Resolution No. 6-0916

WHEREAS, the Wisconsin Legislature has revised Wisconsin Administrative Rule NR115 and enacted several pieces of legislation in recent years that comprehensively revised shoreland zoning standards; and

WHEREAS, all Wisconsin counties are mandated to enact and enforce a shoreland zoning ordinance that implements these statewide regulations by October 1, 2016; and

WHEREAS, the new statewide shoreland zoning standards are no longer minimum standards as counties are prohibited from enforcing stricter standards; and

WHEREAS, the Wisconsin Department of Natural Resources provided a model ordinance which the Iowa County Planning & Zoning Committee held several public meetings to review these state shoreland zoning standards culminating in drafting a comprehensive revision of the Iowa County Shoreland Zoning Ordinance; and

WHEREAS, the draft ordinance has been reviewed as required by the Wisconsin Department of Natural Resources and meets with its approval; and

WHEREAS, a public hearing, designated as zoning hearing number **2834,** was held on **July 28, 2016**, and as a result of said hearing action has been taken by the Iowa County Planning & Zoning Committee to rescind the exiting Iowa County Shoreland/Wetland Ordinance and replace it with the Shoreland Protection Ordinance, Iowa County, WI as outlined in Attachment A.

NOW THEREFORE BE IT RESOLVED THAT the Iowa County Board of Supervisors hereby rescinds the Iowa County Shoreland/Wetland Ordinance and replaces it with the Shoreland Protection Ordinance, Iowa County, WI as outlined in Attachment A.

Respectfully submitted by the Planning and Zoning Committee.

IOWA COUNTY
OFFICE OF PLANNING & DEVELOPMENT

Courthouse - 222 N. Iowa St. - Dodgeville, WI 53533
Telephone: (608) 935-0398 Fax: (608) 930-1205 Mobile: (608) 553-7575
e-mail: scott.godfrey@iowacounty.org

Planning & Zoning Committee Recommendation Summary

Public Hearing Held on July 28, 2016 Zoning Hearing 2834

Recommendation: **Approval**

Subject: Consideration of the complete revision of the county shoreland zoning regulations as required to be consistent with the revised NR115 Administrative Rules

Comments: The state shoreland zoning standards have been under revision for over 10 years culminating in significant changes, including prohibiting counties from having more restrictive shoreland standards. The result is a state model ordinance on which this proposed county revision is based.

Shoreland zoning regulations apply within 1000 feet landward of lakes or ponds identified by the WDNR and 300 feet landward of navigable rivers/streams. In Iowa County, the only lake under shoreland jurisdiction is Ludden Lake and most shoreland jurisdiction is along rivers/streams.

A key point to keep in mind is that counties may regulate matters not regulated by shoreland zoning, such as minimum lot sizes, building setbacks, land uses, etc., under general zoning, subdivision/land division, and other authorities. This means areas in Iowa County that are under shoreland zoning jurisdiction are often also under other land use jurisdictions and therefore must comply with all. In addition, the shoreland zoning jurisdiction around the county's only developed lake...Ludden Lake...is subject to the extraterritorial general zoning jurisdiction of the City of Mineral Point.

The county is mandated to have a revised shoreland zoning ordinance in effect by October 1, 2016. In order to meet that timeline, there will need:

- to be at least one public hearing
- to be review and approval of the draft ordinance by the WDNR
- to be approval of the ordinance by the County Board at its September 20th meeting at the latest

Key Points in the Revised Shoreland Regulations

1) Shoreland zoning regulations were enacted by the Legislature in 1966, mandating all counties to adopt an ordinance to enforce them. These regulations were minimum standards and counties could be more restrictive and 43 counties did adopt ordinances with more restrictive regulations (not Iowa County).

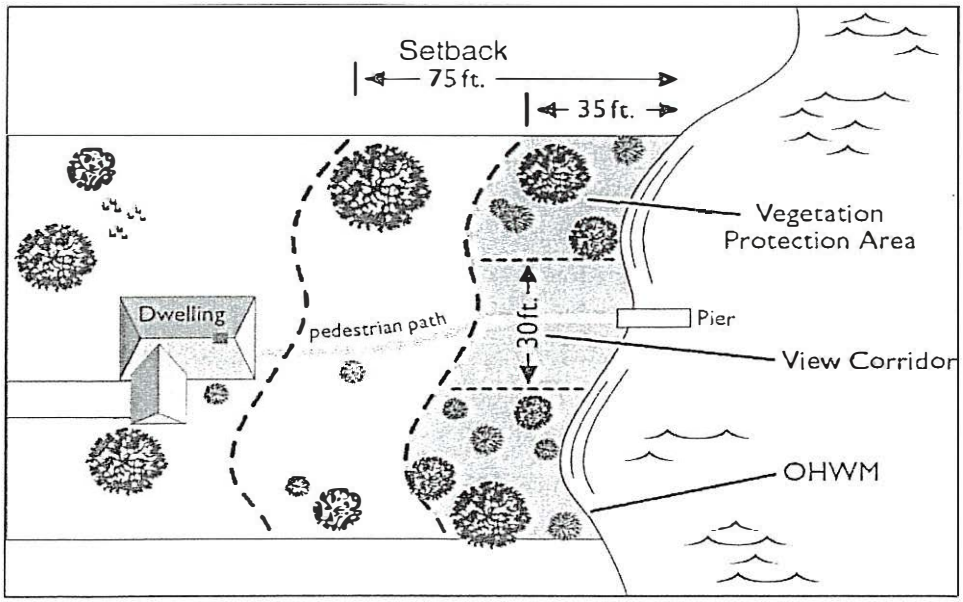
   In 2015, the state budget bill (Act 55) included a comprehensive revision of shoreland zoning regulations and prohibited counties from being more restrictive....this is one-size-fits-all standards where counties have very little flexibility to modify to unique, local circumstances.

2) Shoreland zoning regulations apply to land within 300 feet of a navigable river or stream and 1000 feet of a lake. This jurisdiction is unchanged.

3) Minimum lot sizes are now 20,000 square feet with a minimum 100 foot width for unsewered lots. Iowa County had required a minimum 1-acre lot size to be consistent with underlying general zoning requirements, which still control.

4) A vegetative buffer is required to be maintained along a shoreline but cannot exceed 35 feet in width landward. This is to protect from bank erosion and runoff.

5) Viewing corridors have increased from a maximum of 30 feet for every 100 feet of frontage to 35 feet and the corridors can be joined...ie. 200 foot wide lot can have single 70 foot viewing corridor.



6) Structures cannot be closer than 75 feet to the OHWM (same as previous) and a county cannot require a greater setback (new). Counties must allow setback averaging if there is a principal structure on each adjacent lot that is less than 75 feet to the OHWM. Ex: Lot A structure is 70 feet and Lot B is vacant and Lot C structure is 60 feet, then Lot B can built up to 65 feet to OHWM...average of 70 + 60.

---

7) A "structure" is now defined as: any construction or any production or piece of work artificially built or composed of parts joined together in some definite manner having form, shape and utility such as but not limited to a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or fire pit. This means these structures will require to comply with the shoreland zoning regulations, which may include requiring a permit, where they did not before.

