

ORDINANCE NO. 2020-110

ORDINANCE BY THE ECONOMIC DEVELOPMENT AND LAND USE PLANNING COMMITTEE AMENDING CHAPTER 20 OF THE RACINE COUNTY CODE OF ORDINANCES RELATING TO ZONING AND SHORELAND ZONING AND REQUIREMENTS OF THE STATE SHORELAND PROTECTION PROGRAM.

To the Honorable Members of the Racine County Board of Supervisors:

The Racine County Board of Supervisors do ordain as follows:

Chapter 20 of the Racine County Code of Ordinances related to Zoning, Shoreland Zoning and Shoreland Protection is hereby amended to read as follows:

Sec. 20-1. – Definitions.

Access and viewing corridor shall mean a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

Boathouse shall mean 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 shall mean the three-dimensional space within a structure is built.

Conditional use shall mean 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 economic development and land use planning committee or county board.

County zoning agency shall mean that committee or commission created or designated by the county board under W.S.A. § 59.69(2)(a) to act in all matters pertaining to county planning and zoning.

Existing development pattern shall mean that principal structures exist within two-hundred-and-fifty (250) feet of a proposed principal structure in both directions along the shoreline.

Floodplain shall mean land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, as those terms are defined in W.A.C. ch. NR 116, and may include other designated floodplain areas for regulatory purposes.

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

10 ***

11 *Generally accepted forestry management practices* shall mean forestry management
12 practices that promote sound management of a forest. Generally accepted forestry management
13 practices include those practices contained in the most recent version of the department
14 publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.

15 ***

16 *Impervious surface* shall mean an area that releases as runoff all or a majority of the
17 precipitation that falls on it. Impervious surface excludes frozen soil but includes rooftops,
18 sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and
19 maintained to be pervious. Roadways as defined in §340.01(54), Wis. Adm. Code, or sidewalks
20 as defined in §340.01(58), Wis. Adm. Code, are not considered impervious surfaces.

21 ***

22 *Lot area* shall mean the area of a horizontal plane bounded by the front, side, and rear lot
23 lines of a lot, but not including the area of any land below the ordinary high-water mark of
24 navigable waters or within the mapped right-of-way.

25 ***

26 *Maintenance and repair* shall include such activities as interior remodeling, exterior
27 remodeling, and the replacement or enhancement of plumbing or electrical systems, insulation,
28 windows, doors, siding, or roof within the existing building envelope.

29 ***

30 *Mitigation* shall mean balancing measures that are designed, implemented and function to
31 restore natural functions and values that are otherwise lost through development and human
32 activities.

33 ***

34 *Navigable waters* means Lake Superior, Lake Michigan, all natural inland lakes within
35 Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits
36 of this state, including the Wisconsin portion of boundary waters, which are navigable under the
37 laws of this state. Under W.S.A., § 281.31(2)(d), notwithstanding any other provision of law or
38 administrative rule promulgated thereunder, shoreland ordinances required under W.S.A., §
39 59.69, and chapter NR115, Wisconsin Administrative Code, do not apply to lands adjacent to:

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

44 ***

1 water pollution through:
2

- 3 a. Limiting structures to those areas where soil and geological conditions will
4 provide a safe foundation.
- 5 b. Establishing minimum lot sizes to provide adequate area for private on-site
6 waste treatment systems.
- 7 c. Controlling filling and grading to prevent soil erosion problems.
- 8 d. Limiting impervious surfaces to control runoff which carries pollutants.

9
10 (2) Protect spawning grounds, fish and aquatic life through:
11

- 12 a. Preserving wetlands and other fish and aquatic habitat.
- 13 b. Regulating pollution sources.
- 14 c. Controlling shoreline alterations, dredging and lagooning.

15
16 (3) Control building sites, placement or structures and land uses through:
17

- 18 a. Prohibiting certain uses detrimental to the shoreland-wetlands.
- 19 b. Setting minimum lot sizes and widths.
- 20 c. Setting minimum building setbacks from waterways.
- 21 d. Setting the maximum height of near shore structures.

22
23 (4) Preserve and restore shoreland vegetation and natural scenic beauty through:
24

- 25 a. Restricting the removal of natural shoreland cover.
- 26 b. Preventing shoreline encroachment by structures.
- 27 c. Regulating the use and placement of boathouses and other structures.

28
29 **Sec. 20-5. – Abrogation and greater restrictions.**
30

31 ***

- 32 (1) This ordinance shall not require approval or be subject to disapproval by any town or
33 town board.
- 34
- 35 (2) If an existing town ordinance relating to shorelands is more restrictive than this
36 ordinance or any amendments thereto, the town ordinance continues in all respects to
37 the extent of the greater restriction but not otherwise.
- 38
- 39 (3) This ordinance is not intended to repeal, abrogate, or impair any existing deed
40 restrictions, covenants or easements. However, where this ordinance imposes greater
41 restrictions, the provisions of this ordinance shall prevail.
- 42
- 43 (4) The following provisions of the Racine County Zoning Ordinance are hereby
44 incorporated by reference. These provisions shall only apply to the shoreland area
45 where they impose greater restrictions than this ordinance otherwise imposes.
- 46
- 47 (5) This ordinance may establish standards to regulate matters that are not regulate in
48 NR 115, but that further the purposes of shoreland zoning as described in section 20-
49 4 of this ordinance.

1
2 (6) Counties may not establish shoreland zoning standards in a shoreland ordinance that
3 requires any of the following:
4

5 (a) Approval to install or maintain outdoor lighting in shorelands, impose any fee
6 or mitigation requirement to install or maintain outdoor lighting in shorelands,
7 or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting
8 is designed or intended for residential use.
9

10 (b) Requires any inspection or upgrade of a structure before the sale or other
11 transfer of the structure may be made.
12

13 (7) The construction and maintenance of a facility is considered to satisfy the requirements
14 of a shoreland zoning ordinance if:
15

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

18 (b) A "facility" means any property or equipment of a public utility, as defined in
19 W.S.A. § 196.01(5) or a cooperative association organized under Chapter 185
20 for the purpose of producing or furnishing heat, light, or power to its members
21 only, that is used for the transmission, delivery, or furnishing of natural gas,
22 heat, light, or power.
23

24 **Sec. 20-6. – Interpretation.**
25

26 In their interpretation and application, the provisions of this chapter shall be held to be
27 minimum requirements and shall be liberally construed in favor of the county and shall not be
28 deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a
29 provision of this chapter is required by a statute and a standard in ch. NR115, or NR116,
30 Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall
31 be interpreted in light of the statute and ch. NR115 or NR116 standards in effect on the date of
32 the adoption of this chapter or in effect on the date of the most recent text amendment to this
33 chapter.
34

35 **Sec. 20-9. – Jurisdiction.**
36

37 (1) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes,
38 ponds or flowages. Lakes, ponds or flowages in the county shall be presumed to be
39 navigable if they are listed in the state department of natural resources publication FH-
40 800 2009: Wisconsin Lakes: book or shown on United States Geological Survey
41 quadrangle maps (1:24,000 scale).
42

43 (2) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or
44 streams, or to the landward side of the floodplain, whichever distance is greater. Rivers
45 and streams in the county shall be presumed to be navigable if they are designated as
46 either perennial or intermittent waterways on the United States Geological Survey
47 quadrangle maps (1:24,000), Racine County Topographic Mapping (two-foot contours) or
48 other zoning base maps which have been incorporated by reference and made a part of
49 this chapter.

1
2 The flood hazard boundary maps, flood insurance study maps, the supplementary floodland
3 zoning map, or county topographic mapping (two-foot contours), which have been adopted
4 by the county, shall be used to determine the extent of the floodplain in the county. The most
5 recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural
6 Resources Surface Water Data Viewer is made part of this ordinance.

7
8 The maps can be viewed at:
9 <http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>.

10
11 The provisions of this chapter apply to regulation of the use and development of
12 unincorporated shoreland areas unless specifically exempted by law. All cities, villages,
13 towns, counties, and when W.S.S., § 13.48 (13) applies, state agencies are required to
14 comply with and obtain all necessary permits under, local, shoreland ordinances. The
15 construction, reconstruction, maintenance, or repair of state highways and bridges carried
16 out under the direction and supervision of the Wisconsin Department of transportation is not
17 subject to local shoreland zoning ordinances if W.S.A., § 30.2022 (1) applies. Shoreland
18 zoning requirements in annex or incorporated areas are provided in W.A.S. § 61.353 and
19 62.233.

20
21 Determinations of navigability and ordinary high-water mark location shall initially be made
22 by the zoning administrator. When questions arise, the zoning administrator shall contact
23 the appropriate office of the department of natural resources for a final determination of
24 navigability or ordinary high-water mark. The county may work with surveyors with regard
25 to W.S.A., § 59.692(1h).

