycare, home occupations, and seasonal roadside stands.

Agriculture: The use of land for agricultural purposes, including: beekeeping, livestock grazing; orchards; raising of grain, grass or seed crops; raising of fruits, nuts or berries; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; and vegetable raising.

Antenna: Any device or equipment used for the transmission or reception of electromagnetic waves, which may include an omni-directional antenna (rod), a directional antenna (panel) or a parabolic antenna (disc).

Bed and Breakfast Operation: A place of lodging for transient guests that is the owner's personal residence, that is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

Bluffline: A line along the top of the slope preservation zone. There can be more than one bluffline.

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

Camouflage Design: A wireless communication service facility that is disguised, hidden or screened, but remains recognizable as a tower or antenna.

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

Conditional Use: 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.

Diameter at Breast Height (DBH): The width of a tree as measured at 4.5 feet above the ground surface.

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

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

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

Filtered View of the St. Croix River: A view in which one can see the river through the vegetation, while any structure remains visually inconspicuous.

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

and roof overhangs.

Foundation: The underlying base of a building or other structure, including but not limited to pillars, footings, and concrete and masonry walls.

Human Habitation: The use of a building or other structure for human occupancy, including but not limited to cooking, eating, bathing and sleeping.

Land Division: Any division of a parcel of land by the owner or the owner's agent, for the purpose of transfer of ownership or building development, which creates one or more parcels or building sites of 20 acres or less.

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

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

Lot: A contiguous parcel of land with described boundaries.

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

Management Zones: The Lower St. Croix Riverway management zones established in § NR 118.04.

Mitigation: Action taken to minimize the adverse impacts of development. Mitigation includes, but is not limited to, the installation of vegetative buffers, the removal of nonconforming structures from the shoreland setback area, and the implementation of best management practices for erosion control and storm water management.

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

Nonconforming Structure: A building or other structure whose location, dimensions or other physical characteristics do not conform to the standards of this ordinance but which was legally constructed or placed in its current location prior to the enactment of this ordinance or its amendment that made it nonconforming.

Nonconforming Use: Any use that does not conform to the land use restrictions in this ordinance, but which was legally established prior to the enactment of this ordinance or its amendment that made it nonconforming.

Ordinary High Water Mark (OHWM): The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. Where the bank or shore at any particular place is of such character that is difficult or impossible to ascertain where the point of OHWM is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine where a given stage of water is above or below the OHWM.

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

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

Principal Structure: The main building or other structure on a lot that is utilized for the property's principal use. Principal structure includes attached garages and porches.

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

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

Selection Cut: The removal of selected trees throughout the range of merchantable sizes at regular intervals, either singly or in small groups, leaving a uniformly distributed stocking of desirable tree and shrub size classes.

Setback: The minimum horizontal distance between a structure and the OHWM, bluffline, side and rear lot lines, and roads.

Shelterwood Cut: A partial removal of mature trees leaving trees of desirable species and form to provide shade, seed source and a desirable seedbed for natural regeneration with the final removal of the overstory after adequate regeneration is established.

Single-family Residence: A detached structure used for human habitation for one family.

Slope Preservation Zone: The area riverward from the bluffline where the slope towards the river is 12% or more, as measured horizontally for a distance of not more than 50 feet or less than 25 feet.

Small Regeneration Cut: A harvest of not more than one-third of the contiguous forested ownership within a 10–year period with each opening not exceeding 6 acres in size and not closer than 75 feet at their closest points.

Stealth Design: A wireless communication service facility that models or mimics in size or shape and color something in the surrounding landscape, such as silos in farm settings and trees in forested lands, and is unrecognizable year round as an antenna or antenna mount.

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

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

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

Structure: Any man-made object with form, shape and utility that is constructed or otherwise erected, attached to or permanently or temporarily placed, either upon the ground, a river bed, stream bed or lake bed or upon another structure. Structure includes swimming pools, hot tubs, patios, decks and retaining walls, but does not include landscaping or earthwork such as graded areas, filled areas, ditches, berms or earthen terraces. Structure does not include small objects that are easily moved by hand, such as lawn chairs, portable grills, portable picnic tables, bird feeders, birdhouses and birdbaths.

Substandard Lot: A lot with dimensions that do not conform to all of the requirements of this chapter.

Transmission Services: Electric power lines, telephone and telegraph lines, communication towers, cables, sewage lift stations, sewer and water pipes, and other pipes, conduits and accessory structures that are used to transport power, convey information or transport material between 2 points, other than wireless communication service facilities.

Visually Inconspicuous: Difficult to see, or not readily noticeable, in summer months as viewed from at or near the mid-line of the Lower St. Croix River.

Wetland: An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

Wireless Communication Service Facilities: Hardware that provides wireless communication services including antennas, towers, all associated equipment, and buildings and other structures.

Article E. Land Uses and structures

1. Allowed Uses and Structures

a. The following uses are allowed in the Riverway District without a permit:

1) Nonstructural conservancy and open space uses associated with maintaining the value of certain lands for natural areas, scenic preservation, recreation, wildlife management, water and soil conservation and other such purposes.
2) Nonstructural agricultural and forestry uses, including silviculture in compliance with Wisconsin Administrative Code Chapter NR 118.06(6).
3) Routine pruning of trees and shrubs to improve their health and vigor, provide a filtered view of the Lower St. Croix River, herein after referred to as "the river," and prevent property damage.

