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26.101 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in s. 59.692 Wis. Stats to implement 59.69, 59.692, 59.694, 87.30, 236.45, and 281.31.

26.102 FINDING OF FACT

Uncontrolled use of the shorelands and pollution of the navigable waters of Oconto 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 Oconto County, Wisconsin.

26.103 PURPOSE AND INTENT

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 width
   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.

26.104 TITLE

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

26.200 GENERAL PROVISIONS

26.201 AREAS TO BE REGULATED

Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Oconto County which are:

1. Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in Oconto County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication FH-800 2009 “Wisconsin Lakes” 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. Rivers and streams in Oconto 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, and to annexed or incorporated areas as provided in s. 59.692 (7), Wis. Stats. Unless specifically exempted by law, all cities, villages, towns, counties and, when s. 13.48 (13), Wis. 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), Wis. Stats., applies.

4. Determinations of navigability and ordinary high-water mark location shall initially be made by Planning & Zoning staff. When questions arise, Planning & Zoning staff shall contact the appropriate office of the Department for a final determination of navigability or ordinary high-water mark.

5. Under s. 281.31 (2m), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated there under, this shoreland zoning ordinance does not apply to lands adjacent to farm drainage ditches if:
   a. Such lands are not adjacent to a natural navigable stream or river;
   b. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
   c. Such lands are maintained in nonstructural agricultural use.

26.202 SHORELAND-WETLAND MAPS

The Wisconsin Wetland Inventory maps as interpreted in May 1989 are hereby adopted and made part of this ordinance. Wisconsin Wetland Inventory maps are on file in the Oconto County Planning & Zoning office or available through the Department’s Surface Water Data viewer at http://dnrmaps.wi.gov/imf/imf.jsp?site=SurfaceWaterViewer.dswaters.
26.203 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, dredging of any lands, the cutting of shoreland vegetation, 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.

26.204 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), Wis. 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), Wis. Stats., applies.

26.205 ABROGATION AND GREATER RESTRICTIONS

The provisions of this ordinance supersede all the provisions of any county zoning ordinance adopted under s. 59.692, Wis. Stats., which relate to shorelands. However, where an ordinance adopted under a statute other than s. 59.692, Wis. Stats., is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

1. This ordinance shall not require approval or be subject to disapproval by any town or town board.

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

3. 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. Provisions of the Oconto 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.

26.206 INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and 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 a standard in ch. NR 115, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of ch. NR 115, Wis. Adm. Code 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.

26.207 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.

26.300 DEFINITIONS

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
26.301 SHORELAND ZONING DEFINITIONS

ACCESS AND VIEWING CORRIDOR - a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

BACKLOT(S) – Lots which do not front on a navigable body of water, or which do not have any portion that is within 300 feet of a navigable body of water.

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

BUILDING ENVELOPE - The three dimensional space within which a structure is built.

CONDITIONAL USE (SPECIAL EXCEPTION) - A use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the board of adjustment or, where appropriate, the planning and zoning committee or county board.

COUNTY ZONING AGENCY - That committee or commission created or designated by the county board under s. 59.97(2)(a), Wis. Stats, to act in all matters pertaining to county planning and zoning.

DEPARTMENT - Wisconsin Department of Natural Resources.

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including, but not limited to the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations, and the deposition or extraction of earthen materials.

DRAINAGE SYSTEM - One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

FLOODPLAIN - 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.

FLOOR AREA - means the total area of the structure footprint, including all area encompassed by foundations, basement walls, exterior walls, roof overhangs greater than 24 inches in width, support structures, and any attachments or appurtenances. Floor area, as calculated for the minimum living space of a dwelling unit, shall be completely enclosed, considered habitable under the building and mechanical code requirements, and be at least 7 feet in height from floor to ceiling.

GENERALLY ACCEPTED FORESTRY MANAGEMENT PRACTICES - Forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.

IMPERVIOUS SURFACE - An area that releases as runoff all or a majority of the precipitation that falls on it. “Impervious surface” excludes frozen soil but includes all structures, sidewalks, driveways, parking lots, and streets.

KEYHOLE DEVELOPMENT - The creation of a lot, outlot or parcel of land, by any type of recorded instrument, that provides access to a navigable water body for more than one non-riparian lot, outlot or parcel of land and where the ownership of the riparian and non-riparian lots are not the same. Keyhole development shall also include dredging of a channel for the purpose of navigational access to a water body from one or more lots, outlots or parcels of land. Keyhole development shall not include public boat ramps or marinas permitted under this ordinance or ch. 30, Wis. Stats.
MAINTENANCE AND REPAIR - includes such activities as interior remodeling, painting, decorating, paneling, plumbing, insulation, and replacement (i.e. size shall not be increased) of windows, doors, wiring, siding, roof (i.e sheeting/shingles) and other nonstructural components; and the repair of cracks in foundations, sidewalks, walkways and the application of waterproof coatings to foundations.

MITIGATION - Balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

NAVIGABLE WATER - 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. 144.26(2)(d), Wis. Stats, notwithstanding any other provision of law or administrative rule promulgated there under, shoreland ordinances required under s. 59.971, Wis. Stats, and ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:

1. Such lands are not adjacent to a natural navigable stream or river.
2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
3. Such lands are maintained in non-structural agricultural use.

ORDINARY HIGH-WATER MARK (OHWM) - The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

RAINGARDEN – Excavated area of natural vegetation to which surface water runoff is directed with the purpose of slowing and filtering runoff and allowing for runoff infiltration. Refer to "Rain Gardens: A How-To Manual for Homeowners" by University of Wisconsin Publication #GWQ034 [PDF 3.2MB]

REGIONAL FLOOD - A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.

REPLACEMENT CONSTRUCTION - In which the principle building or portion thereof is torn down and replaced by a new structure or building or portion thereof

ROUTINE MAINTENANCE OF VEGETATION - Normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

SHORELAND - Lands within the following distances from the ordinary high water 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.