26
27 Under W.S.A., §281.31(2m) notwithstanding any other provisions of law or administrative
28 rule promulgated thereunder, this shoreland zoning ordinance does not apply to lands
29 adjacent to farm drainage ditches if:

- 30 (1) Such lands are not adjacent to a natural navigable stream or river;
31 (2) Those parts of such drainage ditches adjacent to such lands were not navigable
32 streams before ditching; and
33 (3) Lands adjacent to artificially constructed drainage ditches, ponds, or stormwater
34 retention basins that are not hydrologically connected to a natural navigable water
35 body.

36
37 **Sec. 20-10. – Compliance.**

- 38
39 (a) The use of any land, the size, shape and placement of lots, the use, size, type and location
40 of structures on lots, the installation and maintenance of water supply and waste disposal
41 facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland
42 vegetation, the subdivision of lots, shall be in full compliance with the terms of this
43 ordinance and other applicable local, state or federal regulations. No structure,
44 development, land, water or air shall be used and no structure or part thereof shall be
45 located, erected, moved, reconstructed, extended, enlarged, converted or structurally
46 altered without a zoning permit, except minor structures, and without full compliance with
47 the provisions of this chapter and all other local, county, state, federal regulations. The
48 zoning administrator shall issue or deny, after on-site inspections, all permits required by
49 this chapter. The zoning administrator shall maintain records of all zoning permits issued

1 and shall record the lowest floor elevation of any structure erected, placed or structurally
2 altered in a floodland district. The zoning administrator shall, with the aid of the sheriff and
3 the corporation counsel, investigate all complaints, give notice of violations, issue orders
4 to comply with this chapter, and assist in the prosecution of chapter violators.

5
6 (b) The zoning administrator and his/her duly appointed deputies shall make regular
7 inspections of permitted work in progress to ensure conformity of the finished structures
8 with the terms of the ordinance and may enter at any reasonable time unto any public or
9 private lands or waters to make a zoning inspection. If, however, s/he is refused entry after
10 presentation of his/her identification, s/he shall procure a special investigation warrant in
11 accordance with W.S.A., § 66.122, except in cases of emergency.

12 (c) Any development or use within the floodplain areas regulated by this chapter shall
13 be in compliance with the floodplain provisions of this chapter, and other applicable local,
14 state, and federal regulations.

15
16 **Sec. 20-11. – Violations.**

17
18 It shall be unlawful to construct, develop or use any structure, or develop or use any land,
19 water or air in violation of any of the provisions of this ordinance or order of the economic
20 development and land use planning committee or board of adjustment. In case of any violation,
21 the board of supervisors, the corporation counsel, the director of economic development and land
22 use planning committee, the manager of development services, the economic development and
23 *land use planning* committee, any municipality, or any owner of real estate within the district
24 affected who would be specifically damaged by such violation may institute appropriate legal
25 action or proceedings to enjoin a violation of this chapter or seek abatement or removal. In
26 addition, those actions commenced on behalf of the county may seek a forfeiture or penalty as
27 outlined herein.

28
29 ***

30 **Sec. 20-15. – Bonds.**

31
32 The economic development and land use planning committee may require that a
33 performance bond be obtained from the applicant/petitioner for the benefit of the county and filed
34 with the county so as to ensure compliance with the terms of this chapter or a permit. In setting
35 the amount of the bond, consideration should be given to:

36
37 ***

38 **Sec. 20-16. – Severability.**

39
40 If any portion of this ordinance is adjudged unconstitutional or invalid by a court of
41 competent jurisdiction, the remainder of this ordinance shall not be affected.

42
43 **Sec. 20-18. – Zoning administrator.**

44
45 ***

46 (4) Keep records of all official actions and proceedings before the board of adjustment,
47 zoning agency, and planning agency, such as:

1 ***

2 (5) Submit copies of the following items to the department of natural resources regional
3 office:

- 4
- 5 a. At least ten (10) days prior to any hearing or proposed variance, special exception
6 or conditional use permit, appeal for a map or text interpretation, map or text
7 amendment, and copies of all proposed land divisions submitted to the county for
8 review.
 - 9 b. Within ten (10) days of the decision, a copy of any decisions on variances, appeals
10 for map or text interpretations, conditional use permit, appeal for a map or text
11 interpretation, and map or text amendments.
 - 12 c. Copies of any case-by-case analyses, and any other information required by the
13 department of natural resources, including an annual summary of the number and
14 types of floodplain zoning actions taken.
 - 15 d. Copies of substantial damage assessments performed and all related
16 correspondence concerning the assessments. NOTE: Information on conducting
17 substantial damage assessments is available on the department of natural
18 resources (DNR) website. [wttp://dnr.wi.gov/org/water/wm/dsfm/flood.title.htm](http://dnr.wi.gov/org/water/wm/dsfm/flood.title.htm)
- 19

20 ***

21 (9) A system of permits for new construction, development, reconstruction, structural
22 alteration or moving of buildings and structures. A copy of applications shall be required
23 to be filed in the office of the county zoning administrator.

24

25 (10) A variance procedure which authorizes the board of adjustment to grant such as
26 variance from the terms of the ordinance as will not be contrary to the public interest
27 where, owing to special conditions and the adoption of the zoning ordinance, a literal
28 enforcement of provisions of the ordinance will result in unnecessary hardship.

29

30 (11) A special exception (conditional use) procedure.

31

32 (12) Mapped zoning districts and the recording, on an official copy of such map, of all district
33 boundary amendments.

34

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

38

39 **Sec. 20-35. – Powers.**

40

41 (a) The board of adjustment shall have the following powers:

42 ***

- 43
- 44 (4) To hear and decide applications for interpretations of the zoning regulations and the
45 locations of the boundaries of the zoning district, floodland, and shorelands after the
46 economic development and land use planning committee has made a review and
47 recommendation. Floodland and shoreland boundaries shall be altered by the board
48 of adjustment only when the applicant presents evidence that clearly and conclusively
49 establishes that the location on the zoning map is incorrect.

1
2 (5) To hear and grant application for substitution of more restrictive nonconforming uses
3 for existing nonconforming uses provided no structural alterations are to be made and
4 the economic development and land use planning committee has made a review and
5 recommendation. Whenever the board permits such a substitution, the use may not
6 thereafter be changed without application.
7

8 ***

9 (d)The board of adjustment shall adopt such additional rules as it deems necessary and may
10 exercise all of the power conferred on such boards by W.S.A. 59.694.
11

12 **Sec. 20-36. – Appeals and applications.**

13 ***

14 (3) Additional information required by the economic development planning and land use
15 planning development committee, highway engineer, board of adjustment or zoning
16 administrator.
17

18 ***

19 **Sec. 20-37. – Hearings.**

20
21 (a) The board of adjustment shall fix a reasonable time and place for the hearing of the
22 application, give public notice thereof by publication of a Class 2 notice W.S.A. ch. 985,
23 specifying the date, time and place of the hearing and the matters to come before the
24 board at least once each week during two (2) consecutive weeks, the last insertion being
25 no later than one (1) week before the hearing, and shall give due notice to the parties in
26 interest, the officer from whom the appeal is taken and the economic development and
27 land use planning committee. At the hearing the applicant may appear in person, by
28 agent, or by attorney.
29

30 ***

31 **Sec. 20-38. – Decision.**

32
33 (a)The board of adjustment shall decide all applications, except appeals and variance
34 requests to the floodland provisions of this chapter, within thirty (30) days after the final
35 hearing and shall transmit a signed copy of the board's decision to the appellant or
36 applicant, the officer from whom the appeal is taken and the economic development and
37 land use planning committee.
38

39 ***

40 (e) The final disposition of an appeal or application to the board of adjustment shall be in the
41 form of a written resolution or order signed by the chairman and secretary of the board.
42 Such resolution shall state the specific facts which are the basis of the board's
43 determination and shall either affirm, reverse, vary or modify the order, requirement,
44 decision or determination appealed, in whole or in part, dismiss the appeal for lack of
45 jurisdiction or prosecution or prosecution or grant the application.
46
47
48

1 **Sec. 20-39. – Review by a Court of Record.**
2

3 Any person, jointly or severally, aggrieved by any decision of the board of adjustment, or
4 any taxpayer, or any officer, department, board or bureau of the county may present an appeal of
5 such decision of the board of adjustment pursuant to W.S.A., § 59.9694(10).
6

7 **Sec. 20-40. – Mapping disputes.**
8

9 (c) The person contesting the location of the district boundary shall be given the opportunity
10 to present his own technical evidence. Where it is determined that the floodplain is
11 incorrectly mapped, the board of adjustment shall advise the economic development
12 and land use planning committee of its findings and the economic development and
13 land use planning committee shall proceed to petition the board of supervisors for a
14 map amendment.
15

16 **Sec. 20-41. – Variances – generally.**
17

18 (g)The board of adjustments may grant upon appeal a variance from the standards of this
19 ordinance where an applicant convincingly demonstrates that;

- 20
21 (1) Literal enforcement of the provisions of the ordinance will result in unnecessary
22 hardship on the applicant;
23 (2) The hardship is due to special conditions unique to the property; and
24 (3) The granting of a variance is not contrary to the public interest.
25