2. Permitted Uses and Structures

a. The following uses and structures are allowed in the Riverway District subject to the standards in the current Polk County Shoreland Protection Zoning Ordinance, hereafter referred to as "Shoreland Ordinance" and with a land use permit from the Polk County Zoning Administrator:

1) Single-family residence and accessory uses and structures.
2) Public parks, areas devoted to natural resource management and interpretation, waysides, rest areas, information areas, and scenic overlooks.
3) Governmental structures used as information centers or for resource management to improve the fish and wildlife habitat, provided that they meet all other provisions of this Ordinance.
4) Filling and grading less than 10,000 square feet outside of the slope preservation zone and greater than 40 feet from the slope preservation zone.
5) Signs per Section H2 of this Ordinance.
6) Structural erosion control measures constructed outside of slope preservation zones.
7) Rock riprap and other shoreline protection measures above the OHWM.
8) Vegetation removal as per Article 12 of the Shoreland Ordinance.
    a) Removing trees that pose an imminent safety hazard to persons or structures within 35' of the OHWM.
9) Accessory structures.

3. Conditional Uses and Structures

a. The following uses and structures are allowed in the Riverway District with a conditional use permit subject to the standards in Article 18.D of the Shoreland Ordinance and approval by the Polk County Environmental Services Committee:

1) Land divisions.
2) Wireless communication service and other transmission facilities consistent with the provisions of the Polk County Telecommunication Towers and Related Facilities Ordinance.
3) Filling and grading less than 10,000 square feet in slope preservation zones that do not directly face the river and do not drain directly to the river.
4) Filling and grading within 40 feet of a slope preservation zone.
5) Filling and grading 10,000 square feet or more outside of the slope preservation zone.
6) Structural erosion control measures in slope preservation zones.
7) Stairways and lifts.
8) Public and private roads serving two or more properties or single-family residences.
9) Bed and breakfast operations.
10) Home occupations per Article 8.C.7. of the Shoreland Ordinance.

11) Private, non-profit, nature-oriented educational facilities.

4. Prohibited Uses

a. Within the Riverway District, all uses or structures not listed as allowed, permitted, or conditional uses are prohibited.

Article F. General Provisions

1. Minimum Lot Size

a. The minimum lot size shall be governed by the base-zoning district.

b. Minimum net project area for each lot shall be at least one acre.

c. If the lot is not served by a public sewer or community system, the lot shall have adequate room for one single-family residence and two private on-site waste treatment systems.

2. Minimum Lot Width

a. The minimum lot width shall be 250 feet measured at the building line and at the side of the lot nearest the river.

3. Density Standards

a. There may be no more than one principal structure on each parcel.

4. Structure Height

a. The maximum structure height shall be measured between the average ground elevation and the uppermost point of the structure, excluding chimneys.

1) The maximum height for principal structures in the conservation management zone shall be 25 feet.
2) The maximum height for accessory structure shall be 25'.
3) Wireless communication service and other transmission facilities must meet the requirements consistent with the Polk County Telecommunication Towers and Related Facilities Ordinance.

5. Structure Setbacks

a. All setbacks shall be measured on a horizontal plane from the roof overhang and any cantilevered portions of the structure at the point of the structure that is nearest the OHWM, bluffline, or property line.

b. All structures except docks, piers, wharves, structural erosion control measures, stairways, and lifts shall meet the following:

1) OHWM Setback: At least 200 feet.
2) Bluffline Setback: At least 200 feet.
   a) Structures that do not meet the setback may be permitted within the bluffline setback area if they are set back at least 40 feet from the bluffline and meet all of the following standards:
      i. The structure does not protrude above the bluffline as viewed from at or near the mid-line of the river or from 250 feet riverward from the OHWM whichever is less.
      ii. The structure is not located in a slope preservation zone.
      iii. The structure utilizes building materials that are earth tone in color and of a non-reflective nature, except that windows may be made of ordinary window glass or non-reflective glass, but may not be made of glass designed to reflect more light than ordinary window glass.
      iv. The structure is visually inconspicuous.
3) Sideyard Setback: At least 25 feet from all exterior lot lines.

4) Road Setbacks
   a) 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 (ROW), whichever is greater.
   b) The setback from any county highway shall be 75 feet from the centerline of the highway or 42 feet from the ROW, whichever is greater.
   c) The setback from any town road, public street, highway, or private road shall be 63 feet from the centerline of the road or 30 feet from the ROW, whichever is greater or as required by the Polk County Subdivision Ordinance.

Dimensional Standards Summarized		
	Riparian	**Non Riparian**
Lot Size, Minimum	60,000 square feet	1 acre
Net Project Area, Minimum	1 acre + room for 1 single-family residence and 2 POWTS	1 acre + room for 1 single-family residence and 2 POWTS
Lot Density, Maximum	1 single-family residence/lot	1 single-family residence/lot
Lot Width at Building Line, Riverward	250 feet	250 feet
Height, Principal Structure	25 feet	25 feet
Height, Accessory Structure	25 feet	25 feet
OHWM Setback	200 feet	200 feet
Bluffline Setback	200 feet, 40 feet with performance standards	200 feet, 40 feet with performance standards
Sideyard Setback	25 feet	25 feet
Road Setback: Town **County**	63 feet from centerline or 30 feet from ROW 75 feet from centerline or 42 feet from ROW	63 feet from centerline or 30 feet from ROW 75 feet from centerline or 42 feet from ROW

Article G. Performance Standards

1. Structure Color

a. All new, expanded, or reconstructed structures shall be earth tone in color.

b. Structures designated as historic buildings on local, State, or national historic registers shall either be earth tone in color or colored appropriate to the period in history for which they are designated.

2. Signs

a. Signs are allowed with a land use permit and if one or more of the following standards are met:
   1) The sign is approved by State or local government and is necessary for public health or safety.
   2) The sign indicates areas that are available or not available for public use.
   3) The sign is not visible from the river and is otherwise lawful.

3. Structural Erosion Control

a. Except for rock riprap and structural erosion control measures above the OHWM and within the OHWM setback area and bluffline setback area are allowed with a land use permit if all of the following standards are met:
   1) The structural erosion control measure is constructed outside of the slope preservation zone.