8) Impervious surface (IS) standards were establish to reduce runoff that increases water temperatures and sedimentation.
   - A lot can have up to 15% of its area as IS and up to 30% with mitigation (measures taken to divert or treat runoff)
   - Lots can keep current IS, even if exceeds new standards
   - IS area that is treated or discharged to internally drained areas off site is not counted against the maximum percentage

9) Nonconforming structures...those that lawfully existed prior to shoreland zoning regulations...previously could only be replaced to the same dimensions if destroyed by fire, wind, infestation, etc., but not by choice. The new

standards:

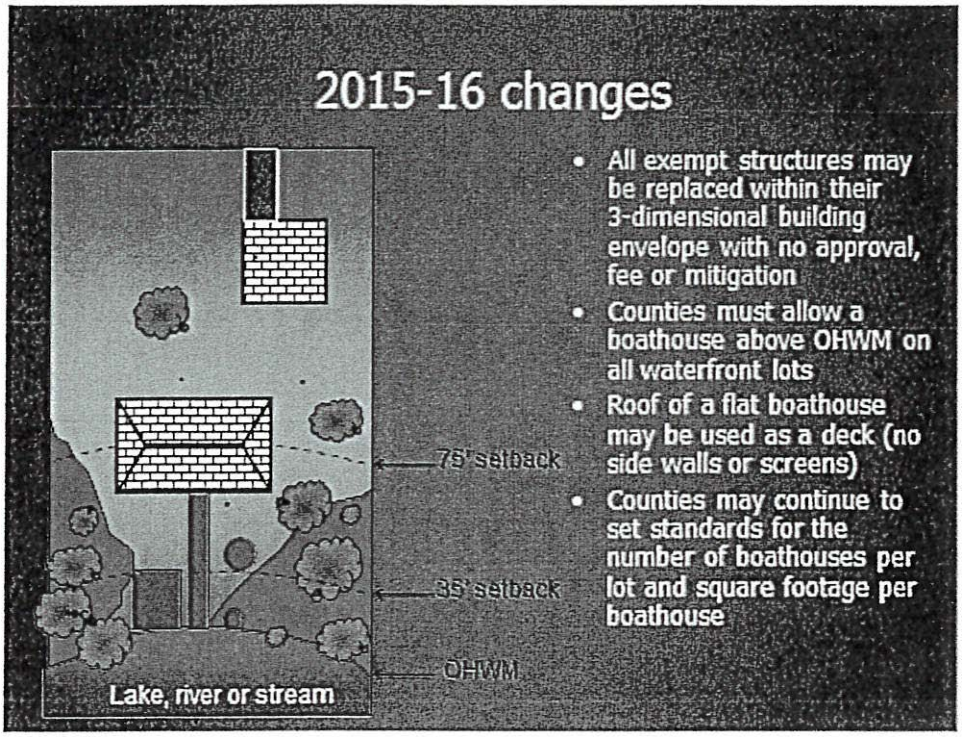
- allow nonconforming structures to be replaced to the same footprint
- allow nonconforming structures to be elevated up to 35 feet
- prohibit a county to require a permit, approval or fee under shoreland zoning (yet permits under other jurisdictions, such as floodplain or general zoning or state building code, are still required)
- create inequitable standards that favor nonconforming structures over those that conform or were approved by variance

10) Substandard lots...those lawfully created prior to the enactment of shoreland zoning but do not meet the minimum lot size requirements...must be allowed to be developed provided:

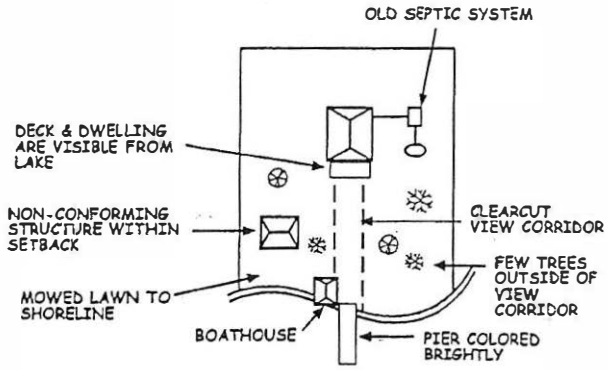
- it was never reconfigured or combined with another lot or parcel by plat, survey or consolidation by the owner into one property tax parcel, and
- it has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel, and
- the development complies with all other ordinance requirements

The current ordinance requires minimum lot sizes for substandard lots that no longer can be required.

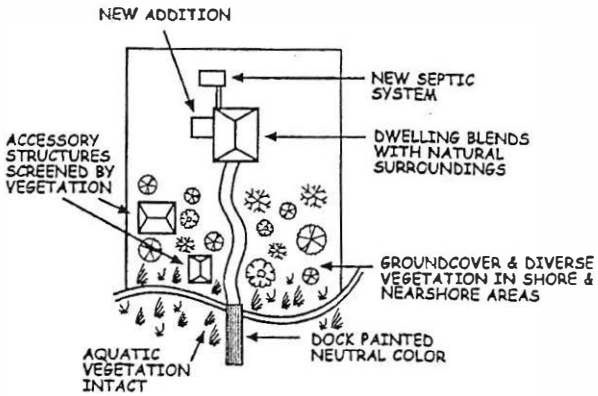
11) Certain structures remain exempt from the minimum 75 foot setback to the OHWM, such as: boathouses above the OHWM; walkways, stairways and rail systems to provide access to the shoreline; gazebos if no closer than 35 feet to the OHWM; broadcast receivers; utility poles; POWTS; and fishing rafts. The new law includes IS runoff treatment systems and utilities authorized by the WDNR. Further, all exempt structures can be replaced within the existing 3-dimensional building envelope without permits, fees or mitigation. Also, boathouses must be allowed above the OHWM and those with flat roofs can be used as decks (no walls or screens). Counties may limit the number and size of boathouses per lot.



12) Mitigation is required to provide development flexibility in exchange for shoreline stewardship. This applies as an option to exceed the 15% IS standards and for lateral expansions or relocation of nonconforming structures. Example where mitigation may allow a lateral expansion of a nonconforming principal structure:



LAKE/STREAM
BEFORE MITIGATION



LAKE/STREAM
AFTER MITIGATION

Key Takeaways:

1) These are regulations established by state law that are minimum and ~~maximum standards…one size fits all.~~
2) The county is mandated to adopt and enforce these regulations.
3) The county CANNOT regulate a matter more restrictively than the matter is regulated by a shoreland zoning standard…unless regulated under a separate authority than shoreland zoning authority.
4) These regulations apply to land within 300 feet of a navigable river or stream and 1000 feet of a lake…even if the land slopes away from the waterway or is if there is a public road in between (nonriparian land).
5) There are often…and most likely…other zoning regulations that impact the same land, such as general zoning, floodplain zoning, extraterritorial zoning (Ludden Lake), land division, etc. These regulations are NOT superseded by the shoreland regulations. An exemption in the shoreland regulations DOES NOT apply to other zoning or land use jurisdictions. It is IMPERATIVE for landowners along a lake or waterway ask about any approval required for a project to avoid an unintentional violation or violations.
6) The areas where the county has discretion and should be reviewed in particular are:
    - Mitigation standards are a county decision requiring WDNR approval…see Section 13.0. This draft has those already approved for Sauk and Green counties…maintains some regional consistency and

are not as complicated to administer as other counties have proposed.

- Boathouse size and number per lot can be set by the county. Section 6.1(1) allows for a maximum area of 300 square feet with a pitched roof to avoid flat roofs becoming "party roofs" that create nuisance issues and potential public safety situations (boathouses are exempt from state building codes so there are many cases of roof collapse where used as decks)

7) Projects in the shoreland zoning jurisdiction will now require a higher level of information to be provided by landowners for assuring compliance with impervious surface and mitigation standards and will take more time to review. Engineered plans may be required for some sites and, in general, more staff time will be required to administer these new regulations as compared to the former regulations.