SHORELAND SETBACK – Also known as the “shoreland setback area” in s. 59.692(1)(bn) Wis. 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 buildings or structures has been limited or prohibited under an ordinance enacted under s. 59.692 Wis. Stats.

SHORELAND-WETLAND DISTRICT - The zoning district, created as a part of this shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made a part of this ordinance.

STRUCTURAL ALTERATIONS - Any changes in the supporting members of a structure such as foundations, bearing walls, columns, beams or girders, footing and piling or any substantial change in the roof structure, or in the exterior walls.

STRUCTURE – Anything constructed or erected, the use of which requires permanent or temporary location on the ground, or attached to something having a permanent or temporary
location on the ground, including but not limited to any building, dwelling, manufactured building, manufactured home, mobile home, house trailer, recreational vehicle, boathouse, boat shelter, advertising sign, deck, patios, driveways, fences, retaining walls, or other improvements or any part of such structure. A structure includes any permanent or temporary appurtenance attached thereto.

**STRUCTURE, ACCESSORY** - 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, decks (both detached and attached), sheds, barns, gazebos, patios, swimming pools, walls, fences, permanent playground apparatus, driveways, parking lots and parking facilities, sidewalks, stairways, lifts, recreational courts and private emergency shelters.

**STRUCTURE, PRINCIPAL** - The main structure, not including accessory structures on a lot, intended for primary use as permitted by the regulations of the district in which it is located. A lot on which more than one principal use is permitted may have more than one principal structure.

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

**UNNECESSARY HARDSHIP** - A 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.

**VARIANCE** - An authorization granted by the board of adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.

**VEGETATIVE BUFFER ZONE** – An area of “natural” or “restored to natural” shoreland vegetation extending from the Ordinary High Water Mark (OHWM) inland 35 ft. The buffer zone is comprised of vegetation that is critical to protecting natural scenic beauty, fish & wildlife habitat, and water quality for the adjacent public waters.

**WETLANDS** - Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

### 26.400 SHORELAND-WETLAND DISTRICT

#### 26.401 DESIGNATION

This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the Wisconsin Wetland Inventory Maps that are adopted and made a part of this ordinance.

1. **LOCATING SHORELAND-WETLAND BOUNDARIES.** (NR115.04(2). note). Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory maps 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.

#### 26.402 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.

26.403 PERMITTED USES

The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of ch. 30 and 31, Wis. Stats., and the provisions of other applicable local, state and federal laws.

1. Activities and uses which do not require the issuance of a shoreland permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating except as allowed under s. 26.1202.
   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 shoreland 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 shoreland permit 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 s. 26.405(2);

3. The road is designed and constructed with the minimum width practical to serve the intended use;

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, Wis. 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 s. 26.403 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 s. 26.405(2).

26.404 PROHIBITED USES

Any use not listed in s. 26.403 is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with s. 26.405 of this ordinance and s. 59.69(5)(e), Wis. Stats.

26.405 REZONING IN THE SHORELAND-WETLAND ZONE

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

a. A copy of every petition for a text or map amendment to the conservancy district within the shoreland zone, within 5 days of the filing of such petition with the Planning & Zoning office. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance and ch. 14, Oconto County Zoning Ordinance describing any proposed rezoning of conservancy district lands within the shoreland zone 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.

3. If the Department notifies the Planning & Zoning committee that a proposed text or map amendment to the shoreland-wetland conservancy district provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in s. 26.405(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), Wis. Stats. If the Department does so notify the county board, the effect of this amendment shall be stayed until the s. 59.692 (6), Wis. Stats adoption procedure is completed or otherwise terminated."

26.500 WATER CLASSIFICATION

26.501 CLASSIFICATION

1. Lakes greater than 20 acres in surface area that have been individually evaluated and classified based upon its sensitivity to development, the level of existing development, level of soils susceptible to erosion, and lake hydrologic type are set forth in the Oconto County
2. The classification listing for each lake greater than 20 acres. (Table 1)

Table 1:

<table>
<thead>
<tr>
<th>Lake name according to DNR Surface Water Resources</th>
<th>Location</th>
<th>Lake classification using % Erodible Soils, SDF, and Lake Hydrology as sensitivity variables</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anderson</td>
<td>T30N R17E S03</td>
<td>3</td>
</tr>
<tr>
<td>Archibald</td>
<td>T32N R15E S02</td>
<td>2</td>
</tr>
<tr>
<td>Balcom</td>
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<td>Berry</td>
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<td>Big Gillett (Gillett)</td>
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<td>2</td>
</tr>
<tr>
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<tr>
<td>Rost</td>
<td>T30N</td>
<td>R19E</td>
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</tbody>
</table>
3. Lakes less than 20 acres in surface area were not individually evaluated based on sensitivity or development, but were classified as warranting the highest level of protection and considered Class I as set forth in Part 1 of the Oconto County Water Classification Document. Lakes less than 20 acres in surface area that have been re-classified according to s. 26.502 are listed in Table 1 and are subject to the same standards as similarly classified lakes.

4. Rivers and Streams were placed into two classes. Rivers and streams considered outstanding and exceptional resource waters or Class I trout waters per ch. NR 102, Wis. Adm. Code and Wisconsin Trout Streams Publication 6-3600 (80) are considered Class I. All other rivers and streams are considered Class II.

26.502 CLASSIFICATION AMENDMENTS

1. Procedure
   a. The Oconto County Board of Supervisors may change the classification of a lake or river by amending this ordinance in accordance with s. 14.3300 of the Oconto County General Zoning Ordinance.
2. Corrections to Classifications
   a. Any proposed change of a river, stream or lake (greater than 20 acres in size) classification must be based on a demonstration that the sensitivity or development assessment was incorrect for that river, stream, or lake (greater than 20 acres in size).
   b. Any proposed change of a lake classification of a lake of 20 acres or less must be based on an analysis of lake sensitivity and/or level of development based on the criteria utilized for lakes greater than 20 acres in Part 1 of the Oconto County Water Classification Document.
   c. Changes in lake sensitivity or development after the enactment of this ordinance are not grounds for seeking a change in classification.