2) The Zoning Authority determines that structural erosion control measures are necessary to address significant on-going erosion that nonstructural erosion control measures cannot control.
3) The structural erosion control measure is constructed of natural materials and is made as visually inconspicuous as possible.
4) Storm water management, erosion and sediment control and vegetative management plans are submitted.

b. Constructing, updating, maintenance or reconstruction of structural erosion control measures in slope preservation zones is allowed by a conditional use permit if all of the following standards are met:
1) The Zoning Authority determines that structural erosion control measures are necessary to address significant on-going erosion that nonstructural erosion control measures cannot control.
2) The structural erosion control measure is constructed of natural materials and is made as visually inconspicuous as possible.
3) The person seeking to construct the structural erosion control measure submits and has approved by the Zoning Authority all of the following items:
a) A detailed construction plan with timelines and contact information.
b) An erosion and sediment control plan.
c) A vegetation management plan.

4. Slope Preservation Zone

a. No structures, except docks, piers, wharves, structural erosion control measures, stairways, and lifts may be placed in slope preservation zones.
b. Slopes greater than 12 percent may not be altered to become less than 12 percent.
c. No filling or grading is allowed in slope preservation zones that directly face and/or drain directly to the river, except the minimum required for installation of items in a. above.

5. Filling and Grading

a. Filling and grading outside of a slope preservation zone are allowed with a land use permit if all of the following standards are met:
1) Activities are set back at least 40 feet from a slope preservation zone.
2) Activities do not disturb more than 10,000 square feet of land.
3) No filling, grading or draining of wetlands is allowed.
4) Any vegetation that is removed is replaced with native vegetation.
5) Activities are designed and implemented in a manner to minimize erosion, sedimentation, tree damage, and impairment of fish and wildlife habitat.
6) Polk County Storm Water Construction Technical Standards are implemented.
b. Filling and grading are allowed by conditional use permit if the following standards are met:
1) Less than 10,000 square feet in slope preservation zones.
2) More than 10,000 square feet outside the slope preservation zone.
3) Within 40 feet of a slope preservation zone.
4) All standards under a. 3-6 above are met.

6. Rock Riprap

a. Rock riprap within a slope preservation zone and in the OHWM setback area is allowed with a land use permit if the Zoning Authority determines that riprap is necessary to prevent erosion in flood-prone areas, and if the following standard is met:

1) Either a State permit is granted for the riprap or statutory criteria or administrative rule standards are met and a State permit is not required for the riprap.

7. Vegetation Management

a. Vegetation in the Riverway District shall be managed with the goals of:
   1) Screening structures to make them visually inconspicuous.
   2) Preventing disturbance of environmentally sensitive areas such as but not limited to steep slopes, shorelines, and blufftop areas.
   3) Maintaining and restoring historically and ecologically significant plant communities and enhancing diversity.

b. Successional climax forest and pre-settlement oak savanna will be the preferred ecotypes.

c. Vegetative screening of structures will take priority over restoration and maintenance of preferred ecotypes.

d. Vegetation removal other than that allowed under E.1.a.2) and E.1.a.3) is allowed with a land use permit if all of the standards under e. below are met.

e. All of the following vegetation management standards shall apply whenever vegetation is disturbed in the Riverway District:
   1) Vegetation on lands within the OHWM setback, bluff line setback, and the slope preservation zone shall be left undisturbed, except as provided for elsewhere in this subsection or as provided in G.3. and G.11.
   2) Vegetation may not be disturbed or removed if it would disrupt the visually inconspicuous character of structures, reduce the quality or diversity of the plant community, or increase the potential for erosion, except as provided elsewhere in this subsection or as provided in G.3. and G.11.
   3) Lawns within the OHWM setback areas, slope preservation zones, and bluffline setback areas may not be expanded.
   4) The growth and harvest of non-wood fiber crops, the removal of vegetation in order to allow permitted uses or structures or conditional uses, the removal of State-designated noxious weeds, and the pruning or removal of vegetation to prevent insect infestation or disease that threaten large areas of vegetative cover per Wisconsin Statute § 66.96(2) are allowed.
   5) Herbicide use shall be limited to direct topical application to cut stems to kill noxious weeds, exotic species, poison ivy, poison oak or poison sumac, or as a prescribed treatment within a forest stewardship management plan.
   6) The practice of forestry shall be allowed on lands for which a forest stewardship plan has been developed under Wisconsin Statutes Chapter 77, or Wisconsin Administrative Code Chapter NR 46 or 47, and on lands managed under forest stewardship.
      a) Forest stewardship plans shall employ best management practices for water quality protection, erosion control, and generally accepted forest management guidelines and must be approved by a WDNR forester.
         i. Generally accepted forest management guidelines are contained in *Wisconsin Forest Management Guidelines*, PUB–FR–226 2003, available from the WDNR.
      b) Forest stewardship plans shall be submitted to the Zoning Administrator to be kept in a property file.
      c) Cutting, harvesting or removing timber under this provision on land that is visible from the river during the time when the leaves are on the deciduous trees may only include the following practices:
         i. Small regeneration cuts with boundaries designed to harmonize with naturally occurring shapes;

ii. Shelter wood cuts not to exceed the size, shape, spacing or timing of regeneration cuts; or,

iii. Selection cuts leaving a residual timber stand of at least 60 square feet basal area.

7) Noxious weeds, non-native invasive species, poison ivy, poison oak, or any other vegetation that is removed shall be replaced with native vegetation.

f. 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 the following options:

1) 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

2) 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.

3) 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.

4) 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.

8. POWTS

a. Private on-site wastewater treatment systems shall be constructed in accordance with the requirements of Wisconsin Administrative Code Chapter SPS 383 and the Polk County Private Onsite Wastewater Treatment System (POWTS) Ordinance.