26 **Section 20-81. – Contents of application.**
27

28
29 (3) Plat of survey prepared by a land surveyor registered in the state showing the location,
30 property boundaries, dimensions, elevations, uses and size of the following: subject
31 site; existing and proposed structures; existing and proposed easements, streets and
32 other public ways; off-street parking, loading areas and driveways; existing highway
33 access restrictions; existing and proposed street, side, rear and shore yards; the
34 location, yard grade (elevation) and use of abutting lands within forty (40) feet of the
35 subject site; and the location of the high-water mark of any abutting waterways. In
36 addition, when the subject site contains floodlands, the permit application shall show
37 the limits of the floodland, the lowest floor elevation (basement) of any proposed
38 structure, the first floor elevation of the proposed structure, and the yard grade
39 (elevation); and the first floor elevation and yard grade surrounding any abutting
40 structure within forty (40) feet of the subject site. Determinations of navigability and
41 ordinary high-water mark location shall initially be made by the zoning administrator.
42 When questions arise, the zoning administrator shall contact the appropriate office of
43 the department of natural resources for a final determination of navigability or ordinary
44 high-water mark. The county may work with surveyors with regard to W.S.A., §
45 59.692(1h).
46

47

1 (6) Additional information as may be required by the county economic development and
2 land use planning committee, county highway engineer, zoning administrator, plumbing
3 or health inspectors.

4 ***

5 (8) Plans or appropriate mitigation when required.

6
7
8 **Sec. 20-121. – Authority**

9 ***

10 (b) Such change or amendment shall be subject to the review and recommendation of the
11 economic development and land use planning committee.

12
13 **Sec. 20-123 –Changes or amendments.**

14
15 The county board may from time to time, alter, supplement or change the regulations
16 contained in this ordinance in accordance with the requirements of W.S.A. 59.9(5)(e), Wis. Adm.
17 Code ch. NR 115 and this ordinance where applicable. Amendments to this ordinance may be
18 made on petition of any interested party as provided in W.S.A 59.69(5).

19
20 **Secs. 20-124 - 20-140. – Reserved.**

21
22 **Sec. 20-142. – Petitions to change boundaries or amend regulations.**

23 ***

24 (3) Additional information required by the county economic development and land use
25 planning committee or board of supervisors.

26 ***

27
28
29 **Sec. 20-145. – Board action.**

30
31 (a) Following a hearing under this division and after careful consideration of the county
32 economic development and land use planning committee's recommendations, the board
33 of supervisors shall vote on the passage of the proposed change or amendment.

34 ***

35
36 **Sec. 20-167. – Amendments to text and rezoning of lands in the SWO shoreland-wetland
37 overlay district.**

38 ***

39 (b) A wetland, or a portion thereof, in the SWO shoreland-wetland overlay district shall not
40 be rezoned if the proposed rezoning may result in a significant adverse impact upon
41 any of the following:

42 ***

43
44 (8) Wetlands both within the boundary of designated areas of special natural resource
45 interest and those wetlands which are in proximity to or have a direct hydrologic
46 connection to such designated areas as defined in NR 103.04 which can be
47 accessed at the following web site:
48 <http://www/legis.state.wi.us/rsb/code.nr/nr103/pdf>.

1 (c) If the department of natural resources has notified the committee that a proposed
2 amendment to the SWO shoreland-wetland overlay district may have a significant adverse
3 impact on any of the criteria stated above, that amendment, if approved by the board of
4 supervisors, shall contain the following provision:
5

6 "This amendment shall not take effect until more than thirty (30) days have lapsed since
7 written notice of the board of supervisors' approval of this amendment was mailed to the
8 department of natural resources. During that thirty-day period, the department of natural
9 resources may notify the board of supervisors that it will adopt a superseding shoreland
10 ordinance for Racine County under Section 59.692(6) of the Wisconsin Statutes. If the
11 department does so notify the county board, the effect of this amendment shall be stayed
12 until the Section 59.692(6) adoption procedure is completed or otherwise terminated."
13

14 **Sec. 20-168. – Protest.**
15

16 In the event a protest against a proposed change or amendment is filed with the county
17 clerk at least twenty-four (24) hours prior to the date of the meeting of the board of supervisors at
18 which the recommendation of the economic development and land use planning committee is to
19 be considered, duly signed and acknowledged by the owners of fifty (50) percent or more of the
20 area proposed to be altered, or by abutting owners of over fifty (50) percent of the total perimeter
21 of the area proposed to be altered included within three hundred (300) feet of the parcel or parcels
22 proposed to be rezoned, action on such ordinance may be deferred until the economic
23 development and land use planning committee has had a reasonable opportunity to ascertain and
24 report to the board of supervisors as to the authenticity of such ownership statements. Each signer
25 shall state the amount of area or frontage owned by him and shall include a description of the
26 land owned by him. If such statements are found to be true, such ordinance shall not be adopted
27 except by the affirmative vote of three-fourths ($\frac{3}{4}$) of the members of the board of supervisors
28 present and voting. If such statements are found to be untrue to the extent that the required
29 frontage or area ownership is not present, such protest may be disregarded.
30

31 **Sec. 20-186. – Existing nonconforming uses.**
32

33 (a) The lawful nonconforming use of a structure, land or water existing at the time of the
34 adoption or amendment of this chapter may be continued although the use does not
35 conform with the provisions of this chapter; however:
36

37 ***

38 (4) This provision is only applicable in floodplain areas; it is not applicable for
39 shoreland nonconforming structures. No structural alteration, addition or repair to
40 any nonconforming building or structure, over the life of the building or structure,
41 shall exceed fifty (50) percent of its equalized assessed value at the time of its
42 becoming a nonconforming use, unless it is permanently changed to a conforming
43 use. The equalized assessed value determination in this paragraph does not apply
44 to floodplain nonconforming uses. For that determination, see section 20-190. If
45 the alteration, addition or repair in excess of fifty (50) percent of the equalized
46 assessed value of an existing nonconforming building or structure is prohibited,
47 the property owner may still make the proposed alteration, addition or repair if:
48

49 ***

1
2
3 **Sec. 20-187. – Abolishment or replacement.**
4

5 (a) If a nonconforming use is discontinued or terminated for a period of twelve (12) months,
6 any future use of the structure, land, or water shall conform to the provisions of this
7 chapter. The structure may be larger than the size it was immediately before the
8 damage or destruction if necessary for the structure to comply with applicable state or
9 federal requirements.

10
11 **Sec. 20-188. – Continuance of preexisting nonconforming structure.**
12

13 ***

14 (1) An existing structure that was lawfully placed when constructed but that does not comply
15 with the required shoreland setback may be maintained, repaired, replaced, restored,
16 rebuilt or remodeled if the activity does not expand the footprint of the nonconforming
17 structure. Further, an existing structure that was lawfully placed when constructed but that
18 does not comply with the required shoreland setback may be vertically expanded unless
19 the vertical expansion would extend more than 35 feet above grade level. Counties may
20 allow expansion of a structure beyond the existing footprint if the expansion is necessary
21 to comply with applicable state and federal requirements.

22
23 (a) W.S. A § 59.692(1K)(a), 2, 4 and (b) prohibits counties from requiring any
24 approval or imposing any fee or mitigation requirement for the activities specified
25 in section 20-188. However, it is important to note that property owners may be
26 required to obtain permits or approvals and counties may impose fees under
27 ordinances adopted pursuant to other statutory requirements, such as floodplain
28 zoning, general zoning, sanitary codes, building codes, or even stormwater
29 erosion control.

30
31 (b) NR 115.05(1)(b)(1m) lists structures that are exempt from the shoreland
32 setback. These structures are considered conforming structures and are not
33 considered nonconforming structures. Structures that were granted variances
34 or illegally constructed are not considered nonconforming structures.

35
36 ***

37 (3) Alterations, additions and expansions which change the exterior dimensions of the
38 structure, but which do not increase the dimensional nonconformity beyond that which
39 existed before the work commenced, are allowed.