Recommendation: This draft has been provided to the WDNR for the required review and approval. The WDNR replied by letter dated July 19th with minor revisions required which are reflected in the ordinance draft provided at the public hearing.

Staff recommends adoption of the proposed ordinance as proposed to replace the existing ordinance with the revisions required by the WDNR.

Staff further recommends reviewing the cost to administer and enforce this ordinance at a future meeting to determine if existing fees are adequate.

Attachment A: Shoreland Protection Ordinance, Iowa County

Shoreland Protection Ordinance
Iowa County, Wisconsin

Available at:
Iowa County Office of Planning & Development
222 N. Iowa Street
Dodgeville, WI 53533
608-935-0398
www.iowacounty.org

Table of Contents

Section	Page
1.0 Statutory Authorization, Finding of Fact, Statement of Purpose and Title	4
1.1 Statutory Authorization	4
1.2 Finding of Fact	4
1.3 Purpose and Intent	4
1.4 Title	4
2.0 General Provisions	4
2.1 Areas to Be Regulated	4
2.2 Shoreland-Wetland Maps	5
2.3 Compliance	5
2.4 Municipalities and State Agencies Regulated	5
2.5 Abrogation and Greater Restrictions	5
2.6 Interpretation	6
2.7 Severability	6
3.0 Shoreland-Wetland District	7
3.1 Designation	7
3.2 Purpose	7
3.3 Permitted Uses	7
3.4 Prohibited Uses	9
3.5 Rezoning of Lands in the Shoreland-Wetland District	9
4.0 Land Division Review and Sanitary Regulations	10
4.1 Land Division Review	10
4.2 Planned Unit Development	10
4.3 Sanitary Regulations	10
5.0 Minimum Lot Size	11
5.1 Purpose	11
5.2 Sewered Lots	11
5.3 Unsewered Lots	11
5.4 Substandard Lots	11
5.5 Other Substandard Lots	11
6.0 Building Setbacks	11
6.1 Shoreland Setbacks	11
6.2 Reduced Principal Structure Setback	12
6.3 Floodplain Structures	13
7.0 Vegetation	13
7.1 Purpose	13
7.2 Activities Allowed Within a Vegetative Buffer Zone	13

7.3 Cutting More Than 35 Feet Inland 14

14

8.0 Filling, Grading, Lagooning, Dredging, Ditching and Excavating 14
8.1 General Standards 14
8.2 Permit Required 14
8.3 Permit Conditions

9.0 Impervious Surfaces 15
9.1 Purpose 15
9.2 Calculation of Percentage of Impervious Surfaces 15
9.3 General Impervious Surface Standard 15

9.4 Maximum Impervious Surface Standard 15
9.5 Treated Impervious Surfaces 15
9.6 Existing Impervious Surfaces 16

10.0 Height 16

11.0 Nonconforming Uses and Structures 17
11.1 Discontinued Nonconforming Use 17
11.2 Maintenance, Repair, Replacement or Vertical Expansion of Nonconforming Structures 17
11.3 Lateral Expansion of Nonconforming Principal Structures Within the Setback 17
11.4 Expansion of Nonconforming Principal Structures Beyond the setback 17
11.5 Relocation of Nonconforming Principal Structures 17

12.0 Structures Authorized by Variance 18

13.0 Mitigation 18

14.0 Administrative Provisions 20
14.1 Permits 21
14.2 Special Exception Permits 21
14.3 Variances 23
14.4 Board of Adjustment 23
14.5 Fees 24
14.6 Changes and Amendments 24
14.7 Enforcement and Penalties 25

15.0 Definitions 25

SHORELAND PROTECTION ORDINANCE

1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE AND TITLE.

1.1 STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to the authorization in s. 59.692, Stats, to implement 59.692 and 281.31, Stats.

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

1.3 PURPOSE AND INTENT. (NR 115.01) For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this ordinance has been established to:

(1) FURTHER THE MAINTENANCE OF SAFE AND HEALTHFUL CONDITIONS AND PREVENT AND CONTROL WATER POLLUTION THROUGH:
- (a) Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
- (b) Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.
- (c) Controlling filling and grading to prevent soil erosion problems.
- (d) Limiting impervious surfaces to control runoff which carries pollutants.

(2) PROTECT SPAWNING GROUNDS, FISH AND AQUATIC LIFE THROUGH:
- (a) Preserving wetlands and other fish and aquatic habitat.
- (b) Regulating pollution sources.
- (c) Controlling shoreline alterations, dredging and lagooning.

(3) CONTROL BUILDING SITES, PLACEMENT OF STRUCTURES AND LAND USES THROUGH:
- (a) Prohibiting certain uses detrimental to the shoreland-wetlands.
- (b) Setting minimum lot sizes and widths.
- (c) Setting minimum building setbacks from waterways.
- (d) Setting the maximum height of near shore structures.

(4) PRESERVE AND RESTORE SHORELAND VEGETATION AND NATURAL SCENIC BEAUTY THROUGH:
- (a) Restricting the removal of natural shoreland cover.
- (b) Preventing shoreline encroachment by structures.
- (c) Controlling shoreland excavation and other earth moving activities.
- (d) Regulating the use and placement of boathouses and other structures.

1.4 TITLE. Shoreland Protection Ordinance for Iowa County, Wisconsin.

2.0 GENERAL PROVISIONS.

2.1 AREAS TO BE REGULATED. Areas regulated by this ordinance shall include all the lands (referred to

herein as shorelands) in the unincorporated areas of Iowa County which are:

(1) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. (NR 115.03(8)) Lakes, ponds or flowages in Iowa County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication FH-800 2009 "Wisconsin Lakes" book available electronically at the following web site: http://dnr.wi.gov/lakes/lakebook/wilakes2009bma.pdf or are shown on United States Geological Survey quadrangle maps (1:24,000 scale), or other zoning base maps.

(2) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. (NR 115.03(8)) Rivers and streams in Iowa County shall be presumed to be navigable if they are designated as perennial waterways or intermittent waterways on United States Geological Survey quadrangle maps (1:24,000). Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas

(3) The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas. Unless specifically exempted by law, all cities, villages, towns, counties and, when s. 13.48 (13), Stats, applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland zoning ordinances if s. 30.2022 (1), Stats, applies. (NR 115.02) Shoreland zoning requirements in annexed or incorporated areas are provided in s. 61.353 and s. 62.233, Stats.

(4) Determinations of navigability and ordinary high-water mark location shall initially be made by the Office. When questions arise, the Office 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).

(5) Under s. 281.31(2m), Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:

(a) Lands adjacent to farm drainage ditches if:
   1. Such lands are not adjacent to a natural navigable stream or river;
   2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and

(b) Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

2.2 SHORELAND-WETLAND MAPS. The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer is made part of this ordinance. The maps can be viewed at http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland

2.3 COMPLIANCE. The use of any land; the size, shape and placement of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, lagooning, and dredging of any lands; the cutting of shoreland vegetation; and the subdivision of lots shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. Buildings and other structures shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

2.4 MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary

permits. State agencies are required to comply 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.

2.5 ABROGATION AND GREATER RESTRICTIONS. (s. 59.692(5), Stats) The provisions of this ordinance supersede any provisions in a county zoning ordinance that solely relate to shorelands. In other words if a zoning standard only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this ordinance supersedes those provisions. However, where an ordinance adopted under a statute other than s. 59.692, Stats, does not solely relate to shorelands and is more restrictive than this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions.