9. Land Divisions

a. Land divisions are allowed by conditional use permit if all of the following standards are met:

1) All lots proposed to be built upon shall meet the minimum lot size requirements per Section F., and shall be suitable for residential development in their existing condition without the need for a variance.
2) All lots are suitable for their proposed use and will not be subject to the potential for flooding, inadequate drainage, severe erosion, inadequate water supply or inadequate sewage disposal capabilities.
3) Use of lots will not be allowed if there exists unfavorable soil and rock formations, unfavorable topography, or any other feature that is likely to result in harm to the health, safety or welfare of future residents of the lots or of the local community.
4) The Land Information Department shall consult with the State Historical Society concerning potential impacts to archeological sites and provide related documentation to the Zoning Administrator.
    a) If the property is found to contain an archeological site, the applicant shall work with the Land Information Department to develop and implement a plan to avoid or mitigate impacts to the archeological site with assistance from the State Historical Society.

10. Transmission Facilities and Other wireless Communication

a. Construction, updating, maintenance or reconstruction of transmission services is allowed by conditional use permit if all of the following standards are met:
    1) All new, updated or reconstructed transmission services shall be placed underground when determined to be technically feasible by the Zoning Administrator. If an applicant seeks to establish that underground placement is technically infeasible, the application shall explain in detail what factors make it infeasible.
    2) If underground placement is determined to be technically infeasible, overhead or above ground transmission services are permitted, but shall be designed to minimize the adverse visual impact on the scenic character of the Riverway District.
    3) New, updated or reconstructed transmission services shall be constructed and maintained using minimally invasive techniques for construction and maintenance, including erosion control. Existing transmission facilities shall be maintained using minimally invasive techniques for maintenance, including erosion control.
    4) Cutting or clearing of vegetation for transmission service maintenance may be conducted subject to the following standards:
        a) An understory layer of vegetation shall be maintained to prevent erosion and allow succession.
        b) Vegetation management shall protect the quality and diversity of the plant community and prevent erosion.
        c) Herbicide use shall be limited to direct topical application to cut stems to prevent re-growth.
        d) The pruning of normal tree growth for safety reasons or to prevent interference with the transmission service and removal of noxious weeds is allowed.

b. Installation, reconstruction, modification and replacement of wireless communication service facilities are allowed by conditional use permit under the provisions of the Polk County Telecommunication Towers and Related Facilities Ordinance and if all of the following standards are met :
    1) Construction and maintenance shall be conducted using techniques which minimize the cutting or pruning of vegetation in order to preserve mature vegetation and provide screening of the facilities. Erosion control measures shall be used.

2) Wireless communication service facilities shall use building materials, colors, textures, screening and landscaping that blend the facilities in with surrounding natural features or nearby structures and shall be visually inconspicuous.
3) Wireless communication service facilities shall be of camouflage or stealth design, unless placed on existing structures.
4) Wireless communication service facilities may not exceed a height of 50 feet or not more than 20 feet above the tallest structure or tree canopy within a 300 foot radius of the proposed wireless communication service facilities as measured horizontally, whichever is higher.
5) New or reconstructed wireless communication service facilities may not be placed in slope preservation zones, floodplains or wetlands.

11. Stairways

a. Stairways are allowed by conditional use permit if all of the following standards are met:
1) The stairway is required to provide pedestrian access to the river because of steep, rocky, unstable or wet site conditions.
2) The tread width of the stairway may not exceed 48 inches.
3) Landings are located at a vertical interval of not less than 20 feet and shall not exceed 32 square feet in area.
4) Handrails may be permitted in conjunction with stairways and shall be painted or stained the same color as the stairways.
5) Canopies or roofs are not allowed on stairways.
6) Stairways, handrails and landings shall be anchored and supported above grade with pilings or footings.
7) Stairways shall be constructed of unfinished wood or stone, or shall be painted or stained with earth-tone colors.
8) Stairways shall be visually inconspicuous and shall be located in the most visually inconspicuous portion of the lot.
9) Native vegetation plantings shall be used to form a vegetative canopy to screen the stairway from the river.
10) Existing vegetation may be removed within one foot of either side of the stairway route and up to eight feet above the stairway floor.Vegetation shall effectively screen stairways from the river within five years.
11) Only one stairway may be permitted on a lot that abuts the river.

12. Lifts

a. Lifts are allowed by a conditional use permit if all of the following standards are met:
1) The lift is required to provide pedestrian access to the river because of steep, rocky, unstable or wet site conditions.
2) The car of the lift may not exceed 4 feet by 6 feet. Cars may have handrails, but no canopies or roofs shall be allowed.
3) All visible parts of the lift shall be painted or finished in earth-tone, non-reflective colors and shall be visually inconspicuous.
4) Lifts shall be located in the most visually inconspicuous portion of the lot. Location of the transporting device or power source shall be visually inconspicuous.
5) Native vegetation plantings shall be used to form a vegetative canopy to screen the lift from the river.
6) Existing vegetation may be removed within one foot on either side of the lift route and up to 8 feet above the lift floor.
7) Only one lift may be permitted on a lot that abuts the river.