40
41 ***

42 **Sec. 20 – 188.1 Expansion of nonconforming principal structure within the shoreland**
43 **setback.**
44

45 An existing principal structure that was lawfully placed when constructed, but that does not comply
46 with the required shoreland building setback per section 20-1045 may be expanded, provided that
47 all of the following are met:
48

- 1 (1) The use of the structure has not been discontinued for a period of twelve (12)
- 2 months or more if a nonconforming use.
- 3 (2) The existing principal structure is at least thirty-five (35) feet from the ordinary high
- 4 –water mark.
- 5 (3) Lateral expansions are limited to a maximum of 200 square feet over the life of the
- 6 structure. No portion of the expansion may be any closer to the ordinary high-
- 7 water mark than the closest point of the existing principal structure.
- 8 (a) NR 115.05(1)(b)(1m) lists structures that are exempt from the shoreland
- 9 setback. These structures are considered conforming structures and are
- 10 not considered nonconforming structures. Structures that were granted
- 11 variances or illegally constructed are not considered nonconforming
- 12 structures.
- 13 (4) The county shall issue a permit that requires a mitigation plan that shall be
- 14 approved by the county and implemented by the property owner by the date
- 15 specified in the permit. The mitigation plan shall meet the county mitigation
- 16 standards of sec. 20-1046.
- 17 (5) All other provisions of the shoreland ordinance shall be met.
- 18

19 **Sec. 20.188.2. Expansion of a nonconforming principal structure beyond the shoreland**

20 **setback.**

21

22 An existing principal structure that was lawfully placed when constructed, but that does

23 not comply with the required shoreland building setback may be expanded horizontally, landward

24 or vertically provided that the expanded area meets the building setback requirements and that

25 all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely

26 for expansion under this paragraph, but may be required per maximum impervious surface

27 requirements.

28

29 **Sec. 20-188.3 Relocation of nonconforming principal structure.**

30

31 An existing principal structure that was lawfully placed when constructed but that does not comply

32 with the required shoreland building setback may be relocated on the property provided all of the

33 following requirements are met:

- 34 (1) The use of the structure has not been discontinued for a period of twelve (12) months
- 35 or more if a nonconforming use.
- 36 (2) The existing principal structure is at least thirty-five (35) feet from the ordinary high-
- 37 water mark.
- 38 (3) No portion of the replaced or relocated structure is located any closer to the ordinary
- 39 high-water mark than the closest point of the existing principal structure.
- 40 (4) The county determines that no other location is available on the property to build a
- 41 principal structure of a comparable size to the structure proposed for replacement of
- 42 relocation that will result in the compliance with the shoreland setback requirement.
- 43 (5) The county shall issue a permit that requires a mitigation plan that shall be approved
- 44 by the county and implemented by the property owner by the date specified in the
- 45 permit. The mitigation plan shall meet the county mitigation standards of sec. 20-1046
- 46 to include enforceable obligations of the property owner to establish or maintain
- 47 measures that the county determines are adequate to offset the impacts of the
- 48 permitted expansion on water quality, near-shore aquatic habitat, upland wildlife
- 49 habitat, and nature scenic beauty. The mitigation measures shall be proportional to

1 the amount and impacts of the replaced or relocated structure being permitted. The
 2 obligations of the property owner under mitigation plan shall be evidenced by an
 3 instrument recorded in the office of the Racine County Register of Deeds.
 4 (6) All other provisions of the shoreland ordinance shall be met.

5
 6 **Sec. 20-188.4 – Maintenance, Repair, Replacement or Vertical Expansion of Structures that**
 7 **were Authorized by Variance.**

8
 9 A structure of which any part has been authorized to be located within the shoreland
 10 setback area by a variance granted before July 13, 2015 may be maintained, repaired, replaced,
 11 restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized
 12 structure. Additionally, the structure may be vertically expanded unless the vertical expansion
 13 would extend more than 35 feet above grade level. Counties may allow expansion of a structure
 14 beyond the existing footprint if the expansion is necessary to comply with applicable state or
 15 federal requirements.

16
 17 **Sec. 20-191. – Substandard nonconforming lots.**

18 ***

19
 20 (b) Such a lot located in a residential, business, industrial or institutional district may be
 21 used as a single building site provided that the use is permitted in the district and
 22 provided that there is compliance with each of the requirements of this section, was
 23 never reconfigured or combined with another lot or parcel by plat, survey, or
 24 consolidation by the owner into one property tax parcel, and has never been developed
 25 with one or more of its structures placed partly upon an adjacent lot or parcel. Except
 26 for lots which meet these requirements, a building permit for the improvement of a lot
 27 having lesser width, depth or area to conform to the dimensional requirements of this
 28 chapter shall be issued only if a variance is granted by the board of adjustment.

29
 30 (c) All shoreland lots created after the adoption of this ordinance (eff. 5/2019) shall have a
 31 minimum 65-foot lot width (sewered) and 100-foot width (unsewered); 10,000 sq. ft.
 32 (shoreland sewered), 20,000 sq. ft. (shoreland – unsewered).

33
 34 (d) All non-shoreland substandard lots in separate ownership shall comply with all relevant
 35 district requirements insofar as practicable, as determined in accordance with section
 36 20-31 et seq., but shall in no event be less than the following:

| | | | | |
|-----|----------|--------|---------|---|
| (1) | Lot | Width | Minimum | 30 feet (non-shoreland) |
| | | Area | Minimum | 4,000 sq. feet (non-shoreland) |
| (2) | Building | Height | Maximum | 30 feet (non-shoreland) |
| (3) | Yards | Street | Minimum | 25 feet; the second street yard on corner lots shall not be less than 10 feet |
| | | Rear | Minimum | 25 feet |

| | | | | |
|--|--|-------|---------|---|
| | | Side | Minimum | 16 percent of the lot width, but not less than 5 feet, nor greater than the zoning district side yard setback requirement for a standard size lot |
| | | Shore | Minimum | 75 feet |

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(e) The sanitary regulations of section 20-987 and the floodland regulations of section 20-816 et seq. (such as the prohibition against erecting a dwelling or accessory structure in a floodway or floodplain shall apply to this section).

Sec. 20-215. – Same – Shoreland-Wetland Areas.

Shoreland-wetland overlay district boundaries shall be determined by the limits of the wetlands within the shoreland area that are designated as wetlands of five (5) acres or greater on the wetlands inventory maps stamped "FINAL" on December 12, 1984, or any subsequent updated maps, that have been adopted by Resolution of the Racine County Board of Supervisors and are on file in the office of the zoning administrator. The 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. The maps may be viewed at <http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>

The zoning maps mentioned above shall include all shorelands as described in section 20-9. 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 of natural resources 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 of natural resources 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.

Sec. 20-237. – Area requirements.

The area requirements for the R-1 country estate district are as follows:

| | | | | |
|-----|----------|--------|---------|---|
| (1) | Lot | Width | Minimum | 300 feet 100 feet (shoreland – Unsewered) |
| | | Area | Minimum | 5 acres 20,000 sq. ft. (shoreland – Unsewered) |
| (2) | Building | Height | Maximum | 35 feet |

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33

1 **Sec. 20-257. – Area requirements.**

2

3 The area requirements for the R-2 suburban residential district (unsewered) are as
4 follows:

| | | | | |
|-----|----------|--------|---------|---|
| (1) | Lot | Width | Minimum | 150 feet 100 feet (shoreland – Unsewered) |
| | | Area | Minimum | 40,000 sq. feet 20,000 sq. ft. (shoreland – Unsewered) |
| (2) | Building | Height | Maximum | 35 feet |

5

6 **Sec. 20-277. – Area Requirements.**

7 The area requirements for the R-2S suburban residential district (sewered—large lots) are
8 as follows:

| | | | | |
|-----|----------|--------|---------|--|
| (1) | Lot | Width | Minimum | 150 feet 65 feet (shoreland – sewerred) |
| | | Area | Minimum | 40,000 sq. feet 10,000 sq. ft. (shoreland – sewerred) |
| (2) | Building | Height | Maximum | 35 feet |

9

10 **Sec. 20-297. - Area Requirements.**

11

12 The area requirements for the R-3 suburban residential district (sewerred) are as follows:

| | | | | |
|-----|----------|--------|---------|--|
| (1) | Lot | Width | Minimum | 100 feet 65 feet (shoreland – sewerred) |
| | | Area | Minimum | 20,000 sq. feet 10,000 sq. ft. (shoreland – sewerred) |
| (2) | Building | Height | Maximum | 35 feet |

13

14 **Sec. 20-317. - Area Requirements.**

15

16 The area requirements in the R-3A suburban residential district (sewerred) are as follows:

17

| | | | | |
|-----|-----|-------|---------|---|
| (1) | Lot | Width | Minimum | 90 feet 65 feet (shoreland – sewerred) |
|-----|-----|-------|---------|---|

| | | | | |
|-----|----------|--------|---------|---|
| | | Area | Minimum | 13,500 sq. feet 10,000 sq. ft. (shoreland – sewerer) |
| (2) | Building | Height | Maximum | 35 feet |

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Sec. 20-337. - Area Requirements.

The area requirements in the R-4 urban residential district (I) are as follows:

| | | | | |
|-----|----------|--------|---------|---|
| (1) | Lot | Width | Minimum | 75 feet 65 feet (shoreland – sewerer) |
| | | Area | Minimum | 10,000 sq. feet 10,000 sq. ft. (shoreland – sewerer) |
| (2) | Building | Height | Maximum | 35 feet |

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Sec. 20-639. – Required Information and Documents.

- (o) A site plan, landscaping plan, zoning permit application, and letter of agent status, if necessary, as required by site plan review application requirements adopted by the development services department.

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Sec. 20-696. – Purpose.