(1) (s. 59.692(2)(a), Stats) This ordinance shall not require approval or be subject to disapproval by any town or town board.

(2) (s. 59.692(2)(b), Stats.) 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) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(4) The following provisions of the Iowa County Zoning Ordinance are hereby incorporated by reference. These provisions shall only apply to the shoreland area where they impose greater restrictions than this ordinance otherwise imposes.

(5) (s. 59.692(1d)(b), Stats) This ordinance may establish standards to regulate matters that are not regulated in NR 115, but that further the purposes of shoreland zoning as described in section 1.3 of this ordinance,

(6) (s. 59.692(1k)(a)1, Stats) Counties may not establish shoreland zoning standards in a shoreland zoning ordinance that requires any of the following:

(a) Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.

(b) Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.

(7) (s.59.692(7), Stats) The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if:

(a) The department has issued all required permits or approvals authorizing the construction or maintenance under ch. 30, 31, 281, or 283.

A "facility" means any property or equipment of a public utility, as defined in s. 196.01 (5), or a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

2.6 INTERPRETATION. (59.69(13), Stats) In their interpretation and application, the provisions of this ordinance shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by statute and a standard in ch. NR 115, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the statute and ch. NR 115 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

2.7 SEVERABILITY. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

3.0 SHORELAND-WETLAND DISTRICT. (NR 115.04)

3.1 DESIGNATION. This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.

(1) LOCATING SHORELAND-WETLAND BOUNDARIES. (NR 115.04(b)2.note) Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory and actual field conditions, the county shall contact the Department to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland zoning permit in accordance with the applicable regulations based on the Department determination as to whether the area is wetland. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time.

3.2 PURPOSE. This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

3.3 PERMITTED USES. (NR 115.04(3)) The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of chs. 30, 31, and 281.36, Stats, and the provisions of other applicable local, state and federal laws:

(1) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating:

(a) Hiking, fishing, trapping, hunting, swimming, and boating;

(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;

(d) The cultivation of agricultural crops;

(e) The practice of silviculture, including the planting, thinning, and harvesting of timber; and

(f) The construction or maintenance of duck blinds.

(2) Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:

(a) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;

(b) The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries,

(c) The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible;

(d) The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;

(e) The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and

(f) The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

(3) Uses which require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:

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

1. The road cannot as a practical matter be located outside the wetland;
2. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in section 3.5(2);
3. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use; and
4. Road construction activities are carried out in the immediate area of the roadbed only.

(b) The construction or maintenance of nonresidential buildings, provided that:

1. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
2. The building cannot, as a practical matter, be located outside the wetland;
3. Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and
4. Only limited filling or excavating necessary to provide structural support for the building is authorized.

(c) The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:

1. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under ch. 29, Stats, where applicable;
2. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in section 3.3(3)(a); and
3. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

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

1. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
2. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in section 3.5(2).

3.4 PROHIBITED USES. (NR 115.04(4)) Any use not listed in sections 3.3(1), 3.3(2) or 3.3(3) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 3.5 of this ordinance and s. 59.69(5)(e), Stats.

3.5 REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT. (NR 115.04(2))

(1) For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the appropriate office with the Department shall be provided with the following:

(a) A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, 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;

(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 agency'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 waters;

(d) Shoreline protection against soil erosion;

(e) Fish spawning, breeding, nursery or feeding grounds;

(f) Wildlife habitat; or

(g) Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04, Wis. Adm. Code, which can be accessed at the following web site: http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf.

(3) If the Department notifies the county zoning agency that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in section 3.5(2) of this ordinance, that amendment, if approved by the county board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed after written notice of the county board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the county board that it

will adopt a superseding shoreland ordinance for the county under s. 59.692(6), Stats. If the Department does so notify the county board, the effect of this amendment shall be stayed until the s. 59.692(6), Stats, adoption procedure is completed or otherwise terminated."

4.0 LAND DIVISION REVIEW AND SANITARY REGULATIONS. (NR 115.05(2))

4.1 LAND DIVISION REVIEW. (NR 115.05(2)) 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:

(1) Hazards to the health, safety or welfare of future residents.

(2) Proper relationship to adjoining areas.

(3) Public access to navigable waters, as required by law.

(4) Adequate stormwater drainage facilities.

(5) Conformity to state law and administrative code provisions.

4.2 PLANNED UNIT DEVELOPMENT (PUD). (NR 115.05(1)(a)4)

(1) PURPOSE. The Planned Unit Development is intended to permit smaller non-riparian lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Unit Development at the time of its approval. A condition of all Planned Residential Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.

(2) REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT. The county Planning and Zoning Committee may at its discretion, upon its own motion or upon petition, approve a Planned Unit Development Overlay District upon finding, after a public hearing, that all of the following facts exist:

(a) Area. The area proposed for the Planned Unit Development shall be at least 2 acres in size or have a minimum of 200 feet of frontage on a navigable water.

(b) Lots. Any proposed lot in the Planned Unit Development that does not meet the minimum size standards of sections 5.2 and 5.3 shall be a non-riparian lot.

(c) Lot sizes, widths, setbacks, and vegetation removal. When considering approval of a Planned Unit Development the governing body shall consider whether proposed lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions in section 7.2 shall apply except that maximum width of a lake frontage opening shall be 100 feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.

(d) Compliance. When considering approval of a Planned Unit Development, the governing body shall only approve a proposed development if the proposed development complies with all applicable underlying general zoning and subdivision or land division regulations.

4.3 SANITARY REGULATIONS. (NR 115.05(3)) The county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.

(1) Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 812, Wis. Adm. Code.

(2) Where a public sewage collection and treatment system is not available, design and construction of private on-site waste treatment system shall, prior to July 1, 1980, be required to comply with ch. SPS Comm 383, Wis. Adm. Code, and after June 30, 1980 be governed by a private sewage system ordinance adopted by the county under s. 59.70(5), Stats.

5.0 MINIMUM LOT SIZE. (NR 115.05(1))

5.1 PURPOSE. (NR115.05(1)(a)) Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water. In calculating the minimum area or width of a lot, the beds of navigable waters shall not be included. When there is underlying general zoning and/or subdivision or land division regulations that establish minimum lot sizes, the more restrictive controls.

5.2 SEWERED LOTS. (NR 115.05(1)(a)1) MINIMUM AREA AND WIDTH FOR EACH LOT. The minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65 feet.

(1) The width shall be calculated by averaging measurements at the following 3 locations:
  (a) The ordinary high water mark.
  (b) The building setback line.
  (c) One other location on the lot within 300 feet of the ordinary high water mark.

5.3 UNSEWERED LOTS. (NR 115.05(1)(a)2) MINIMUM AREA AND WIDTH FOR EACH LOT. The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet.

(1) The width shall be calculated by averaging measurements at the following 3 locations:
  (a) The ordinary high water mark.
  (b) The building setback line.
  (c) One other location on the lot within 300 feet of the ordinary high water mark.

5.4 SUBSTANDARD LOTS. (NR 115.05(1)(a)3) A legally created lot or parcel that met 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 of the following apply:

(1) 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.

(2) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.

(3) The substandard lot or parcel is developed to comply with all other ordinance requirements.

5.5 OTHER SUBSTANDARD LOTS. Except for lots which meet the requirements of section 5.4 a building permit for the improvement of a lot having lesser dimensions than those stated in sections 5.2 and 5.3 shall be issued only if a variance is granted by the board of adjustment.