3. Changes to More Restrictive Classification
   a. Any person or town board may seek a change to a more restrictive status for one or more water bodies.
   b. A change to a more restrictive status must be based on an evaluation of any relevant scientific factors relating to a lake or river’s sensitivity or development.
   c. Changes made under this paragraph are not subject to the provisions of s. 26.1600. Subsequent changes to an amendment under this paragraph may only be made upon petition of the town.

26.600 LAND DIVISION REVIEW AND SANITARY REGULATIONS

26.601 LAND DIVISION REVIEW

The county shall review, pursuant to s. 236.45, Wis. Stats., Oconto County Zoning Ordinance, Oconto County Land Division Ordinance; all land divisions in shoreland areas. 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.
6. Conformity to Oconto County comprehensive plan adopted pursuant to s. 59.69 and 66.1001(4), Wis. Stats.

26.602 SANITARY REGULATIONS

Each 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. Comm 83, 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), Wis. Stats.

26.700 DIMENSIONAL STANDARDS FOR NEW LOTS, UNITS AND RIPARIAN ACCESS

26.701 PURPOSE

Minimum lot sizes for new lots in the shoreland zone shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water.

26.702 MINIMUM AREA AND WIDTH REQUIREMENTS FOR NEW SHORELAND LOTS/UNITS

All lots/units recorded, approved, or filed in the shoreland zone shall meet the minimum dimensional standards per the water classification set forth in s. 26.500. In calculating the area for a lot or unit, the beds of navigable waters shall not be included.

<table>
<thead>
<tr>
<th></th>
<th>CLASS I WATERS</th>
<th>CLASS II WATERS</th>
<th>CLASS III WATERS</th>
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</thead>
<tbody>
<tr>
<td><strong>Minimum Standards</strong></td>
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<td>Area per Lot / Area per Unit</td>
<td>120,000 sq. ft.</td>
<td>65,000 sq. ft.</td>
<td>20,000 sq. ft.</td>
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<tr>
<td>Lot Width at OHWM</td>
<td>300 ft.</td>
<td>150 ft.</td>
<td>100 ft.</td>
</tr>
<tr>
<td>Lot Width at Building Line</td>
<td>300 ft.</td>
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<td>100 ft.</td>
</tr>
<tr>
<td>Lot width at Road Right-of-Way</td>
<td>300 ft.</td>
<td>150 ft.</td>
<td>100 ft.</td>
</tr>
</tbody>
</table>

26.703 SUBSTANDARD LOTS

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. A parcel may be exempt from this requirement where Planning & Zoning staff determines the reconfiguration of the parcels involved brings each of the parcels closer to the minimum standards of 26.702 or brings the parcel(s) closer to the minimum standards of 26.702 and does not reduce the other parcel(s) below the minimum standards of 26.702.

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.

26.704 OTHER SUBSTANDARD LOTS

Except for lots which meet the requirements of s. 26.703 a shoreland permit for the improvement of a lot having lesser dimensions than those stated in s. 26.702 for Class III waters, shall be issued only if a variance is granted by the board of adjustment.

26.705 RIPARIAN ACCESS

Creating lots to serve as riparian access for lots without riparian access shall be defined as "Keyhole Development" for the purposes of this ordinance and is prohibited.
26.800 SETBACKS

Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution.

26.801 SHORELAND SETBACK

Unless exempt per s. 26.804, or reduced per s. 26.805, a setback from the ordinary high-water mark of any navigable waters to the nearest part, including eaves, overhangs, awnings, or similar architectural elements; of all buildings or structures shall be 75 ft. For the purposes of this ordinance decks, patios, driveways, fences, retaining walls (non-vegetative), etc. are defined as structures and shall meet 75 ft. setback.

26.802 SIDE YARD SETBACK

Side yard setback(s) shall meet the standards per ch. 14, Oconto County Zoning Ordinance.

26.803 ROAD SETBACK

Road setback(s) and visual clearance area(s) shall meet the standards per ch. 14, Oconto County Zoning Ordinance. For the purposes of this ordinance a setback of 30 ft. (measured from the edge of the traveled surface) shall be required for all private roads and no structure shall be placed within any access easement.

26.804 EXEMPT STRUCTURES

Exempt Structures (NR 115.05(1m)) - All of the following structures are exempt from the shoreland setback standard per s. 26.801.

1. 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.

Boathouses shall be designed and constructed solely for the storage of boats and related equipment and conform to the following standards:

a. A boathouse shall not be placed waterward beyond the ordinary highwater mark.

b. One boathouse is permitted on a lot as an accessory structure.

c. A boathouse shall not be constructed where the existing slope is 20% or greater.

d. A boathouse shall be set back a minimum three (3) feet from the ordinary highwater mark and shall be constructed in conformity with floodplain zoning standards.

e. The area of a boathouse shall not exceed 288 sq ft measured from the structures exterior dimensions.

f. A boathouse shall not exceed a total height of twelve (12) feet from the natural ground to the peak of the roof.

g. A boathouse shall have a pitched roof not to be less than 3:12 (rise to run) nor greater than 6:12.

h. A boathouse eaves or overhangs shall not exceed 12 inches.

i. The dimension more or less parallel to the shore shall not exceed 14 ft.

j. A boathouse shall not include plumbing or sanitary fixtures, patio doors or any similar feature, and shall not be used for human habitation. Roofs shall not be designed or used as decks, observation platforms or for similar uses.