The board of supervisors and town boards of supervisors adopting this chapter find that urbanization is taking place in certain areas of the county at a rapid pace, that scattered urbanization can greatly increase the public cost of installing public facilities, such as sewers and schools required to service such growth, and therefore that the public interest will be best served by channeling such development to suitable county areas only at such time as it is economically feasible to plan, budget and commit to construction of the necessary supporting public services and facilities. Consequently, some county areas of potential growth will be placed in so-called holding districts, A-3 general farming district III, where nonagricultural development will be deferred until the appropriate legislative bodies determine that it is economically feasible to provide public services and facilities for uses other than those permitted in the holding district. It is intended that the status of all holding districts will be reviewed by the county economic development and land use planning committee no less frequently than every five (5) years in order to determine whether, in light of the foregoing general standards, there should be a transfer of all or part of a holding district to some other use district. Any such review will consider the need

31

1 for permitting other uses on such land, the nature of the use or uses to be permitted and the cost
2 and availability of the public services and facilities which will be necessitated by such new uses
3 or uses.

4
5 **Sec. 20-736. – Uses.**

6
7 (a) *Permitted uses.* The following uses are permitted in the M-1 light industrial and office
8 district subject to approval by the economic development and land use planning
9 committee as to location and operations:

10
11 ***

12 **Sec. 20-756. – Uses.**

13
14 (a) *Permitted uses.* The following uses are permitted in the M-2 general industrial district
15 subject to approval by the economic development and land use planning committee as
16 to location and operations:

17
18 ***

19 **Sec. 20-776. – Uses.**

20
21 (a) *Permitted uses.* The following uses are permitted in the M-3 heavy industrial district
22 subject to approval by the economic development and land use planning committee as
23 to location and operation:

24
25 ***

26 **Sec. 20-797. – Yard Setback Requirements.**

27
28
29 (b) When a mineral extraction operation abuts another such operation, the two hundred
30 (200) foot setback for each operation from their common lot line may be reduced to a
31 zero lot line setback through economic development and land use planning committee
32 approval of restoration plan(s) in order to establish a more reasonable restoration of
33 such operations.

34
35 **Sec. 20-917. – Application.**

36
37 The SSO structural overlay district applies to those Lake Michigan shoreline areas which
38 are located south of the northern one-half of Township 4 North, Range 23 East, Section 8, in the
39 Village of Caledonia and Mt. Pleasant. In addition, the SSO district applies to the northernmost
40 one thousand three hundred (1,300) feet of Lake Michigan shoreline in Section 6 of the Village of
41 Caledonia, Township 4 North, Range 23 East, which is covered by fly ash deposits. All new
42 development within this overlay district shall be adequately protected by properly designed,
43 constructed, and maintained shore protection structures or measures. Such structural protection
44 structures or measures shall meet the criteria established in Recommendations of the Racine
45 County Technical Subcommittee on Shoreland Development Standards to the Racine County
46 Land Use Committee, 1982.

1 **Sec. 20-942. – Application.**

2 The NSO nonstructural setback overlay district applies to those Lake Michigan shoreline
3 areas which are located north of the southern one-half of Township 4 North, Range 23 East,
4 Section 8, Village of Caledonia, except for the northernmost one thousand three hundred (1,300)
5 feet of Lake Michigan shoreline in Section 6 of the Village of Caledonia, which is covered by fly
6 ash deposits.

7
8 **Sec. 20-967. – Permitted Uses.**

9
10 The following uses are permitted in the SWO shoreland-wetland overlay district, subject
11 to general shoreland zoning regulations contained in this ordinance, the provisions of W.S.A., chs.
12 30, 31, 281.36 and 281.37, and the provisions of other applicable local, state and federal laws:
13

14 (1) *Principal uses.*

15 ***

16
17 b. The following uses may involve filling, flooding, draining, dredging, ditching, tiling or
18 excavating to the extent specifically provided below; temporary water level
19 stabilization measures, in the practice of silviculture, which are necessary to alleviate
20 abnormally wet or dry conditions that would have an adverse impact on the conduct
21 of silvicultural activities if not corrected; dike and dam construction and ditching for
22 the purpose of growing and harvesting cranberries; ditching, tiling, dredging,
23 excavating or filling done to maintain or repair existing agricultural drainage systems
24 only to the extent necessary to maintain the level of drainage required to continue
25 the existing agricultural use, which includes the minimum filling necessary for
26 disposal of dredged spoil adjacent to the drainage system provided that dredged spoil
27 is placed on existing spoil banks where possible; limited excavating and filling
28 necessary for the construction and maintenance of fences for the pasturing of
29 livestock; limited excavating and filling necessary for the construction and
30 maintenance of piers, docks and walkways built on pilings; limited excavating and
31 filling necessary for the maintenance, repair, replacement and reconstruction of
32 existing town and county highways; and the maintenance and repair of existing town
33 and county bridges. A zoning permit is not required for the preceding uses.
34

35 (2) *Conditional uses.*

36
37 a. The construction and maintenance of roads which are necessary to conduct
38 silvicultural activities or are necessary for agricultural cultivation, provided that:

- 39
40 1. The road cannot, as a practical matter, be located outside the wetland; and
41
42 2. The road is designed and constructed to minimize the adverse impact upon the
43 natural functions of the wetland as enumerated in 20-167(b) and meets the
44 following standards:
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- i. The road shall be designed and constructed as a single lane roadway with only such depth and width necessary to accommodate the machinery required to conduct agricultural and silvicultural activities;
 - ii. Road construction activities are to be carried out in the immediate area of the roadbed only; and
 - iii. Any filling, flooding, draining, dredging, ditching, tiling or excavating that is to be done must be necessary for the construction or maintenance of the road.
- b. The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows or other wetland or aquatic animals or used solely for some other purpose which is compatible with shoreland-wetland preservation, if such building cannot as a practical matter be located outside the wetland, provided that:
- 1. Any such building does not exceed five hundred (500) square feet in floor area; and
 - 2. Only limited excavating and filling necessary to provide structure support for the building is allowed.
- c. The establishment and development 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 and animal farms, shooting preserves, public boat launching ramps and access roads used in conjunction with a public boat launching ramp, provided that:
- 1. Any private recreation or wildlife habitat area must be used exclusively for that purpose and the applicant has received a permit or license under W.S.A ch. 29 where applicable.
 - 2. Filling and excavating necessary for the construction and maintenance of public boat launching ramps and access roads is allowed only where such construction meets the criteria listed for roads to service silvicultural and;
 - 3. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game bird and animal farms, fur animal farms, private wildlife habitat areas, and shooting preserves, but only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
 - 4. Open space cannot contain buildings. Public use must meet W.S.A., § 91.46(5) and any private parks or shooting preserves must meet W.S.A., § 91.01(1).
- d. The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, provided that:

1
2 1.The transmission and distribution lines and related facilities cannot as a practical
3 matter be located outside the wetland; and
4

5 2. Any filling, excavating, ditching or draining that is to be done must be necessary
6 for such construction or maintenance and must be done in a manner designed
7 to minimize flooding and other adverse impacts upon the natural functions of the
8 wetlands as enumerated in 20-167(b); and
9

10 3.Utilities must meet W.S.A. § 91.46(1)(f).

11
12 e. The construction and maintenance of railroad lines, provided that:
13

14 1. The railroad lines cannot as a practical matter be located outside the wetland;
15 and
16

17 2. Any filling, excavating, ditching, or draining that is to be done must be necessary
18 for such construction or maintenance and must be done in a manner designed to
19 minimize flooding and other adverse impacts upon the natural functions of the
20 wetland as enumerated in 20-167(b); and the replacement and/or reconstruction
21 of existing town and county bridges; and
22

23 3.Transportation Uses must meet W.S.A., § 91.46(4).