6.0 BUILDING SETBACKS. (NR 115.05(1)(b)) **Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution.**

6.1 SHORELAND SETBACKS. (NR115.05(1)(b)1) Unless exempt under section 6.1(1), or reduced under section 6.2, a setback of 75 feet from the ordinary high-water mark of any navigable water to the nearest part of a building or structure shall be required for all buildings and structures.

(1) EXEMPT STRUCTURES. (NR 115.05(1)(b)1m) and s. 59.692(1k)(a)(6). All of the following structures are exempt from the shoreland setback standards in section 6.1:

(a) Boathouses located entirely above the ordinary high water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation. The roof of a boathouse may be used as a deck provided that the boathouse has a flat roof, has no side walls or screens, and may have a railing that meets the Department of Safety and Professional Services standards.

1. The construction or placement of boathouses below the ordinary high-water mark of any navigable waters shall be prohibited.
2. Boathouses shall be designed and constructed solely for the storage of boats and related equipment.
3. One boathouse is permitted on a lot as an accessory structure.
4. Boathouses shall be constructed in conformity with local floodplain zoning standards.
5. Boathouses shall not exceed one story and 300 square feet in floor area.
6. Boathouse roofs shall have a pitched roof that is no flatter than 4/12 pitch, and shall not be designed or used as decks, observation platforms or for other similar uses.
7. Earth toned color shall be required for all exterior surfaces of a boathouse.
8. The main door shall face the water.
9. Patio doors, fireplaces and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.

(b) Open-sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in s. 59.692(1v), Stats:

1. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary-high water mark.
2. The floor area of all the structures in the shoreland setback area will not exceed 200 square feet.
3. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
4. 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.

(c) Fishing rafts that are authorized on the Wolf River and Mississippi River under s. 30.126, Stats.

(d) 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.

(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 ch. SPS Comm 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) Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width.

(g) Devices or systems used to treat runoff from impervious surfaces.

(2) EXISTING EXEMPT STRUCTURES. (s.59.692(1k)(a)2m, Stats) 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. Counties may allow expansion of a structure beyond the existing footprint if the

expansion is necessary to comply with applicable state or federal requirements.

6.2 REDUCED PRINCIPAL STRUCTURE SETBACK. (s.59.692(1n), Stats) A setback less than the 75' required setback from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows:

(1) Where there are existing principal structures in both 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:

(a) Both of the existing principal structures are located on adjacent lot to the proposed principal structure.
(b) Both of the existing principal structures are located within 250' of the proposed principal structure and are the closest structure.
(c) Both of the existing principal structures are located less than 75' from the ordinary high water mark.
(d) The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.

(2) Where there is an existing principal structure in only one direction, the setback shall equal the distance the existing principal structure is set back from the ordinary high water mark and the required setback of 75' from the ordinary high water mark provided all of the following are met:

(a) The existing principal structure is located on adjacent lot to the proposed principal structure.
(b) The existing principal structure is located within 250' of the proposed principal structure and is the closest structure.
(c) The existing principal structure is located less than 75' from the ordinary high water mark.
(d) The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.

6.3 FLOODPLAIN STRUCTURES. (NR 115.05(1)(b)2) Buildings and structures to be constructed or placed in a floodplain shall be required to comply with any applicable floodplain zoning ordinance.

7.0 VEGETATION. (NR 115.05(1)(c))

7.1 PURPOSE. (NR 115.05(1)(c)1) To protect natural scenic beauty, fish and wildlife habitat, and water quality, a county shall regulate removal of vegetation in shoreland areas, consistent with the following: The county shall establish ordinance standards that consider sound forestry and soil conservation practices, as well as the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.

7.2 ACTIVITIES ALLOWED WITHIN A VEGETATIVE BUFFER ZONE. (NR 115.05(1)(c)2)To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, the county ordinance shall designate land that extends from the ordinary high water mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows:

(1) The county may allow routine maintenance of vegetation.

(2) The county may allow removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Per s. 59.692(1f)(b), Stats, the viewing corridor may be at least 35 feet wide for every 100 feet of shoreline frontage. The viewing corridor may run contiguously for the entire maximum width of shoreline frontage owned.

(3) The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with

10 or more acres of forested land consistent with "generally accepted forestry management practices" as defined in s. NR 1.25 (2) (b), Wis. Adm. Code, and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR-226), provided that vegetation removal be consistent with these practices.

(4) 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.

(5) The county may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this subd. par. shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.

7.3 CUTTING MORE THAN 35 FEET INLAND. From the inland edge of the 35 foot area to the outer limits of the shoreland, the cutting of vegetation shall be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality.

8.0 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING. (NR115.05(1)(d)) Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of s. NR 115.04, the requirements of ch. 30, Stats, and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

8.1 GENERAL STANDARDS. Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under section 8.2 may be permitted in the shoreland area provided that:

(1) It is not done within the vegetative buffer zone unless necessary for establishing or expanding the vegetative buffer.

(2) It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.

(3) Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland district meets the requirements of sections 3.32 and 3.33 of this ordinance.

(4) All applicable federal, state and local authority is obtained in addition to a permit under this ordinance.

(5) Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover or a bulkhead.

8.2 PERMIT REQUIRED. Except as provided in section 8.3, a permit is required:

(1) For any filling or grading of any area which is within 300 feet landward of the ordinary high water mark of navigable water and which has surface drainage toward the water and on which there is either:

(a) Any filling or grading on slopes of more than 20%.
(b) Filling or grading of more than 1,000 sq. ft. on slopes of 12%-20%.
(c) Filling or grading of more than 2,000 sq. ft. on slopes less than 12%.

(2) For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet landward of the ordinary high water mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of

water.

8.3 PERMIT CONDITIONS. In granting a permit under section 8.2, the County shall attach the following conditions, where appropriate, in addition to those provisions specified in sections 13.2 or 13.4.

(1) The smallest amount of bare ground shall be exposed for as short a time as feasible.

(2) Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.

(3) Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.

(4) Lagoons shall be constructed to avoid fish trap conditions.

(5) Fill shall be stabilized according to accepted engineering standards.

(6) Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.

(7) Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.

9.0 IMPERVIOUS SURFACE STANDARDS. (NR 115.05(1)(e))

9.1 PURPOSE. Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. County 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 nonriparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

9.2 CALCULATION OF PERCENTAGE OF IMPERVIOUS SURFACE. (NR 115.05(1)(e)1) Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in section 9.6 shall be excluded from the calculation of impervious surface on the lot or parcel. 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.

9.3 GENERAL IMPERVIOUS SURFACE STANDARD. (NR 115.05(1)(e)2) Except as otherwise allowed in sections 9.4 through 9.6, the county shall allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.

9.4 MAXIMUM IMPERVIOUS SURFACE STANDARD. (NR 115.05(1)(e)3) A property may exceed the impervious surface standard under 9.3 provided the following standards are met:

(1) For properties where the general impervious surface standard applies under section 9.3, a property owner may have more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.

(2) For properties that exceed the standard under 9.3 but do not exceed the maximum standard under 9.5(1), a permit can be issued for development with a mitigation plan that meets the standards found in section 12.0.

9.5 TREATED IMPERVIOUS SURFACES. (NR 115.05(1)(e)3m and s. 59.692(1k)(a)5, Stats) Impervious

surfaces that can be documented to demonstrate they meet either of the following standards shall be excluded from the impervious surface calculations under section 9.2:

(1) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.

(2) 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.