13. Public and Private Roads

a. Construction, reconstruction or right-of-way maintenance for public roads and private roads serving two or more properties or single-family residences is allowed by a conditional use permit if all of the following standards are met:

1) No new road may be constructed in slope preservation zones, in an area 40 feet landward of blufflines, within 200 feet of the river, within 100 feet of tributary watercourses, or in wetlands.
2) Route design and construction or reconstruction shall minimize visual impacts by using terrain features to blend the road into the landscape, avoiding cuts and fills as much as feasible.
3) New roads shall be visually inconspicuous.
4) Reconstruction of existing roads shall be performed in a manner that does not increase visibility of the road from the river.
5) Cutting or clearing vegetation for road right-of-way maintenance shall be conducted in accordance with the following standards:
   a) Vegetation shall be managed to allow an understory layer to remain in place to prevent erosion and allow succession. Vegetation may not be disturbed in such a way that there would be reduced quality or diversity of the plant community or increased potential for erosion.
   b) Herbicide use shall be limited to direct topical application to cut stems to prevent re-growth. The pruning of normal tree growth for safety reasons or to prevent interference with infrastructure and the removal of noxious weeds is allowed.
   c) Mowing of a safety zone from the edge of the pavement back 15 feet or to the ditch bottom, whichever is less, and clearing intersection vision triangles is allowed. Other parts of the right-of-way may be mowed to control noxious weeds and undesirable brush only after July 15 of each year to avoid impacts to ground-nesting birds.
   d) Cutting of trees more than 4 inches in diameter breast height is prohibited, except that trees that pose a hazard to public health or safety may be removed.

b. Public entities may apply for a one-time conditional use permit for long-term maintenance of public road right-of-way, subject to all standards listed in a. above and to periodic monitoring.

14. Bed and Breakfast Operations

a. A bed and breakfast operation is allowed by conditional use permit if all of the following standards are met:

1) The bed and breakfast operation provides four or fewer rooms for rent to transient visitors.
2) The bed and breakfast operation has sufficient parking spaces on site or on public roads for guests.

15. Nature-Oriented, Educational Non-Profit Facilities

a. A nature-oriented, educational non-profit facility is allowed by conditional use permit if all of the following standards are met:

1) The facility will not cause environmental pollution or erosion.
2) The facility has sufficient parking on site or on public roads for patrons.

16. Home Occupation

a. A home occupation is allowed by conditional use permit if all of the following standards are met:

1) The owner or person who rents the residence on a full–time basis conducts the home occupation.
2) The home occupation is conducted inside of the residence and is subordinate to the use of the home as a principal residence.

3) The home occupation will not cause environmental pollution.
4) If the home occupation causes additional persons to visit the residence, sufficient parking is provided on the lot or on public streets.

Article H. Nonconforming uses and structures and Substandard Lots

1. Nonconforming Uses

a. A nonconforming use may not be expanded or enlarged.
b. An increase in the volume, intensity or frequency of use is allowed if the land area or structure used for the nonconforming use are not expanded or enlarged.
c. A change from one nonconforming use to another nonconforming use is not allowed.
d. If a nonconforming use is discontinued for a period of 12 consecutive months, any future use of buildings and premises shall conform to all of the requirements of all applicable Polk County Zoning Ordinances.

2. Nonconforming Principal Structures

a. Ordinary maintenance and repair of a nonconforming principal structure is allowed.
b. Structural alteration, reconstruction and expansion of a nonconforming principal structure and replacement, improvement or structural alteration of the foundation is allowed by a land use permit if all of the applicable requirements in pars. d. and e. below are met.
c. Reconstruction of Nonconforming Principal Structures.
    1) Nonconforming principal structures located greater than 100' from the OHWM but within the OHWM setback area, bluffline setback area or slope preservation zone may be structurally altered or reconstructed and foundations may be replaced, improved or structurally altered if all of the following requirements are met:
        a) The lot has an area of at least 10,000 square feet.
        b) The altered or reconstructed structure will be visually inconspicuous or will be rendered so through mitigation per H.5.
        c) The structure is altered or reconstructed in the same footprint as the pre-existing structure.
        d) The reconstructed structure may not be any taller than the pre-existing nonconforming structure, except that a flat roof may be replaced with a pitched roof, and may not be taller than allowed per F.4.
        e) The color of the structure complies with G.1.
        f) The property owner submits a mitigation plan per H.5.
            i. If a permit is issued for the reconstruction, the mitigation plan shall be approved, or modified and approved, by the Zoning Authority.
            ii. The mitigation plan shall be incorporated into the permit and the property owner shall be required to implement the mitigation plan as a permit condition.
        g) Private on-site wastewater treatment systems are brought into compliance with the requirements of the Polk County Sanitary Ordinance.
        h) The foundation of the structure may not be replaced, improved or structurally altered, unless all of the following standards are met:
            i. It is being done in conjunction with the reconstruction of the structure,
            ii. It is entirely located more than 50 feet from the OHWM, and
            iii. It is not located in a slope preservation zone.
        i) An erosion control plan and revegetation plan shall be submitted to the local Zoning Authority for approval or modification and approval.

j) No filling and grading activities are allowed during the alteration or reconstruction, except for the minimum necessary to accomplish the alteration or reconstruction in compliance with other provisions of this Ordinance, and as needed to upgrade a private on-site wastewater treatment system, to replace sewer or water laterals, or to install storm water or erosion control measures.

k) If the structure is located in a slope preservation zone, it may be reconstructed on the existing foundation only if Polk County Storm Water Construction Technical Standards applicable to steeper sloped areas are implemented to control erosion.

d. Expansion of Nonconforming Principal Structures.