24
25 f. Such conditional uses require the issuance of a zoning permit which may be approved
26 under section 20-1181 or 20-1182.
27

28 **Sec. 20-969. –Minimum lot size and height.**

29 (a) To afford protection against danger to health. Safety and welfare, and protection against
30 pollution of the adjacent body of water, the following minimum lot sizes shall be established
31 in the shoreland area:
32

33 (1)For each sewered lot, the minimum lot area shall be ten-thousand (10,000) square
34 feet and the minimum average lot width shall be sixty-five (65) feet.
35

36 (2) For each unsewered lot, the minimum lot area shall be twenty-thousand (20,000)
37 square feet and the minimum average lot width shall be one-hundred (100) feet.
38

39 (b)To protect and preserve wildlife habitat and natural scenic beauty, the county shall not
40 permit any construction that results in a structure taller than thirty-five (35) feet within
41 seventy-five (75) feet of the ordinary high-water mark of any navigable waters.
42

43 **Sec. 20-971.1. – Purpose for shoreland Planned Residential Unit Development.**
44

45 To permit smaller non-riparian lots where the physical layout of the lots is so arranged as
46 to better assure the control of pollution and preservation of ground cover than would be expected
47 if the lots were developed with the normal lot sizes and setbacks and without special conditions

1 placed upon the Planned Residential Unit Development at the time of its approval. A condition of
2 all Planned Residential Unit Development is the preservation of certain open space, preferably
3 on the shoreland, in perpetuity.
4

5 **Sec. 20-971.2. – Requirements for shoreland planned residential unit development.**
6

7 The county board may at its discretion, upon its own motion or upon petition, approve a
8 Planned Residential Unit Development Overlay District upon finding, after a public hearing, that
9 all of the following facts exist:
10

- 11 (1) The area proposed for the Planned Residential Unit Development shall be at least two (2)
12 acres in size or have a minimum of two-hundred (200) feet of frontage on navigable water,
13
- 14 (2) Any proposed lot in the Planned Residential Unit Development that does not meet the
15 minimum size standards of sec. 20-969 (minimum lot size) shall be a non-riparian lot.
16
- 17 (3) When considering approval of a Planned Residential Unit Development the governing
18 body shall consider whether proposed lot sizes, widths, and setbacks are of adequate size
19 and distance to prevent pollution or erosion along streets or other public ways and
20 waterways. Increased shoreland setbacks shall be in a condition of approval as a way of
21 minimizing adverse impacts of development, Shore cover provisions in sec.20-1037
22 (vegetative buffer zone) shall apply except that maximum width of a lake frontage opening
23 shall be one-hundred (100) feet and minimum vegetative buffer depth shall be increased
24 to offset the impact of the proposed development.
25

26 **Sec. 20-976. – Prepetition conference and general layout conceptual plan.**

27 Prior to the official submission of the petition for the approval of a planned unit
28 development overlay district, the owner or his agent making such petition shall meet at the county
29 economic development and land use planning committee office and the designated representative
30 of the town wherein the planned unit development is to be located to discuss the scope and
31 proposed nature of the contemplated development and data and other information as deemed
32 appropriate and pertinent for presentation to the committee. At the prepetition conference, the
33 owner or agent shall present a general layout conceptual plan including drawings and sketches
34 of the proposed development and figures or calculations that are pertinent to the development
35 using as a general guideline the requirements set forth in section 20-977(2).
36

37 **Sec. 20-977. – Petition.**
38

39 Following the prepetition conference, the owner or his agent may file a petition with the
40 economic development and land use planning committee office for approval of a planned unit
41 development overlay district. Such petition shall be accompanied by the required review fee as
42 well as the following information:
43

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1 **Sec. 20-978. – Referral to town board and economic development and land use planning**
2 **committee.**

3
4 The petition and detailed site plan for a planned unit development overlay district shall be
5 referred to the town board of the town wherein the proposed planned unit development is to be
6 located for its review and recommendation, which may include any additional conditions or
7 restrictions which it may deem necessary or appropriate. Following such review, the petition and
8 recommendation shall be forwarded to the county economic development and land use planning
9 committee for similar review and recommendations.

10
11 **Sec. 20-979. – Public hearing.**

12
13 The economic development and land use planning committee before formulating its
14 recommendations to the board of supervisors shall hold a public hearing pursuant to the
15 requirements of section 20-144. Notice for such hearing shall include reference to the
16 development plans filed in conjunction with the requested planned unit development overlay
17 district.

18
19 **Sec. 20-980. – Basis for petition approval.**

20
21 The economic development and land use planning committee in making its
22 recommendation to the board of supervisors and the board of supervisors in making its
23 determination shall find that:

24 ***

25 (3)The economic development and land use planning committee in making its
26 recommendations and the board of supervisors in making its determination shall further
27 find that:

28 ***
29

30 **Sec. 20-982. – Changes and additions.**

31
32 Any subsequent change or addition to the plans or uses shall first be submitted for
33 approval to the designated town board and the economic development and land use planning
34 committee and, if in the opinion of either, such change or addition constitutes a substantial
35 alteration of the original plan, a public hearing before the economic development and land use
36 planning committee shall be required and notice thereof shall be given pursuant to the provisions
37 of section 20-144, and the proposed alterations shall be submitted to the board of supervisors for
38 approval. Any change in ownership, contractor, or other responsible party during the course of
39 construction shall only be made with the full knowledge of the board of supervisors.

40 **Sec. 20-984. – Failure to begin development.**

41
42 If no substantial construction has commenced or no use established in the planned unit
43 development district within the time schedule which addresses construction commencement and
44 construction completion submitted to the board of supervisors, the county economic development
45 and land use planning committee office shall petition the board of supervisors for the purpose of
46 rescinding the planned unit development overlay designation so as to allow the land in question
47 to revert to its underlying zone. The procedures set forth in section 20-122, relating to the
48 amendment of this chapter, shall be adhered to in its discretion and, for good cause, the board of

1 supervisors may extend for a reasonable period of time, not to exceed one (1) year, the period
2 for the beginning of construction or the establishment of a use. If the planned unit development
3 overlay district is rescinded, the economic development and land use planning committee office
4 shall remove the district from the official zoning map. Those zoning regulations applicable before
5 the creation of the district shall then be in effect and no vested rights in the planned unit
6 development overlay district shall be deemed to have accrued.

7
8 **Sec. 20-986. – Site restrictions.**
9

10 (a) No permit shall be issued and no land shall be used or structure erected where the land
11 is held unsuitable for such use or structure by the economic development and land use
12 planning committee by reason of flooding, concentrated runoff, inadequate drainage,
13 adverse soil or rock formation, unfavorable topography, low percolation rate or bearing
14 strength, erosion susceptibility, or any other feature likely to be harmful to the health,
15 safety, prosperity, aesthetics and general welfare of this county.

16
17 ***

18 (c) "Aesthetics" may only constitute grounds for prohibiting the use if such use will
19 depreciate the value of property in the neighborhood or impose a visual effect upon
20 neighbors or passersby which is clearly obnoxious to the prevailing taste of the
21 community. The economic development and land use planning committee, in applying
22 the provisions of this section, shall in writing recite the particular facts upon which it
23 bases its conclusion that the land is not suitable for certain uses. The applicant shall
24 have an opportunity to present evidence contesting such unsuitability if he so desires.
25 Thereafter, the economic development and land use planning committee may affirm,
26 modify, or withdraw its determination of unsuitability.

27
28 ***

29 (g) When there is a reasonable likelihood that unsewered lots will be sewered within ten
30 (10) years and that the required frontage thereafter will be seventy-five (75) feet, the
31 economic development and land use planning committee or subdivider may cause
32 dotted lines to be drawn across the center of the lots applicable on plat and zoning
33 maps so as to notify prospective purchasers of that possibility.

34
35 **Sec. 20-987. – Sanitary regulations.**
36

37 Where public water supply systems are not available, private well construction shall be
38 required to conform to NR 812, Wisconsin Administrative Code. Where a public sewage collection
39 and treatment system is not available, design and construction of private sewage disposal
40 systems shall be governed by chapter 19 adopted by the county pursuant to W.S.A., § 59.065
41 70(5). No private waste disposal systems or parts thereof shall be located, installed, moved,
42 reconstructed, extended, enlarged, converted, substantially altered or their use changed without
43 full compliance with chapter 19. A zoning permit for a principal structure or an addition thereto
44 may not be issued until evidence of such compliance is provided to the zoning administrator.

1 **Sec. 20-1011. – Unclassified, unspecified uses.**
2

3 Unclassified or unspecified uses may be permitted after the economic development and
4 land use planning committee has made a review and recommendation provided that such uses
5 are similar in character to the principal uses permitted in the district.
6
7

8 **Sec. 20-1012. – Temporary uses.**
9

10 Temporary uses, such as real estate sales field offices or shelters for materials and
11 equipment being used in the construction of a permanent structure, may be permitted by the
12 economic development and land use planning committee.
13

14 **Sec. 20-1014. - Ponds, Impoundments, etc.**
15

16 ***

- 17 (2) Detailed plans (site plan, cross section, depth, area, location and disposition of spoils,
18 timing) of the proposed pond excavation and restoration shall be submitted to the
19 economic development and land use planning committee department for review and
20 approval.
21

22 ***

- 23 (5) Borrow pits for public facility construction, such as for public roads, are subject to review
24 and approval by the development services department.
25

26 **Sec. 20-1021 – 20-103435. – Reserved.**
27

28 **Sec. 20-1035 Impervious Service Standards (NR 115.05(1)(e))**
29

30 (a) Purpose.
31

32 To protect water quality and fish and wildlife habitat and to protect against pollution to navigable
33 waters. Impervious surface standards apply to the construction, reconstruction, expansion,
34 replacement or relocation of any impervious surface on a riparian lot or parcel and any nonriparian
35 lot or parcel that is location entirely within three-hundred (300) feet of the ordinary high-water
36 mark of any navigable waterway.
37

38 (b) Calculation of Impervious Surface.
39

40 Percentage of impervious surface shall be calculated by dividing the surface area of the existing
41 and proposed impervious surfaces on the portion of a lot or parcel that is within three-hundred
42 (300) feet of the ordinary high-water mark by the total surface area of the lot or parcel, and
43 multiplied by one-hundred (100). Impervious surfaces described in (f) may be excluded from the
44 calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high-
45 water mark and the developable lot or parcel and both are in common ownership, the lot or parcel
46 and the outlot shall be considered one (1) lot or parcel for the purpose of calculating the
47 percentage of impervious surface.
48

49 (c) General Impervious Surface Standard.