To qualify for the statutory exemption, property owners shall submit a complete permit application that is reviewed and approved by the county. The application shall include

1) calculations showing how much runoff is coming from the impervious surface area;
2) documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device, or internally drained area; and
3) an implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices, or internally drained area. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the permit.

9.6 EXISTING IMPERVIOUS SURFACES. (NR 115.05(1)(e)4) For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in section 9.3 or the maximum impervious surface standard in section 9.5, the property owner may do any of the following:

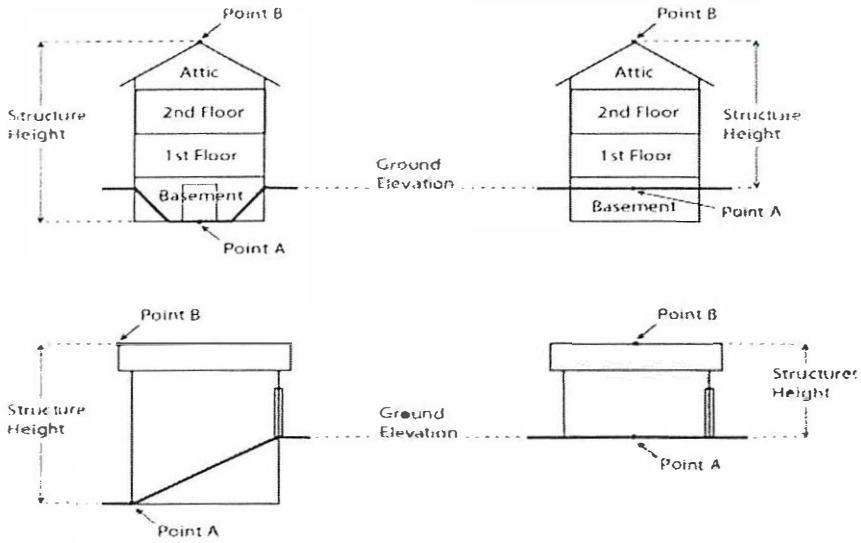
(1) Maintain and repair the existing impervious surfaces;

(2) Replace existing impervious surfaces with similar surfaces within the existing building envelope; or

(3) Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and the impervious surface meets the applicable setback requirements in sections 6.1 or 6.2.

10.0 HEIGHT. (NR 115.05(1)(f)) To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, a county may not permit any construction that result in a structure taller than 35 feet within 75 feet of the ordinary high-water mark of any navigable waters.

10.1 Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this code.



10.2 To protect and preserve wildlife habitat and natural scenic beauty, the county may not permit any construction that results in a structure outside of the 75 foot shoreland setback taller than the maximum height allowed for structures in the underlying general zoning. When there is no general zoning jurisdiction, the maximum structure height shall be 35 feet.

11.0 NONCONFORMING USES AND STRUCTURES. (NR 115.05(1)(g))

11.1 DISCONTINUED NONCONFORMING USE. (NR 115.05(1)(g)3) If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance.

11.2 MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF NONCONFORMING STRUCTURES. (s. 59.692(1k)(a)2,4 and (b), Stats) 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. Further, an existing 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. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

11.3 LATERAL EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURES WITHIN THE SETBACK. (NR 115.05(1)(g)5) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 6.1 may be expanded laterally, provided that all of the following requirements are met:

(1) The use of the 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 ordinary high-water mark.

(3) Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.

(4) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 13.0.

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

11.4 EXPANSION OF A NONCONFORMING PRINCIPAL STRUCTURES BEYOND SETBACK. (NR 115.05(1)(g)5m) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under section 6.1 may be expanded horizontally, landward, or vertically provided that the expanded area meets the building setback requirements per section 6.1 and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required per section 9.0.

11.5 RELOCATION OF NONCONFORMING PRINCIPAL STRUCTURES. (NR 115.05(1)(g)6) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 6.1 may be relocated on the property provided all of the following requirements are met:

(1) The use of the 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 ordinary high-water mark.

(3) No portion of the relocated structure is located any closer to the ordinary high-water mark 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 a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement per section 6.1. A comparison of comparable size shall be of the structure proposed for relocation's length, width and height.

(5) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 13.0, and include enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.

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

12.0 MAINTENANCE, REPAIR, REPLACMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE. (s. 59.692(1k)(a)2. and (a)4.) A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 15, 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. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

13.0 MITIGATION. (NR 115.05 (1)(e)3, (g)5, (g)6) When the county issues a permit requiring mitigation under sections 9.5, 11.3 and 11.5 the property owner must submit a complete permit application that is reviewed and approved by the county. The application shall include the following:

(1) A site plan which is designed and implemented to restore natural functions lost through development and human activities. The site plan shall include a scaled plot plan of the lot, including the following information:

1. Location of all existing and proposed structures, including paths, stairways, retaining walls, decks, patios, vegetative cover, etc. with accurate distances shown between the structures and all property lines.

2. Location of any areas of existing and proposed land disturbance.

3. Location of septic and well facilities.

4. Location of the viewing and access corridor.

5. Location of parking areas and driveways.

6. Location of ordinary high-water mark and any wetland areas.

7. Maps showing the existing and proposed topography and slope of the property.

8. Impervious surface calculations.

9. A minimum of four photos of the property. These photos shall include a photo taken from the water, along the shoreline and from the principal structure. If necessary, the Zoning Department may require additional photos and/or a site inspection of the property.

10. Properties which include flood hazard areas shall be required to submit documentation showing the base flood elevation and its location on the property.

(2) A plan with mitigation measures which are proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. Mitigation options include:

1. Shoreland Buffer Restoration of at least 35 feet.

    a. Identify the vegetation to be cut and the size and type of species to be removed.

    b. A list of desired native species appropriate for the site (or cultivars of native species) to be included in the restoration area and a schedule of planting.

    c. A scaled plot plan showing the placement, size and densities of each species to be planted within the buffer area.

    d. A narrative description of how the applicant intends to carry out the project including the erosion control measures that will be used during construction. Please include the name and phone number of the landscape architect or consultant, if applicable.

2. Evaluation and/or replacement of Private On-Site Waste Treatment System performed by a Wisconsin licensed plumber.

3. Any proposed device(s) or system(s) designed by an engineer or landscape architect that mitigates surface water runoff or infiltrates runoff and furthers the purpose and intent of shoreland zoning.

4. Wetland restoration.

5. Elimination of non-conforming accessory structures such as garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck retaining wall, porch, fire pit.

6. Removal of other shoreland modifications/items such as seawalls, beaches, or impervious surfaces.

7. Relocating a non-conforming principal structure to a conforming location.

8. Elimination of existing erosion and sedimentation on areas that have surface drainage towards the water.

(3) An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures.

1. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds.

14.0 ADMINISTRATIVE PROVISIONS. (NR 115.05(4)) The shoreland zoning ordinance adopted by each county shall require all of the following:

(1) The appointment of an administrator and such additional staff as the workload may require. This administrator shall be the Office of Planning & Development Director or his/her designee within said Office.

(2) The creation of a zoning agency as authorized by s. 59.69, Stats, a board of adjustment as authorized by s. 59.694, Stat., and a county planning agency as defined in s. 236.02(3), Stats, and required by s. 59.692(3), Stats. This agency shall be the Iowa County Office of Planning & Development.

(3) A system of permits for all new construction, development, reconstruction, structural alteration or moving of buildings and structures. A copy of applications shall be required to be filed in the office of the county Office, unless prohibited by s. 59.692(1k), Stats.