2. 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), Wis. Stats.

a. The part of the structure that is nearest to the water is not located at within the buffer zone measured from the ordinary-high water mark.

b. The floor area of all the structures in the shoreland setback area will not exceed 200 square feet.

c. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.

d. The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone meeting the requirements of s. 26.1102.

e. An enforceable affidavit must be filed with the register of deeds prior to construction acknowledging the limitations on vegetation.

3. 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.

4. 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. Comm 83, Wis. Admin. 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.

5. Paths in a natural undisturbed state providing pedestrian access to the shoreline and a maximum of 60 inches in width shall be allowed without permit.

6. A walkways, stairways or lifts which is essential to provide riparian access to the shoreline and which are a necessary extension of a pier, may be permitted if located in, on or over slopes greater than 20%; or rocky, saturated or unstable soils. In area with slopes less than 20% natural paths shall be allowed for access purposes without permits. The permit shall be subject to the following minimum standards and to such other requirements as the County may determine are necessary in order to maintain or improve the natural beauty and environmental stability of the shoreland area and the adjacent navigable waters:

   a. There are no other locations or facilities on the property which allow adequate access to a pier.

   b. Only one stairway or one lift is allowed, not both, except where there is an existing stairway and the lift will be mounted to or is immediately adjacent to the existing stairway.

   c. Such structures shall be placed on the most visually inconspicuous route to the shoreline and shall avoid environmentally sensitive areas.

   d. Vegetation, which stabilizes slopes or screens structural development from view, shall not be removed.

   e. Structures shall be colored and screened by vegetation so as to be inconspicuous when viewed against the shoreline.

   f. Canopies, roofs and sides are prohibited. Open railings may be provided where required for safety.

   g. A maximum width of five (5) feet (outside dimensions) is allowed for stairways, walkways and lifts.

   h. Landings are allowed when required for safety purposes and shall not exceed forty (40) square feet. Attached benches, seats, tables, etc. are prohibited.

   i. Walkways and lifts shall be supported on piles or footings.
j. Landscaped stairways at grade (not to exceed one foot below grade) are permitted.

26.805 REDUCED PRINCIPLE STRUCTURE SETBACK

1. A reduced minimum setback may be permitted for a new principle residential structure if all of the following conditions are satisfied:

   a. The lot does not have a compliant building location which meets the applicable shoreland setback per s. 26.801, due to unique natural property features. Unique features do not include structures or other non-natural parcel alterations.

   b. The depth of the buildable window is limited to 30 ft. and determining the location of the buildable window shall be subject to the following:

      1. The roadway setback shall be reduced before reducing the shoreland setback provided the resulting setback is not less than one half (1/2) the required roadway setback, the subject roadway is not classified a Class A or B highway, and where practicable alternatives are available, no vehicular entrance may open toward and no parking may be located in the reduced roadway setback area.

      2. The shoreland setback shall be minimally reduced and may not be reduced to less than 40 ft. measured from the OHWM.

   c. The lot is a legal lot of record that complied with all dimensional standards in effect at the time that the lot was recorded with the Oconto County Register of Deeds.

   d. Soil disturbance and vegetation removal activities do not encroach into the shoreland buffer zone.

   e. All other provisions of this ordinance are met.

26.806 FLOODPLAIN STRUCTURES

Buildings and structures to be constructed or placed in a floodplain shall be required to comply with ch. 21, Oconto County Floodplain Ordinance.

26.900 NONCONFORMING USES AND STRUCTURES

26.901 PURPOSE

To protect water quality, fish and wildlife habitat, and natural scenic beauty, some control is needed over the modification and reconstruction of these structures.

26.902 GENERAL RULE FOR NONCONFORMING USES

1. Restrictions that are applicable to damaged or destroyed nonconforming structures and that are contained in an ordinance enacted under s. 59.692 Wis. Stats. may not prohibit the restoration of a nonconforming structure if the structure will be restored to the size, location, and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:

   a. The nonconforming structure was damaged or destroyed on or after October 14, 1997.

   b. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

2. A structure damaged or destroyed where s. 26.902 (1) applies may be larger than the size it was immediately prior to the damage or destruction only if necessary for the structure to comply with applicable state or federal requirements.
26.903 DISCONTINUED NONCONFORMING USE

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.

26.904 MAINTENANCE OF NONCONFORMING PRINCIPAL STRUCTURE

An existing principal structure that was lawfully placed when constructed but that does not comply with the required shoreland setback per s. 26.801 may be maintained and repaired.

26.905 VERTICAL EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURE

An existing principal structure that was lawfully placed when constructed but that does not comply with the required shoreland setback per s. 26.801 may be expanded vertically, 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.
2. The existing principal structure is at least 40 feet from the ordinary high-water mark.
3. Vertical expansion is limited to the height allowed in s. 26.1000.
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 include enforceable obligations of the property owner to establish or maintain measures that the county determines 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 expansion 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.

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

26.906 EXPANSION OF A NONCONFORMING PRINCIPAL STRUCTURE BEYOND SETBACK

An existing principal structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per s. 26.800 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 s. 26.1401.

26.907 REPLACEMENT OR RELOCATION OF NONCONFORMING PRINCIPAL STRUCTURE

An existing principal structure that was lawfully placed when constructed but that does not comply with the required shoreland setback per s. 26.801 may be replaced or 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.
2. The existing principal structure is at least 40 feet from the ordinary high-water mark.
3. No portion of the replaced or 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 replacement or relocation that will result in compliance with the shoreland setback requirement per s. 26.801.

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 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. The county shall issue a permit requiring all other structures not legally constructed on the lot or parcel, that do not comply with the shoreland setback requirement per s. 26.801, and are not exempt under s. 26.804 be removed by the date specified in the permit.