1) Nonconforming principal structures located in the OHWM setback area or bluffline setback area may be expanded and the pre-existing foundation may be replaced, repaired or structurally altered in conjunction with the expansion if all of the applicable following requirements are met:

a) Structures located wholly or partially within 50 feet of the OHWM may not be expanded.

b) Structures located wholly or partially within a slope preservation zone may not be expanded.

c) Structures entirely set back more than 50 feet from the OHWM but located wholly or partially less than 75 feet from the OHWM may be expanded **only** if there is no compliant building location available on the lot.

d) Structures entirely set back more than 75 feet from the OHWM may be expanded regardless of whether a compliant building location exists elsewhere on the lot.

e) The lot has an area of at least 10,000 square feet.

f) The expanded structure will be visually inconspicuous or will be rendered so through mitigation.

g) Any reconstructed portion of the nonconforming structure may only be reconstructed in the same footprint as the pre-existing structure. Notwithstanding the definition of "reconstruction" in NR 118.03(36), the pre-existing foundation of a structure that is more than 50 feet from the OHWM and is not within a slope preservation zone may be replaced, repaired or structurally altered in conjunction with the expansion of the structure.

h) For structures located wholly or partially within the OHWM setback area, the total footprint of the structure may not exceed 1500 square feet.

i) For structures located wholly or partially within the bluffline setback, but not within the OHWM setback area, the total footprint of the structure may not exceed 2000 square feet and the structure shall comply with all of the following requirements:

i. The structure is set back at least 40 feet from the bluffline.

ii. The structure does not protrude above the bluffline as viewed from at or near the mid-line of the river or from 250 feet riverward from the OHWM whichever is less.

iii. The structure is not located within the slope preservation zone.

iv. The structure uses earth-tone building materials that are of a non-reflective nature, except that windows may be made of ordinary glass or non-reflective glass, but may not be made of glass designed to reflect more light than ordinary window glass.

v. The structure is visually inconspicuous.

j) Expansion is on the side of the structure farthest from the river or, if landward expansion is not possible, and the structure is greater than 100 feet from the OHWM, expansion is allowed parallel to the OHWM or bluffline.

k) The height of the altered or reconstructed structure complies with F.4.

l) The color of the structure complies with G.1.

m) The property owner submits a mitigation plan per H.5.
   i. If a permit is issued for the expansion, the mitigation plan and erosion control plan shall be approved, or modified and approved, by the Zoning Authority.
   ii. The mitigation and erosion control plan shall be incorporated into the permit and the property owner shall be required to implement the mitigation plan as a permit condition.

n) Private on-site wastewater treatment systems are brought into compliance with the requirements of the Polk County Sanitary Ordinance.

o) Filling or grading is not allowed as part of the reconstruction or expansion except as necessary to reconstruct or build the expansion in compliance with other provisions of this Ordinance, upgrade a private on-site wastewater treatment system, replace sewer or water laterals, or install storm water or erosion control measures.

3. Nonconforming Accessory Structures

a. Ordinary maintenance and repair of nonconforming accessory structures is allowed.

b. Nonconforming accessory structures may not be structurally altered, reconstructed or expanded.

4. Substandard Lots

a. Lots of record in the Register Of Deeds office on January 1, 1976 or on the date of the enactment of an amendment to this Ordinance that makes the lot substandard, which do not meet the requirements of this Ordinance, may be allowed as building sites provided that the following criteria are met:

1) The lot is in separate ownership from abutting lands, or

2) The lot by itself or in combination with an adjacent lot or lots under common ownership in an existing subdivision has at least one acre of net project area. Adjacent substandard lots in common ownership may only be sold or developed as separate lots if each of the lots has at least one acre of net project area.

3) All structures that are proposed to be constructed or placed on the lot and the proposed use of the lot comply with the requirements of this Ordinance and any zoning or sanitary code requirements.

5. Mitigation Requirements

a. Expansion or reconstruction of nonconforming principal structures, and the expansion, reconstruction or structural alteration of nonconforming accessory structures shall trigger mitigation requirements to offset the impacts of the proposed project.

b. Mitigation measures shall be roughly proportional to the magnitude of the impacts of the proposed project on scenic resources, water quality, erosion potential and the protection of the shoreland area.

c. Mitigation shall include, but is not limited to, the following:

1) Planting trees and shrubs capable of screening the entire structure if existing vegetation is not sufficient to render the structure visually inconspicuous per G.7. Additionally:
   a) All trees and shrubs shall be native to the area.
   b) All trees shall be at least 2 inches Diameter at Breast Height (DBH) and planted no more than 12 feet apart and parallel to the river and the structures they screen. To allow for future growth, these trees may be planted at different locations and staggered between the structures and the river.

2) The vegetation in the area within 50 feet of the OHWM shall be preserved or restored through planting of native vegetation per G.7.

a) Vegetation shall be established or maintained at densities that are adequate to protect water quality, habitat and the natural scenic beauty of the shoreland area.
b) If a nonconforming structure is located in this area, the vegetation shall be planted surrounding the structure, although the owner may create a screened view of the river from the structure and may leave a 15-foot wide mowed area around the structure to protect it from wildfire.

3) Prior to issuance of a permit, a storm water management plan, erosion and sediment control plan and vegetation plan shall be submitted and approved by the Zoning Authority.
4) An affidavit describing the approved mitigation plan shall be executed and recorded with the County Register of Deeds by the property owner within 14 days after approval of the mitigation plan.
   a) The affidavit shall alert subsequent purchasers of the land of the requirements of the mitigation plan.

Article I. Administration

1. Land Use Permit Procedures

a. An application for a land use permit shall be made to the Zoning Authority. The following information shall be provided:
   1) Completed Land Use Application form
   2) Other relevant information that the Zoning Administrator requests, including but not limited to photos, topographic mapping, elevation drawings, cross-section drawings, specialized engineering plans, permission by the National Park Service, storm water management plans, erosion and sediment control plans, or vegetation management plans.
   3) If additional information is requested, it shall be submitted by the applicant to the Zoning Authority **prior to** the issuance of the land use permit.
b. The Zoning Authority shall approve, approve conditionally, or deny the land use permit within 60 days of submitting a properly completed application, unless additional information is required.