(4) Regular inspection of permitted work in progress to insure conformity of the finished structures with the terms of the ordinance.

(5) A variance procedure which authorizes the board of adjustment to grant such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland zoning ordinance, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship as long as the granting of a variance does not have the effect of granting or increasing any use of property which is prohibited in that zoning district by the shoreland zoning ordinance.

(6) A special exception (conditional use) procedure for uses presenting special problems.

(7) The county shall keep a complete record of all proceedings before the board of adjustment, zoning agency and planning agency.

(8) Written notice to the appropriate office of the Department at least 10 days prior to any hearing on a proposed variance, special exception or conditional use permit, appeal for a map or text

interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review under section 4.0.

(9) Submission to the appropriate office of the Department, within 10 days after grant or denial, copies of any decision on a variance, special exception or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.

(10) Development and maintenance of an official map of all mapped zoning district boundaries, amendments, and recordings.

(11) The establishment of appropriate penalties for violations of various provisions of the ordinance, including forfeitures. Compliance with the ordinance shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in s. 59.69 (11), Stats.

(12) Pursuing the prosecution of violations of the shoreland ordinance

(13) Shoreland wetland map amendments according to s. NR 115.04. Every petition for a shoreland-wetland 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 office of the Department 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 provided to the appropriate office of the Department at least 10 days prior to the hearing. A copy of the county board's decision on each proposed amendment shall be forwarded to the appropriate office of the Department within 10 days after the decision is issued.

14.1 PERMITS.

(1) WHEN REQUIRED. Except where another section of this ordinance specifically exempts certain types of development from this requirement, a permit shall be obtained from the Office or board of adjustment/committee before any new development.

(2) APPLICATION. An application for a permit shall be made to the Office upon forms furnished by the county and shall include for the purpose of proper enforcement of these regulations, the following information:

(a) Name and address of applicant and property owner.

(b) Legal description of the property and type of proposed use.

(c) A to scale drawing of the dimensions of the lot and location of all existing and proposed structures and impervious surfaces relative to the lot lines, center line of abutting highways and the ordinary high-water mark of any abutting waterways.

(d) Location and description of any existing private water supply or sewage system or notification of plans for any such installation.

(e) Plans for appropriate mitigation when required.

(f) Payment of the appropriate fee.

(g) Additional information required by the Office.

(3) EXPIRATION OF PERMIT. Zoning permits shall expire 12 months from date issued if no substantial work has commenced.

(4) CERTIFICATES OF COMPLIANCE.

(a) No land or building shall be occupied or used until a certificate of compliance is issued by the Office.

1. The certificate of compliance shall certify that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this ordinance.

2. Application for such certificate shall be concurrent with the application for a zoning

permit.

3. The certificate of compliance shall be issued within 10 days after notification of the completion of the work specified in the zoning permit, if the building or premises or proposed use thereof conforms with all the provisions of this ordinance.

(b) The Office may issue a temporary certificate of compliance for part of a building, pursuant to rules and regulations established by the county board.

(c) Upon written request from the owner, the Office shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this ordinance, certifying after inspection the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this ordinance.

14.2 SPECIAL EXCEPTION PERMITS (OR CONDITIONAL USE PERMITS).

(1) APPLICATION FOR A SPECIAL EXCEPTION PERMIT. Any use listed as a special exception in this ordinance shall be permitted only after an application has been submitted to the Office and a special exception permit has been granted by the Iowa County Planning & Zoning Committee. To secure information upon which to base its determination, the Committee may require the applicant to furnish, in addition to the information required for a zoning permit, the following information:

(a) A plan of the area showing surface contours, soil types, ordinary high-water marks, ground water conditions, subsurface geology 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 arrangement 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.

(f) Rationale for why the proposed special exception meets all of the special exception criteria listed in the ordinance

(2) NOTICE, PUBLIC HEARING AND DECISION. Before deciding whether to grant or deny an application for a special exception permit, the Committee shall hold a public hearing. Notice of such public hearing, specifying the time, place and matters to come before the Committee, shall be given as a Class 2 notice under ch. 985, Wis. Stats. Such notice shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. The Committee shall state in writing the grounds for granting or denying a special exception permit.

(3) STANDARDS APPLICABLE TO ALL SPECIAL EXCEPTIONS. In deciding a special exception application, the Committee shall evaluate the effect of the proposed use upon:

(a) The maintenance of safe and healthful conditions.

(b) The prevention and control of water pollution including sedimentation.

(c) Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.

(d) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.

(e) The location of the site with respect to existing or future access roads.

(f) The need of the proposed use for a shoreland location.

(g) Its compatibility with uses on adjacent land.

(h) The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.

(i) Location factors under which:

1. Domestic uses shall be generally preferred;

2. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source; and
3. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility. Additional standards such as parking, noise, etc...maybe refer to the applicable part of their ordinance.

(4) CONDITIONS ATTACHED TO SPECIAL EXCEPTIONS. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking and signs; and type of construction. Upon consideration of the factors listed above, the 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.

In granting a special exception permit, the Committee may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to the extent of restriction, the board may impose any reasonable permit conditions to affect the purpose of this ordinance.

(5) RECORDING. When a special exception permit is approved, an appropriate record shall be made of the land use and structures permitted. Such permit shall be applicable solely to the structures, use and property so described. A copy of any decision on a special exception permit shall be provided to the appropriate office of the Department within 10 days after it is granted or denied.

(6) REVOCATION. Where the conditions of a special exception permit are violated, the special exception permit shall be revoked.

(7) RELAXATION OF STANDARDS FOR PERSONS WITH DISABILITIES. The Director or his/her designee may issue a special permit to relax the standards of this ordinance in order to provide reasonable accommodations as required by provisions of federal and state law. Such relaxation shall be the minimum necessary to be consistent with federal guidelines for accommodation of persons with disabilities and shall, where practicable, be terminated when the facility is no longer used by the disable person or persons. A person applying for a permit for construction under this section shall establish the nature and extent of the disability and that the relaxation requested is the minimum necessary to provide reasonable use of the facility. A deed restriction or affidavit for the reasonable accommodation shall be filed with the register of deeds.

14.3 VARIANCES.

(1) VARIANCE CRITERIA TO BE MET. The board of adjustment may grant upon appeal a variance from the standards of this ordinance where an applicant convincingly demonstrates that:

(a) literal enforcement of the provisions of the ordinance will result in unnecessary hardship on the applicant;
(b) the hardship is due to special conditions unique to the property;
(c) the request is not contrary to the public interest; and
(d) the request represents the minimum relief necessary to relieve unnecessary burdens.

(2) NOTICE, PUBLIC HEARING AND DECISION. (s. 59.694(6), Stats) Before deciding on an application for a variance, the board of adjustment shall hold a public hearing. Notice of such hearing specifying the time, place and matters of concern, shall be given a Class 2 notice under ch. 985, Stats. Such notice shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. The board shall state in writing the reasons for granting or refusing a variance and shall provide a copy of such decision to the appropriate office of the Department within 10 days of the decision.

14.4 BOARD OF ADJUSTMENT. (s. 59.694 Stats) The county executive, county administrator or chair of the county board shall appoint a board of adjustment consisting of 3 or 5 members under s. 59.694, Stats. The county board shall adopt such rules for the conduct of the business of the board of adjustment as required by s. 59.694(3), Stats.

(1) POWERS AND DUTIES. (s. 59.694 Stats)

(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 s. 59.694, Stats.

(b) It shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this ordinance.