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

26.908 MAINTENANCE OF NONCONFORMING ACCESSORY STRUCTURES

Accessory structures that were legally constructed before the adoption of this chapter may be maintained but may not be expanded or rebuilt unless authorized by s. 59.692(1s) Wisconsin Stats. or unless they are made to conform to all other provisions of this ordinance.

26.909 WET BOATHOUSES

The maintenance and repair of nonconforming boathouses which extend beyond the ordinary high-water mark of any navigable waters shall be required to comply with s. 30.121, Wis. Stats.

26.1000 HEIGHT LIMIT

To protect and preserve wildlife habitat and natural scenic beauty a basic height limit of 35 feet is established for all regulated objects, structures, and equipment.

1. Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and it’s 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 or ch. 14, Oconto County Zoning Ordinance.

26.1100 VEGETATION

26.1101 PURPOSE

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 and the effect of
vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.

**26.1102 VEGETATIVE BUFFER ZONE**

To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, a natural vegetative buffer shall be maintained from the ordinary high-water mark inland a minimum distance of 35 feet. The density of the native buffer must be comparable with other native buffer zones located on the water body or meet a minimum density of at least (2) tree stems and four (4) shrub stems per one hundred square feet (100 sq. ft.).

**26.1103 RESTORATION OF VEGETATIVE BUFFER ZONE**

Restoration of a non-natural or non-existent vegetative buffer zone shall meet a minimum density of at least two (2) tree stems and four (4) shrub stems per one hundred square feet (100 sq. ft.). In locations where a vegetative buffer meeting the density standards is unattainable due to natural lot features, other measures deemed adequate by Planning & Zoning staff may be approved. (i.e. bedrock, severe slopes)

A restoration plan shall be submitted for review and approval by Planning & Zoning staff for all vegetative buffer zone restorations. In cases where a mitigation plan per s. 26.1401 is required, one plan may be prepared provided the requirements of both plans are met. A buffer zone restoration plan shall include the following:

1. Name of Property Owner
2. Property Address
3. Legal description of the property or Volume and Page of the instrument that shows platted area.
4. Lot Boundaries
5. Location of OHWM
6. Detailed Vegetative Buffer Zone Shown with all Dimensions, Planting Locations, etc.
7. Viewing Access Corridor Shown with Dimensions
8. Scale (e.g. 1 inch = 10 ft.)
9. North Arrow
10. Erosion Control Measures Shown (if applicable)
11. List of all Selected Plants (if applicable)
12. Implementation Schedule  (implementation shall be completed within 12 months of the issuance of the relate shoreland land use permit)
13. Certificates of Approval
   a. Owner(s) Certificate with Notary Seal
   b. County Planning & Zoning
14. An Affidavit as provided in Appendix A, describing the restoration actions and maintenance required.

Plant species shall be selected from the Wisconsin Botanical Information System list [http://www.botany.wisc.edu/cgi-bin/SearchResults.cgi?County=Oconto](http://www.botany.wisc.edu/cgi-bin/SearchResults.cgi?County=Oconto) and approved by Planning & Zoning staff. Substitutions to the list will be allowed in the event of lack of plant stock or seed availability on a case-by-case basis. All plants may be transplanted from areas outside of the buffer zone.
Approved buffer zone restoration plans shall be kept on record in the Planning & Zoning office with an affidavit being recorded in the office of the Register of Deeds.

**26.1104 REMOVAL OF VEGETATION WITHIN VEGETATIVE BUFFER ZONE**

Removal of the vegetation within the vegetative buffer zone is prohibited except as follows:

1. Routine maintenance of vegetation.
2. Removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors, provided that the combined width of all access and viewing corridors on a riparian lot or parcel may not exceed the lesser of 30 percent of the shoreline frontage or 200 feet.
3. 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), and described in Department publication “Wisconsin Forest Management Guidelines” (publication FR-226), provided that vegetation removal be consistent with these practices.
4. 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. Removal of trees and shrubs in the vegetative buffer zone of active agricultural ditches provided the landowner is in compliance with agricultural BMP’s.
6. The county may authorize by conditional use permit additional vegetation management activities in the vegetative buffer zone. The permit issued under s. 26.1504 shall require that all management activities comply with detailed plans approved by the county and address at minimum the following:
   a. Control erosion by limiting sedimentation into the water body.
   b. Improve the plant community by replanting in the same area, while maintaining and monitoring the newly restored area.
   c. Provide substantial visual screening from the water of dwellings, accessory structures and parking areas.

**26.1105 ADDITIONAL CUTTING IN THE SHORELAND ZONE**

From the inland edge of the buffer zone to the outer limits of the shoreland zone, the cutting of vegetation shall be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality.

**26.1200 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING**

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.

**26.1201 GENERAL STANDARDS.**

1. For any filling or grading of any area which is within 300 feet landward of the ordinary high water mark of navigable waters and which has surface drainage toward the navigable 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.

3. No grading or filling shall occur within the 35 ft. vegetative buffer zone, except for limited grading and filling may be permitted in the viewing corridor

4. Natural vegetated retaining wall systems may be permitted under this section, however block, rock, and other such retaining walls are considered structures for the purposes of this ordinance and shall meet the required setbacks of s. 26.800.

5. Applications shall be denied if the activity threatens to cause unreasonable erosion, sedimentation or disruption of fish or wildlife habitat and any permits that are granted shall be conditioned with standards designed to prevent such problems from arising.

26.1202 SOIL CONSERVATION PRACTICES AND AGRICULTURAL DRAINAGE MAINTENANCE

1. Soil conservation practices such as tiled terraces, runoff diversions and grassed waterways used for erosion control shall not require a permit under s. 26.1201 when designed and constructed to Natural Resources Conservation Service technical standards.