2. Conditional Use and Variance Procedures

a. An application for a conditional use permit or variance shall be submitted to the Zoning Authority upon forms furnished by the County.
   1) General information, including but not limited to:
      a) Completed appropriate application form.
      b) Recent aerial photograph showing location.
      c) Mitigation, erosion and sediment control, and vegetative management plans, if required.
      d) Other relevant information that the Zoning Administrator requests, including but not limited to photos, topographic mapping, elevation drawings, cross-section drawings, specialized engineering plans or storm water management plans.
      e) If additional information is requested, it shall be submitted by the applicant to the Zoning Authority **prior to** the issuance of the land use permit.
   2) For conditional uses, a detailed written explanation of how the proposed use or development meets the requirements for conditional uses as outlined in Article G. as applicable, and the following standards:
      a) The scenic and recreational qualities of the Riverway District, especially in regard to the view from and use of the river.
      b) The maintenance of safe and healthful standards.

c) The prevention and control of water pollution, including storm water runoff and sedimentation.
d) The location of the site with respect to floodplains and floodways, slope preservation zones, and blufflines.
e) The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
f) Potential impact on terrestrial and aquatic habitat.
g) Location of site with respect to existing or future access roads.
h) Adequacy of proposed wastewater treatment.
i) The compatibility of the project with uses on adjacent land.

3) Applications for a permit for land divisions, bed and breakfast operations, nature oriented educational, non-profit facilities, and variances shall also include:
   a) The location of any proposed private on-site wastewater treatment system.
   b) Water supply information, including the location of any proposed wells.
4) Applications for a permit for filling and grading, structural erosion control measures, and road construction shall also include a plan showing the proposed construction, reconstruction, location and design of the filling or grading, structural erosion control measures, or road construction.
5) Applications for a permit for transmission services and wireless communication service facilities shall also include:
   a) For transmission services a plan showing the location of proposed facilities, and if not placed underground, documentation of why this is technically infeasible, and a plan outlining design and construction methods to minimize adverse visual impacts to the Riverway District.
   b) For wireless communication service facilities, a plan showing the location of proposed facilities and an illustration of the methods to be used to meet design requirements for the appropriate stealth, camouflage, and height requirements.
6) Applications for a permit for stairways and lifts shall also include a plan showing the stairway or lift location, design, dimensions, color, construction materials, erosion control measures and vegetation removal and replacement. The plan shall contain a certification by a registered professional engineer or architect that the stairway or lift components are securely anchored to prevent them from shifting and from causing erosion.
7) For variances, a detailed written explanation of how the requested variance meets the following requirements:
   a) The request is not contrary to public interest.
   b) The variance request is within the spirit of the ordinance.
   c) That special conditions exist and that the literal enforcement of the ordinance will result in unnecessary hardship.
   d) Substantial justice shall be done by granting the variance.
   e) No variance shall have the effect of granting or increasing any use of the property which is prohibited in the Riverway District.

3. Amendment Procedures

a. An amendment to this Ordinance shall not be subject to approval or disapproval or action by any town board.
b. Upon enactment of an amendment to this Ordinance, the Zoning Administrator shall submit two copies to the WDNR.
c. Applications for text amendments or rezonings (map amendments) shall include:

1) A survey certified by a professional engineer or registered land surveyor showing:
   a) Property location, boundaries, and dimensions.
   b) Location of all existing and proposed structures and impervious surfaces with distances measured from the lot lines and centerline of all abutting streets or highways.
   c) Contours on an established datum at vertical intervals of not more than two feet.
   d) Blufflines, slope preservation zones, OHWM, floodway and flood fringe boundaries, and all applicable setbacks.
   e) Utility and roadway corridors.
   f) Adjoining land and water-oriented uses.
   g) The location of existing and proposed alterations of vegetation and topography, including grading limits and vegetation removal and replacement that are proposed.
2) Photos of the site taken from the river slightly upstream and downstream of the property, and directly offshore.
3) Other relevant information that the Zoning Authority requests. If the Zoning Authority requests additional information, it shall be submitted by the applicant to the Zoning Authority **prior to** any hearing on the application.
4) The procedures and application requirements in this paragraph do not apply to proposals to change the management zone boundaries established in NR 118.04. The management zone boundaries in NR 118.04 may only be changed by revision of NR 118.04.

4. Public Hearing Procedures

a. A public hearing shall be held before any conditional use permit, any variance, or any amendment is approved or denied.

b. In addition to any other notice requirements, notice of all public hearings and a copy of all application materials shall be provided to the following for review and comment at least 30 days prior to the public hearing:
   1) Wisconsin Department of Natural Resources (WDNR)
   2) West Central Wisconsin Regional Planning Commission
   3) The town board of a town within which the affected parcel of land is located.
   4) National Park Service

c. Any plan submitted with an application shall be approved, or modified and approved, and included as part of the permit, variance or amendment application. The Zoning Administrator shall submit a summary of all proceedings, including a copy of any written decision, to the WDNR within five working days after the date of the decision.

d. Where additional information is introduced at any stage of the proceeding by the applicant or where the applicant may wish to review the WDNR's opposition or town's opposition if applicable, the proceeding may be postponed for a reasonable period of time to review the information.

e. A conditional use permit may not be granted if the town board objects to the issuance as a part of the hearing.
   1) Such objection shall explain where the proposed project is inconsistent with this Ordinance, Wisconsin Statute § 30.27, Wisconsin Administrative Code Chapter NR 118, or town ordinances.

5. Decisions

a. All land use permit decisions shall be in writing and shall include facts and reasons for the decisions.

b. The final disposition of an application for a conditional use permit or variance shall be a final decision in writing, made within a reasonable time after the public hearing, signed by the Environmental Services Committee chairperson with respect to conditional use permits or by the Board of Adjustment chairperson with respect to variances.
   1) Such decision shall state the specific facts and reasons that are the basis of such determinations.
   2) A copy of such decision shall be mailed to the applicants and the appropriate district office of the WDNR within 10 days after the decision is issued.