1
2 Except as allowed in (e) allow up to fifteen (15) percent impervious surface on the portion of a lot
3 or parcel that is within three-hundred (300) feet of the ordinary high-water mark.
4

5 (d) Impervious Surface Standard For Highly Developed Shorelines.
6

7 The county at its discretion may adopt an ordinance for highly developed shorelines allowing up
8 to thirty (30) percent for residential land use and up to forty (40) percent for commercial, industrial,
9 or business land uses for lands that meet one (1) of the following standards:
10

- 11 a) The highly developed shoreline is identical as an Urbanized Area or Urban Cluster in
12 the 2010 US Census or has a commercial, industrial, or business land use as of
13 January 31, 2013. The 2010 Census Urban Area Reference Maps may be viewed at
14 <https://census.gov/geo/maps-data/maps/2010ua.html>
15 b) After conducting a hearing and receiving approval by the department of natural
16 resources, the county has mapped additional areas of highly developed shorelines
17 that are at least five-hundred (500) feet in length and meet one of the following criteria:
18 1. The majority of the lots are developed with more than thirty (30) percent of
19 impervious surface area.
20 2. Located on a lake served by a sewerage system as defined in W.A.C. NR
21 110.03(30).
22 3. The majority of lots containing less than 20,000 square feet in area.
23

24 (e) Maximum Impervious Surface.
25

26 A property may exceed the impervious surface standard under (c) or (d) provided the following
27 standards are met:
28

- 29 1) For properties where the general impervious surface standard applies under section
30 (c) , a property owner may have more than fifteen (15) percent impervious surface, but
31 not more than thirty (30) percent impervious surface on the portion of a lot or parcel
32 that is within three- hundred (300) feet of the ordinary high-water mark.
33 2) For properties on shorelands where the impervious surface standards for highly
34 developed shorelines applies under (c), a property owner may have more than thirty
35 (30) percent impervious surface, but not more than forty (40) percent impervious
36 surface for residential land uses. For commercial, industrial, or business land uses a
37 property owner may have more than (40) percent impervious surface, but not more
38 than sixty (60) percent impervious surface.
39 3) For properties that exceed the standard under (c) or (d), but do not exceed the
40 maximum standard under (c) (1) or (d) (2), a permit can be issued for development
41 with a mitigation plan that meets the standards found in section 42-0. 20-1046.
42

43 (f) Treated Impervious Surfaces.
44

45 Impervious surfaces that can be documented to show meet either of the following standards may
46 be excluded from the impervious surface calculations under section (b).
47

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

- 1 2) The runoff from the impervious surface discharges to an internally drained previous
2 area that retains the runoff on or off the parcel and allows infiltration into the soil.
3 3) To qualify for the statutory exemption, property owners shall submit a complete permit
4 application that is reviewed and approved by the county. The application shall include:
5 a. Calculations showing how much runoff is coming from the impervious surface
6 area
7 b. Documentation that the runoff from the impervious surface is being treated by
8 a proposed treatment system, treatment device, or internally drained area
9 c. An implementation schedule and enforceable obligation on the property owner
10 to establish and maintain the treatment system, treatment devices, or internally
11 drained area. The enforceable obligations shall be evidenced by an instrument
12 recorded in the office of the Register of Deeds prior to the issuance of the
13 permit.

14
15 (g) Existing Impervious Surfaces.

16
17 For existing impervious surfaces that were lawfully placed when constructed, but that do not
18 comply with the impervious surface standard in section (c) 9-3 or the maximum impervious surface
19 standard in section (d) 9-4, the property owner may do any of the following:

- 20
21 1) Maintain and repair the existing impervious surfaces;
22 2) Replace existing impervious surfaces with similar surfaces within the existing building
23 envelope;
24 3) Relocate or modify an existing impervious surface with similar or different impervious
25 surface, provided that the relocation or modification does not result in an increase in
26 the percentage of impervious surface that existed on the effective date of the county
27 shoreland ordinance, and the impervious surface meets the applicable setback
28 requirements in W.A.C. NR 115.05(1)(b).

29
30 (h) Interpretation.

31
32 This section of the ordinance shall not be construed to supersede other provisions in the county
33 shoreland ordinances. Maintenance, reconstruction, replacement, relocation, and expansion of
34 existing structures must comply with other provisions of the ordinance, the shoreland setback
35 standards and the nonconforming structure provisions.

36
37 **Sec. 20-1037. – Tree cutting, shrubbery clearing and vegetative buffer zone.**

38
39 (a) To protect water quality, fish and wildlife habitat, and natural scenic beauty, and to promote
40 preservation and restoration of native vegetation, land that extends from the ordinary high-
41 water mark to thirty-five (35) feet inland is a vegetative buffer zone and removal of
42 vegetation in the vegetative buffer zone is prohibited except as follows.

- 43
44 (1) Routine maintenance of vegetation
45
46 (2) Removal of trees and shrubs in the vegetative buffer zone to create access and
47 viewing corridors.-The viewing corridor may be 35 feet per 100 feet (35%).-Viewing
48 corridor may be contiguous, not limited to 200 feet in total waterfront footage.
49

1 (3) Removal of trees and shrubs in the vegetative buffer zone on a parcel with ten (10)
2 or more acres of forested land consistent with “generally accepted forestry
3 management practices” as defined in NR 1.25 (2)(b), and described in department
4 of natural resources publication “Wisconsin Forest Management Guidelines”
5 (publication FR-226), provided that vegetation removal be consistent with these
6 practices
7

8 (4) Removal of vegetation within the vegetative buffer zone to manage exotic or invasive
9 species, damaged vegetation, vegetation that must be removed to control disease,
10 or vegetation creating an imminent safety hazard, provided that any vegetation
11 removed be replaced by replanting in the same area as soon as practicable.
12

13 (5) By permit, additional vegetation management activities in the vegetative buffer zone.
14 The permit shall require that all management activities comply with detailed plans
15 approved by the county and designed to control erosion by limiting sedimentation
16 into the waterbody, to improve the plant community by replanting in the same area,
17 and to maintain and monitor the newly restored area. The permit also shall require
18 an enforceable restriction to preserve the newly restored area.
19

20 (b) Tree cutting and shrubbery clearing are prohibited except for home and park site development,
21 access roads, customary trimming, dead tree removal, stream and drainage projects
22 approved by the economic development and land use planning committee, and managed
23 timber harvesting under a state district forester's plan within the following distances from
24 ordinary high water:
25

- 26 (1) Lakes 50 acres or more in area300 feet
- 27 (2) Lakes less than 50 acres in area200 feet
- 28 (3) Navigable streams100 feet
- 29 (4) All other streams 75 feet
30

31 (c) Within the Lake Michigan shoreland area, such tree cutting and shrubbery clearing,
32 except for the permitted uses noted above, shall be prohibited within the SSO structural
33 setback overlay district and the NSO nonstructural setback overlay district.

34 **Sec. 20-1038. - Clearing requiring approval.**

35 Site, road (except roads used primarily for agricultural purposes), path, and trail
36 development and all other cutting and trimming within the shoreland area may be conditional uses
37 requiring review, public hearing and approval by the economic development and land use
38 planning committee or may be subject to review and approval by the zoning administrator in
39 accordance with section 20-1141 et seq.
40

41 **Sec. 20-1039. – Earth moving activities.**

42
43 (a) Earth movements and soil disturbance activities such as grading, topsoil removal, filling,
44 road cutting, construction, altering, or enlargement of waterways, removal of stream or
45 lakebed material, excavation, channel clearing, ditching, dredging, lagooning, and soil
46 and water conservation structures may be conditional uses requiring review, public
47 hearing, and approval by the economic development and land use planning committee

1 or may be subject to review and approval by the zoning administrator in accordance
2 with section 20-1141 et seq., in addition to the permit required from the state agency
3 having jurisdiction under W.S.A., §§ 30.11, 30.12, 30.19, 30.195, 30.20. Within the Lake
4 Michigan shoreland area, the construction of new permanent residential, institutional,
5 commercial, industrial, agricultural and transportation structures is prohibited within the
6 SSO structural setback overlay district and the NSO nonstructural setback overlay
7 district, section 20-916 et seq.
8

9 (b) In addition, only filling, grading, lagooning, dredging, ditching or excavating that is done
10 in a manner designed to minimize erosion, sedimentation and impairment of fish and
11 wildlife habitat may be permitted in the shoreland area. Filling, grading, lagooning,
12 dredging, ditching or excavating in a SWO shoreland-wetland overlay district may be
13 permitted only if the requirements of section 20-966 et seq. are met. Also, no filling or
14 grading is allowed within 35 feet of the ordinary high water mark; except for activities
15 related to boathouses or restoration of vegetation.
16