2. The maintenance of existing agricultural drainage systems shall be permitted in conformity with the following construction standards:
   
   a. The maintenance dredging of farm drainage ditches is limited to reestablishing the original ditch cross section unless a conditional use permit under s. 26.1504 is obtained.
   
   b. Ditch banks shall be constructed at a slope of 2 horizontal to 1 vertical (50% grade) or flatter.
   
   c. Ditch banks shall be maintained in a sod cover and free of woody vegetation.
   
   d. A 10 foot wide buffer strip of untilled, ungrazed sod cover shall be maintained adjacent to the ditch bank.

26.1203 PERMIT CONDITIONS

In granting a grading and filling permit under s. 26.1201, the permit shall include the following, where applicable.

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.

26.1300 IMPERVIOUS SURFACE STANDARDS

26.1301 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 within 300 feet of the ordinary high-water mark of any navigable waterway, and shall require all of the following:

26.1302 CALCULATION OF IMPERVIOUS SURFACE

Percentage of impervious surface shall be calculated by dividing the surface area of 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 portion of the lot or parcel that is within 300 feet of the ordinary high-water mark, and multiplied by 100.

26.1303 IMPERVIOUS SURFACE STANDARD

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.

26.1304 MAXIMUM IMPERVIOUS SURFACE

Allow 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.

1. A permit can be issued for development that exceeds 15% impervious surface but not more than 30% impervious surfaces with a mitigation plan that includes the following:

   a. The permit must have a documented implementation date for establishing the mitigation measures

   b. The mitigation plan must include enforceable obligations of the property owner and successive property owners to establish or maintain the mitigation measures

   c. The mitigation measures must be proportional to the amount and impacts of the impervious surfaces being permitted.

   d. The obligations of the property owner under the mitigation plan shall be evidenced and described by an instrument recorded in the office of the County Register of Deeds.

26.1305 EXISTING IMPERVIOUS SURFACE

For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standards per s. 26.1303 or the maximum impervious surface per s. 26.1304, the property owner may do any of the following:

1. Maintenance and repair the existing impervious surfaces;

2. Replacement of existing impervious surfaces with similar surfaces within the existing building envelope;

3. Relocate or modify an existing impervious surfaces with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland
ordinance, and the impervious surface meets the applicable setback requirements per s. 26.800.

This section of the ordinance shall not be construed to supersede other provisions in the county shoreland ordinance. Maintenance, reconstruction, relocation and expansion of existing structures must comply with other provisions in the county shoreland ordinance, the shoreland setback standards per s. 26.801 and the nonconforming structure provisions of 26.900.
**26.1400 MITIGATION**

A shoreland permit application per s. 26.1502 which requires mitigation per s. 26.1300, 26.905, or 26.907 shall submit a mitigation plan meeting the requirements of s. 26.1403.

**26.1401 REQUIRED MITIGATION MEASURES**

Mitigation measures required shall be proportional to the amount of impervious surface as per s. 26.1302 and the following:

<table>
<thead>
<tr>
<th>Amount of Impervious Surface</th>
<th>Class I</th>
<th>Class II</th>
<th>Class III</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 15%</td>
<td>Not Required</td>
<td>Not Required</td>
<td>Not Required</td>
</tr>
<tr>
<td>Less than 15%, but required per 26.905 or 26.907</td>
<td>4 pts</td>
<td>2 pts</td>
<td>1 pt</td>
</tr>
<tr>
<td>15.1% - 20%</td>
<td>4 pts</td>
<td>2 pts</td>
<td>1 pt</td>
</tr>
<tr>
<td>20.1% - 25%</td>
<td>5 pts</td>
<td>3 pts</td>
<td>2 pts</td>
</tr>
<tr>
<td>25.1% - 30%</td>
<td>6 pts</td>
<td>4 pts</td>
<td>3 pts</td>
</tr>
</tbody>
</table>

When determining the mitigation points required the land owner shall deduct previous mitigation points per previously approved and successfully implemented mitigation plan(s) from the determined mitigation point requirement of additional permits.

**26.1402 MITIGATION OPTIONS**

When required mitigation points are determined per s. 26.1401, the following mitigation options shall be utilized in developing an acceptable mitigation plan.

A mitigation option utilized in a previously approved plan may be utilized in a future plan provided the mitigation measure is in addition to past mitigation measures and total points per all mitigation plans do not exceed the maximum point threshold for that mitigation option.)

1. (1 pt – Max 3 pts) Active restoration of 10 ft. of additional vegetative buffer inland from the OHWM beyond the 35 ft. established buffer, providing a total buffer width of 45, 55, or 65 ft. Additional buffer area is subject to standards of s. 26.1003.

2. (1 pt – Max 2 pts) Active restoration of 10 ft. wide side lot buffer including trees, shrubbery, underbrush and other natural vegetation extending along the entire side lot line(s) or a minimum of 100 ft. measured from the OHWM. Side lot buffer is subject to standards of s. 26.1102.

3. (½ pt) All permanent outdoor lighting, if it exists, be down focused, shielded, not flashing.

4. (½ pt) Using natural looking exterior colors for structures.

5. (½ pt) Install rain gutters/down spouts to divert water to a naturally vegetated area or rain garden.

6. (1 pt) Create a rain garden in accordance with UWEX publication GWZ037 Rain Gardens a how to manual for homeowners and direct runoff from impervious surface to rain garden.

7. (2 pts) Remove the principle structure located within 75 ft. of the OHWM to a site that meets the setback requirements of s. 26.800.

8. (2 pts) Remove all non-principle, accessory structures located within 35 ft. of the OHWM to a site that meets the setback requirements of s. 26.800.
9. (1 pt) No non-principle accessory structures are located less than 75 ft. from the OHWM. This point cannot be added if points have been added per s. 26.1402(7)(8).

10. (½ - Max 3 pts) At the discretion of the Planning and Zoning Staff mitigation measures not specifically identified above which are likely to provide significant benefits in meeting the objectives of this ordinance may be approved. (Example: construction of water detention basin or implementation of other storm water management activities.)