6. Reasonable Accommodation for Disabled Persons

a. Ramps, walkways or decks to provide a disabled person with reasonable access to their property as required by the Federal Americans with Disabilities Act, the Federal Fair Housing Act and the Wisconsin Fair Housing Act are allowed by land use permit, subject to the following standards:
   1) Only the minimum relaxation of dimensional, density or other standards needed to provide reasonable access may be approved.
   2) No use, structure or other relaxation of standards may be approved that would violate or undermine the stated purposes of this Ordinance.
   3) The land use permit will expire and the structure removed once the property is no longer primarily owned by a disabled person. Subsequent landowners no longer needing disabled access shall not replace or expand the facilities. Routine maintenance is allowed.
   4) The applicant may be required to provide a written statement of disability.
b. An affidavit describing the approved land use permit shall be executed and recorded with the County Register of Deeds by the property owner within 14 days after approval of the permit.
   1) The affidavit shall state that the ramp, walkway, or deck must be removed as required above, and shall alert subsequent purchasers of the land of the requirements of the land use permit.

7. Expiration

a. Activities authorized by a permit issued under this Ordinance shall commence within one year from the date of approval and be completed or implemented within two years, after which time the permit expires.

8. Compliance, Revocation, and penalties

a. Where the terms or conditions on any permit are violated, the permit may be revoked. The Zoning Administrator may revoke a land use permit and a conditional use permit.
b. 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 fifty ($50.00) 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).

c. There shall be a penalty fee of two (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.

Appendix A Legal description of boundary

All of the Boundary in Polk County is Part of the Federal Boundary.

1. **Township 32 North, Range 19 West**

Sec. 5: That portion of Government Lot 1 lying North and West of the following described line: beginning at the northeast corner of said Lot 1; thence, Southwesterly, to a point, said point being 330 feet North and 660 feet East of the southwest corner of said Lot 1; thence, South, 330 feet to the south line of said Lot 1; all of Government Lots 2 and 3, the N½ NW¼ SW¼ NE¼, the N½ N½ SE¼ NW¼, all that part of the NW¼ NW¼ SW¼ lying westerly of the easterly right-of-way line of the Canadian National Railway, the W½ SW¼ NW¼ SW¼ , and the W½ W½ SW¼ SW¼.

Sec. 6: Government Lots 5, 6, and 7 and the SE¼ SE¼.

Sec. 7: Government Lots 1, 2, and 3.

Sec. 8: Government Lot 1, the W½ W½ NW¼ NW¼, the W½ NW¼ SW¼ NW¼, the S½ SW¼ NW¼, the W½ SW¼ NE¼ SW¼, the NW¼ SW¼, and the W½ NW¼ SE¼ SW¼.

Sec. 17: Government Lots 1, 2, and 3, the W½ SW¼ SW¼, and the W½ E½ SW¼ SW¼.

Sec. 18: Government Lot 1.

Sec. 19: Government Lot 1, 2, 3, and 4.

Sec. 20: the W½ NW¼ NW¼, W½ E½ NW¼ NW¼, W½ NE¼ SW¼ NW¼, NW¼ SW¼ NW¼, S½ SW¼ NW¼, SW¼ SE¼ NW¼, W½ SW¼, and the W½ E½ SW¼.

Sec. 29: Government Lot 1, SW¼ NW¼ NE¼, W½ SW¼ NE¼, NW¼, N½ SW¼, SE¼ SW¼, and the W½ W½ SE¼.

Sec. 30: Government Lots 1, 2, and 3.

Sec. 31: SE¼ SE¼ (Government Lot 5).

Sec. 32: Government Lots 1, 2, and 3, that portion of Government Lot 4 lying North and West of the centerline of a County Road, W½ W½ NE ¼, E½ NW¼, that portion of the E½ SW¼ lying North and West of the following described line: commencing at the northeast corner E½ SW¼; thence, South, along the east line E½ SW¼, 875 feet, more or less, to the point of intersection of said east line with the centerline of a County Road, said point being the point of beginning; thence, southwesterly, to a point on the west line E½ SW¼, said point being the intersection of said west line with the centerline of a County Road, that portion of the W½ NW¼ SE¼, lying north and west of the centerline of a County Road.

2. Township 33 North, Range 19 West

Sec. 10 Government Lots 5, 6, and 7.

Sec. 11 Government Lots 2 and 3, W ½ W ½ NW ¼ NE ¼, W ½ W ½ SW ¼ NE ¼, SE ¼ NW ¼ and the SW ¼.

Sec. 14 N ½ NE ¼ NW ¼ and the W ½ W ½ SW ¼.

Sec. 15 Government Lots 1, 2, 3, 4 and 5 and the SE ¼ NE ¼.

Sec. 22 That portion of Government Lots 1 and 2 lying west of the centerline of State Highway 35, all of Government Lots 3 and 4.

Sec. 28 That portion of Government Lots 5 and 6 and the SE ¼, SE ¼, lying North and West of the centerline of a County Road.

Sec. 32 That portion of Government Lot 4 lying North and West of a line described as follows: beginning at a point on the south line of said Lot 4, said point being 1320 feet West of the southeast corner of said Lot 4: thence, Northeasterly, 2150 feet more or less, to a point on the east line of said Lot 4, said point being 1700 feet North of the southeast corner of said Lot 4.

Sec. 33 That portion of Government Lot 2 lying North and West of a line described as follows: beginning at the northwest corner NE ¼ SW ¼ of said Section 33; thence, West, 99 feet; thence, South 34° 20' West, 388.1 feet; thence, South 87° 00' West, 170 feet; thence, Southwesterly to a point on the west line of said Lot 2, said point being 1700 feet North of the southwest corner of said Section 33, that portion of Government Lots 3 and 4 lying North and West of the centerline of a County Road.