(c) It shall hear and decide applications for special exception permits pursuant to section 13.3.

(d) It may grant a variance from the dimensional standards of this ordinance pursuant to section 13.4.

(e) In granting a variance, the board may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to the extent of restriction, the board may impose any reasonable permit conditions to effect the purpose of this ordinance.

(2) APPEALS TO THE BOARD. (s. 59.694 Stats) Appeals to the board of adjustment may be made by any person aggrieved or by an officer, department, board or bureau of the county affected by any decision of the Office or other administrative officer. Such appeal shall be made within 30 days, as provided by the rules of the board, by filing with the officer whose decision is in question, and with the board of adjustment, a notice of appeal specifying the reasons for the appeal. The Office or other officer whose decision is in question shall promptly transmit to the board all the papers constituting the record concerning the matter appealed.

(3) HEARING APPEALS AND APPLICATIONS FOR VARIANCES AND SPECIAL EXCEPTION PERMITS. (s. 59.694(6), Stats)

(a) The board of adjustment shall fix a reasonable time for a hearing on the appeal or application. The board shall give public notice thereof by publishing a Class 2 notice under ch. 985, Stats, specifying the date, time and place of the hearing and the matters to come before the board. Notice shall be mailed to the parties in interest. Written notice shall be provided to the appropriate office of the Department at least 10 days prior to hearings on proposed shoreland variances, special exceptions (conditional uses), and appeals for map or text interpretations.

(b) A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on shoreland variances, special exceptions (conditional uses), and appeals for map or text interpretations shall be provided to the appropriate office of the Department within 10 days after they are granted or denied.

(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. The final disposition of an appeal or application to the board of adjustment shall be in the form of a written decision document signed by the chairman and secretary of the board. The decision document shall either affirm, deny, vary or modify the appeal and list the specific reasons for the determination.

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

14.5 FEES. (ss. 59.69, 59.694, 59.696, 59.697, Stats) The county board may, by resolution, adopt fees for the following:

(1) Zoning permits.

(2) Certificates of compliance.

(3) Planned Unit Development reviews.

(4) Public hearings.

(5) Legal notice publications.

(6) Special exception permits.

(7) Variances.

(8) Administrative appeals.

(9) Other duties as determined by the county board.

14.6 CHANGES AND AMENDMENTS. The county board may from time to time, alter, supplement or change the regulations contained in this ordinance in accordance with the requirements of s. 59.69(5)(e), Stats,. NR 115, and this ordinance where applicable.

(1) _AMENDMENTS. Amendments to this ordinance may be made on petition of any interested party as provided in s. 59.69(5), Stats.

(2) SHORELAND WETLAND MAP AMENDMENTS. (NR 115.04) Every petition for a shoreland-wetland 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 office of the Department 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 provided to the appropriate office of the Department at least 10 days prior to the hearing. A copy of the county board's decision on each proposed amendment shall be provided to the appropriate office of the Department within 10 days after the decision is issued.

14.7 ENFORCEMENT AND PENALTIES. (NR 115.05(4)(j)) Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. Violations may be pursued by either the issuance of a citation, referral to the District Attorney's Office as a formal complaint or both as authorized by Ordinance No. 2-695-1995.

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof via the formal complaint process, forfeit no less than Ten Dollars ($10.00) nor more than Two Hundred Dollars ($200.00) and costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to s. 59.69(11), Stats.

In the case where a citation is issued, the payment of the forfeiture shall not constitute compliance nor shall said payment bar the issuance of further citations, provided the violation remains.

Any use or action which violates the provisions of this Ordinance may be subject to a court injunction prohibiting such violation.

Failure to comply with conditions of an issued permit or violation of permit standards may be grounds for the permit to be suspended until such time compliance is achieved.

15.0 DEFINITIONS.

15.1 For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

15.2 The following terms used in this ordinance mean:

(1) "Access and viewing corridor" (NR 115.03(1d)) means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

(2) "Accessory structure" means a subordinate structure on the same property as the principal structure which is devoted to a use incidental to the principal use of the property. Accessory structures include, but are not limited to, detached garages, sheds, barns, gazebos, patios, decks, swimming pools, hot tubs, fences, retaining walls, driveways, parking lots, sidewalks, detached stairways and lifts

(3) "Boathouse" (NR 115.03(1h)) means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.

(4) "Building envelope" (NR 115.03(1p)) means the three dimensional space within which a structure is built.

(5) "County zoning agency" (NR 115.03(2)) means that committee or commission created or designated by the county board under s. 59.69(2)(a), Stats, to act in all matters pertaining to county planning and zoning.

(6) "Department" (NR 115.03(3)) means the Department of Natural Resources.

(7) "Drainage system" means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

(8) "Existing development pattern" (NR 115.03(3m)) means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

(9) "Floodplain" (NR 115.03(4)) means the land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in ch. NR 116, Wis. Adm. Code.

(10) "Footprint" means the land area covered by a structure at ground level measured on a horizontal plane. The footprint of a residence or building includes the horizontal plane bounded by the furthest exterior wall and eave if present, projected to natural grade. For structures without walls (decks, stairways, patios, carports) – a single horizontal plane bounded by the furthest portion of the structure projected to natural grade. Note: For the purposes of replacing or reconstructing a nonconforming building with walls, the footprint shall not be expanded by enclosing the area that is located within the horizontal plane from the exterior wall to the eaves projected to natural grade. This constitutes a lateral expansion under NR 115 and would need to follow NR 115.05 (1)(g)5..

(11) "Generally accepted forestry management practices" (NR 1.25(2)(b), Wis. Adm. Code) means forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.

(12) "Impervious surface" (NR 115.03(4g)) 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.

(13) "Lot" means land with a boundary description occupied or intended to be occupied by one

building and its accessory buildings which at the time of filing for a building permit is designated by its owner to be used, developed or built upon as a unit under single ownership or control. A lot shall not exist unless described on a document filed with the Iowa County Register of Deeds.

(14) "Lot of record" means any lot, the description of which is properly recorded with the Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

(15) "Mitigation" (NR 115.03(4r)) means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

(16) "Navigable waters" (NR 115.03(5)) means 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 s. 281.31(2)(d), Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.692, Stats, and ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to:

(a) 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
(b) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body

(17) "Ordinary high-water mark" (NR 115.03(6)) 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.

(18) "Previously developed" means a lot or parcel that was developed with a structure legally placed upon it.

(19) "Regional flood" (NR 115.03(7)) means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.

(20) "Routine maintenance of vegetation" (NR 115.03(7m)) means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

(21) "Shoreland" (NR 115.03(8)) means lands within the following distances from the ordinary highwater mark of navigable waters: 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.

(22) "Shoreland setback" also known as the "Shoreland setback area" in s. 59.692(1)(bn), Stats, means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under section 59.692, Stats.

(23) "Shoreland-wetland district" (NR 115.03(9)) means a zoning district, created as a part of a county zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the department.

(24) "Special exception (conditional use)" (NR 115.03(10))means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the board of adjustment or, where appropriate, the planning and zoning committee or county board.

(25) "Structure" (s.59.692(1)(e), Stats) means any construction or any production or piece of work artificially built or composed of parts joined together in some definite manner having form, shape and utility such as but not limited to accessory structures such a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or fire pit.

(26) "Substandard Lots" means a legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current requirements for a new lot.

(27) "Unnecessary hardship" (NR 115.03(11)) means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

(28) "Variance" means an authorization granted by the board of adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.

(29) "Wetlands" (NR 115.03(13)) 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.