When selected mitigation option(s) per s. 26.1402 meeting the requirements of s. 26.1401 are naturally in place and verified by Planning and Zoning Staff to meet all requirements of the mitigation option, the landowner may utilize the points to meet the mitigation requirement and shall develop a mitigation plan per 26.1403 depicting the existing mitigation option(s).

26.1403 MITIGATION PLAN REQUIREMENTS

Applicant(s) shall refer to s. 26.1401 in determining the total amount of mitigation points being required and refer to s. 26.1402 for mitigation options. The mitigation measures shall be maintained in perpetuity, unless the property owner receives approval of a new mitigation plan. In cases where a buffer restoration plan per s. 26.1103 is required, one plan may be prepared provided the requirements of both plans are met. Mitigation plans submitted for review and approval shall include the following:

1. Name of Property Owner
2. Property Address
3. Legal description of the property or Volume and Page of the instrument that shows the platted area.
4. Lot Boundaries
5. All Impervious Surfaces Shown
6. Total Impervious Surface Area with Dimensions
7. Total Lot Area (measured from Right-of-Way to OHWM)
8. Location of OHWM
9. Vegetative Buffer Zone Shown with Dimensions
10. Viewing Access Corridor Shown with Dimensions
11. Scale (e.g. 1 inch = 10 ft.)
12. North Arrow
13. List of Mitigation Options Selected and Associated Points Utilized
14. All Mitigation Options Utilized Shown in Detail
15. Erosion Control Measures Shown (if applicable)
16. List of all Selected Plants (if applicable)
17. Implementation Schedule (implementation shall be completed within 24 months of the issuance of the relate shoreland land use permit)
18. Certificates of Approval
   a. Owner(s) Certificate with Notary Seal
   b. County Planning & Zoning
19. An Affidavit as provided in Appendix A, describing the mitigation actions and maintenance required.

For mitigation options where plantings are required, plant species shall be selected from the Wisconsin Botanical Information System list [http://www.botany.wisc.edu/cgi-bin/SearchResults.cgi?County=Oconto](http://www.botany.wisc.edu/cgi-bin/SearchResults.cgi?County=Oconto) and approved by Planning & Zoning staff. Substitutions to the list will be allowed in the event of lack of plant stock or seed availability on a case-by-case basis. All plants may be transplanted from areas outside of the buffer zone or mitigation area.

Approved mitigation plans shall be kept on record in the Planning & Zoning office with an affidavit being recorded in the office of the Register of Deeds.

26.1500 ADMINISTRATIVE PROVISIONS

26.1501 PLANNING & ZONING STAFF

Planning & Zoning staff shall have the following duties and powers:

1. A system of permits for all new construction, development, reconstruction, structural alteration or moving of buildings and structures. A copy of all applications shall be required to be filed in the Planning & Zoning office.

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

3. 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.


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

6. Written notice to the appropriate regional office of the department at least 10 days prior to any hearing on a proposed variance, 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 s. 26.601. Upon request of the Department a county shall provide to the appropriate regional office a copy of any permit issued under s. 26.1502.

7. Submission to the appropriate regional office of the department, within 10 days after grant or denial, of copies of any permit granted under s. 26.1502, 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.

8. Maintain mapped zoning districts and the recording, on an official copy of such map, of all district boundary amendments.

9. 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), Wis. Stats.

10. The prosecution of violations of the shoreland ordinance.

26.1502 PERMITS

1. WHEN REQUIRED. Except where another section of this ordinance specifically exempts certain types of development from this requirement, a shoreland permit shall be obtained from the Planning & Zoning office and if applicable a conditional use permit shall be obtained from the board of adjustment prior to any new development.

2. APPLICATION. An application for a shoreland permit shall be made to the Planning & Zoning
office upon forms furnished by Planning & Zoning staff and shall include the following:

a. Name and address of applicant and property owner.

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

c. Location and description of any existing private water supply.

d. A survey meeting the standards of ch. 236, Wis. Stats. shall be required prior to approval of a shoreland permit application for any portion of the property falls within 300 feet of the Ordinary High Water Mark (OHWM). Applicants may be exempt from this requirement if a recent survey has been completed for the subject parcel after review by Planning & Zoning staff. Planning and Zoning may when deemed appropriate waive this requirement for grading and filling permits.

A survey submitted for review and approval shall include the following:

1. Dimensions of Lot

2. Location of all Impervious Surfaces

3. Dimensions of all existing and proposed structures

4. Impervious surfaces relative to lot lines

5. Center line of abutting public right-of-way

6. Ordinary High Water Mark (OHWM)

e. A POWTS inspection report (if no reliable report on file) and verification of system maintenance.

f. Verification of established buffer zone meeting the requirements of s. 26.1102. A buffer zone not meeting the requirements of 26.1102 shall submit a buffer restoration plan meeting the requirements of s. 26.1103.

g. A mitigation plan meeting the requirements of s. 26.1403. (if applicable)

h. Pictures of the parcel. (Pictures shall be taken and labeled numerically as shown in Figure 1.1)

**Figure 1.1**

![Diagram of Lake, River, or Stream, OHWM, Road, Right-of-Way, Lot, and 1-8 numbers indicating specific points on the diagram.](image-url)
i. Payment of the applicable fee.

j. Additional information as required by Planning & Zoning Staff.

3. PERMITS REQUIRING MITIGATION AND/OR BUFFER RESTORATION. Where mitigation and/or buffer restoration are required as part of the shoreland permit, the owner(s) shall be allowed to construct that for which the permit was issued while also implementing the mitigation and/or buffer restoration plan.

4. EXPIRATION OF PERMIT. Zoning permits shall expire twelve (12) months from date issued if no substantial work has commenced. During the duration of the permit

5. SUBSEQUENT PERMITS. Prior to issuance of subsequent shoreland permits Planning and Zoning staff shall review mitigation and/or buffer restoration plans to confirm compliance with all aspects of plan implementation. If prior permit conditions are determined to not be successfully implemented at the time of permit application, no subsequent permit shall be issued until such time as the prior permit conditions are determined compliant.

26.1503 CONDITIONAL USE PERMITS

1. APPLICATION FOR A CONDITIONAL USE PERMIT. Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted to Planning & Zoning staff and a conditional use permit has been granted by you're the Oconto County Board of Adjustment. To secure information upon which to base its determination, the Oconto County Board of Adjustment 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 conditional use permit, the board of adjustment shall hold a public hearing. Notice of such public hearing, specifying the time, place and matters to come before the Oconto County Board of Adjustment, 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 Oconto County Board of Adjustment shall state in writing the grounds for granting or denying a special exception permit.

3. STANDARDS APPLICABLE TO ALL CONDITIONAL USE PERMITS. In deciding a conditional use application, the Oconto County Board of Adjustment 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;

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 CONDITIONAL USE PERMITS. 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 Oconto County Board of Adjustment 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 conditional use permit, the Oconto County Board of Adjustment 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 conditional use permit is approved, an appropriate record shall be made of the land use and structures permitted and such permit shall be applicable solely to the structures, use and property so described. A copy of any decision on a conditional use permit shall be provided to the appropriate office of the Department within 10 days after it is granted or denied.

6. REVOCAATION. Where the conditions of a conditional use permit are violated, the conditional use permit shall be revoked.

26.1504 VARIANCES

The board of adjustment may grant upon appeal a variance from the standards of this ordinance where an applicant convincingly demonstrates that:

1. literal enforcement of the provisions of the ordinance will result in unnecessary hardship on the applicant;

2. the hardship is due to special conditions unique to the property; and

3. is not contrary to the public interest.

NOTICE, HEARING AND DECISION - 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, Wis. Stats. Such notice shall be provided to the appropriate district 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 Department district office within 10 days of the decision.
26.1505 BOARD OF ADJUSTMENT

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, Wis. 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), Wis. Stats.

1. POWERS AND DUTIES.
   a. The board of adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by s. 59.694, Wis. Stats.
   b. It shall hear and decide appeals where it is alleged there is error in any order, requirements, 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 s. 26.1504.
   d. It may grant a variance from the standards of this ordinance pursuant to s. 26.1504.
   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 - 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 Planning & Zoning staff. 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. Planning & Zoning staff 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.
   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, Wis. 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 given to the appropriate district 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 submitted to the appropriate district 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. Such resolution shall state the specific facts which are the basis of the board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.
   d. At the public hearing, any party may appear in person or by agent or by attorney.

4. FEES - Applicable fees shall be created by resolution of the Oconto County Planning and Zoning Committee and adopted by the Oconto County Board.
26.1600 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. 59.97(5)(e), Wis. Stats, ch. NR 115, Wis. Adm. Code and this ordinance where applicable.

26.1601 AMMENDMENTS

To this ordinance may be made on petition of any interested party as provided in s. 59.97(5)(e), Wis. Stats.

26.1602 SHORELAND WETLAND MAP AMMENDMENTS

Every petition for a shoreland-wetland map amendment filed with the county clerk shall be referred to the county planning & zoning office. 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.

1. 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.

26.1700 ENFORCEMENT AND PENALTIES

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. Planning & Zoning staff shall refer violations to the district attorney or corporation counsel who shall expeditiously prosecute violations. 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. 59.97(11), Wis. Stats.

1. Penalty: Any person, firm or corporation, including those doing work for others, who violates any of the provisions of this Ordinance shall be subject to a forfeiture of not less than $50.00 nor more than $500.00 for each violation plus the cost of prosecution. Each day a violation exists shall constitute a distinct and separate violation of this Ordinance and as such, forfeitures shall apply accordingly. Planning & Zoning staff shall refer violations to the Corporation Counsel who shall prosecute violations.

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

3. Responsibility for Compliance: It shall be the responsibility of the applicants as well as their agent or other persons acting on their behalf to comply with the provisions of this Ordinance. Any person, firm or corporation, causing a violation or refusing to comply with any provision of this Ordinance will be notified in writing of such violation by Planning & Zoning staff. Each day a violation exists shall constitute a distinct and separate violation of this ordinance and, as such, forfeitures shall apply accordingly. 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), Wisconsin Statutes.

4. Suspension of Permit: Whenever Planning & Zoning staff determines there are reasonable grounds for believing there is a violation of any provision of this Ordinance, Planning & Zoning staff shall give notice to the owner of record as hereinafter provided. Such notice shall be in writing and shall include a statement of the reason for the suspension of the permit. It shall allow 30 days for the performance of any act it requires. If work cannot be completed in the 30 day period, an extension may be granted if reason of hardship prevail and can be verified. Such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to owner's last known address or when the owner has been served by such notice by any method authorized by the laws of Wisconsin. The owner of record has the right to appeal any decision by Planning & Zoning staff or apply to the Oconto County Board of Adjustment for a variance.
5. **Emergency Conditions:** Whenever Planning & Zoning staff find that an emergency exists such as sudden, unexpected occurrences or combinations thereof, unforeseen conditions or circumstances at the time beyond one's control, adverse weather conditions, meeting a timetable which requires immediate action to protect the public health, safety and welfare, the Administrator may, without notice or hearing, issue an order citing the existence of such emergency and may require that such action be taken as may be deemed necessary to meet the emergency. The Planning & Zoning administrator shall notify the Chairperson of the Zoning Committee within 24 hours of such situations. Notwithstanding any other provisions of this Ordinance such order shall become effective immediately. Any person to whom such order is directed shall comply therewith immediately. Appeals or challenges to emergency orders may be brought after emergency conditions have ceased, to the Board of Adjustment.