17 ***

18 **Sec. 20-1041. – Relocatable structures.**

19
20 Within the NSO nonstructural setback overlay district, relocatable structures may be
21 allowed as a conditional use provided that:

- 22 (1)The property extends sufficiently outside the NSO nonstructural setback overlay district so
23 that the structure can be relocated outside the NSO district in the future; and
24
25 (2)The structure is certified by a professional building moving contractor as being relocatable
26 at a cost not exceeding thirty (30) percent of the estimated equalized value of the structure.
27

28 This conditional use requires review, public hearing, and approval by the economic development
29 ~~planning~~ and land use planning committee and approval by the zoning administrator in
30 accordance with section 20-1141 et seq. Relocatable structures are not allowed as conditional
31 uses within the SSO structural setback overlay district.
32

33 **Sec. 20-1042. – Grazing, feeding, fertilizing restricted.**

34
35 Grazing, livestock watering and feeding, and application of fertilizers shall be prohibited
36 unless conducted in accordance with the county's conservation standards, as such standards are
37 formulated and adopted by the economic development and land use planning committee.
38

39 **Sec. 20-1043. - Approval for state permit.**

40
41 Where W.S.A., §§ 30.18, 144.025(2) and 144.555, require a state permit for surface waters
42 withdrawal, diversion or discharge for irrigation, processing, cooling or any other purpose, then
43 such activities may be a conditional use requiring review, public hearing and approval by the
44 economic development and land use planning committee or may be subject to review and
45 approval by the zoning administrator in accordance with section 20-1141 et seq. The economic
46 development and land use planning committee shall advise the state agency having jurisdiction
47 of the results of the public hearing or the zoning administrator's review and whether the conditional
48 use was approved.
49

1 **Sec. 20-1045. –Shoreland setbacks and exempt structures.**

2
3 ***

4
5 (a) Permitted building setbacks shall be established to conform to health, safety and welfare
6 requirements, preserve natural beauty, reduce flood hazards and avoid water pollution.
7 Unless exempt under 20-1045(b), mitigated under 20-1046, a setback of seventy-five
8 (75) feet from the ordinary high-water mark of any navigable waters to the nearest part
9 of a building or structure shall be required for all buildings and structures.

10
11 (b) All of the following structures are exempt from the shoreland setbacks standards in sec.
12 20-1045(a):

13
14 (1) Existing exempt structures may be maintained, repaired, replaced, rebuilt and
15 remodeled provided the activity does not expand the footprint and does not go
16 beyond the three-dimensional building envelope of the existing structure.
17 Expansion of a structure beyond the existing footprint is allowed if the expansion
18 is necessary to comply with applicable state or federal requirements. Boathouses
19 located entirely above the ordinary high-water mark and entirely within the access
20 and viewing corridor that do not contain plumbing and are not used for human
21 habitation. The roof of a boathouse may be used as a deck provided that:

- 22 (a) The boathouse has a flat roof.
23 (b) The roof has no sidewalls or screens.
24 (c) The roof may have a railing that meets the Department of Safety and
25 Professional Services standards. (St. 59.692(l))
26 (d) The flat-roofed boathouse existed before the adoption of this ordinance.

27
28 (2) Open sided and screened structures such as gazebos, decks, patios, and screen
29 houses in the shoreland setback area that satisfy the requirements in W.S.A
30 59.692(1v).

- 31 (a) The part of the structure that is nearest to the water is located at least thirty-
32 five (35) feet landward from the ordinary high-water mark.
33 (b) The floor area of all the structures in the shoreland setback area will not exceed
34 two-hundred (200) feet.
35 (c) The structure that is the subject of the request for special zoning permission
36 has no sides or has open or screened sides.
37 (d) The county must approve a plan that will be implemented by the owner of
38 the property to preserve or establish a vegetative buffer zone that covers at
39 least seventy (70) percent of the half of the shoreland setback area that is
40 nearest to the water.

41
42 (3) Broadcast signal receivers, including satellite dishes or antennas that are one (1) meter
43 or less in diameter and satellite earth station antennas that are two (2) meters or less
44 in diameter.

45
46 (4) Utility transmission and distribution lines, poles, towers, water towers, pumping
47 stations, well pumphouse covers. Private on-site wastewater treatment systems that
48 comply with ch. SPS Comm 383, and other utility structures that have no feasible
49 alternative location outside of the minimum setback and that employ best management
50 practices to infiltrate or otherwise control storm water runoff from the structure.

1 (5) Walkways, stairways, or rail systems that are necessary to provide pedestrian access
2 to the shoreline and are a maximum of sixty (60) inches in width.

3
4 (6) Devices or systems to treat runoff from impervious surfaces.

5
6 **Sec. 20-1046. – Mitigation.**

7
8 A plan to mitigate for the adverse effects of construction, on a waterfront property, within three
9 hundred (300) feet of the ordinary high water mark of a navigable water. The proportionality of
10 the mitigation necessary for remediating the adverse impacts of the proposed construction
11 activities to satisfy the zoning permit depends on the type, size and location of the construction
12 activity and the professional judgement of the Development Services staff. The Development
13 Services staff must approve a mitigation plan and an affidavit may be filed with the property deed.
14 The following are requirements and options for mitigation:

15
16 (1) A site plan that describes the proposed mitigation measures.

17 (a) The site plan shall be designed and implemented to restore natural functions lost
18 through development and human activities.

19 (b) The mitigation measures shall be propositional in scope to the impacts on water
20 quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.

21 (c) A minimum of two mitigation options shall be chosen and implemented from the list
22 below. Greater than two (2) may be necessary based on the proportionality to impact.

- 23 • Installing and maintaining a 35-foot natural vegetation buffer in the primary buffer
24 zone
- 25 • Removal of a boathouse or accessory structure that is within 35-feet of the
26 OHWM
- 27 • Removal of existing impervious surfaces proportional to construction or project
28 impacts
- 29 • Removal of shoreland setback area structures (e.g. seawalls, bulkheads, artificial
30 beaches and fire pits)
- 31 • Limit an access path within the 35-foot primary buffer zone to a maximum of 4-
32 foot wide footpath
- 33 • Restoration /maintenance of additional footage of shoreline buffer beyond the 35-
34 feet from the OHWM (not applicable for lots with structures closer than 65-feet to
35 the OHWM). Proportionality based on amount of impact
- 36 • Restoration of native vegetation along side yards of lot (depth based on
37 proportionality to impact)
- 38 • Directing runoff from impervious surfaces to existing naturally vegetated areas
- 39 • Moving nonconforming boathouses into conforming status
- 40 • Conversion of lawn to raingardens (note that if runoff from impervious surfaces
41 is documented to be directed and treated by a raingarden, this would effectively
42 remove that impervious surface area from the calculation for the parcel)
- 43 • Implementation of rain barrels
- 44 • Using natural looking exterior colors for structures; visually inconspicuous
- 45 • At the discretion of the Development Services department may approve for a
46 mitigation activity that provides significant benefits to meet the objectives of this
47 Chapter.
- 48
- 49

1 **Sec. 20-1046.1 – Reduced principal structure setback**

2 A setback less than the 75-foot required setback from the ordinary high water mark shall be
3 permitted for a proposed principal structure and shall be determined as follows:
4

5 (1) Where there are existing principal structures in both directions, the setback shall equal the
6 average of the distances the two existing principal structures are set back from the ordinary high
7 water mark provided all of the following are met:

- 8 a) Both of the existing principal structures are located on adjacent lot to the proposed
9 principal structure.
- 10 b) Both of the existing principal structures are located within 250 feet of the proposed
11 principal structure and are the closest structure.
- 12 c) Both of the existing principal structures are located less than 75 feet from the ordinary
13 high water mark.
- 14 d) The average setback shall not be reduced to less than 35 feet from the ordinary high
15 water mark of any navigable water.

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

- 19 a) The existing principal structure is located on adjacent lot to the proposed principal
20 structure.
- 21 b) The existing principal structure is located within 250 feet of the proposed principal
22 structure.
- 23 c) The existing principal structure is located less than 75 feet from the ordinary high water
24 mark.
- 25 d) The average setback shall not be reduced to less than 35 feet from the ordinary high
26 water mark of any navigable water.

27 **Sec. 20-1047.- Floodplain structures,**

28 Building and structures to be constructed or placed in a floodplain shall be required to comply with
29 any applicable floodplain zoning ordinance.
30

31 **Sec. 20-10478 – 20-1060. – Reserved.**

32 **Sec. 20-1089. - Driveway Access.**

- 33 ***
- 34 (d) Sharing of access to state and county trunk highways by commercial or industrial land
35 uses may also be permitted. Such shared access shall be shown on an adopted
36 neighborhood or similar town plan as may be determined by the economic development
37 and land use planning committee. Such shared access shall have the approval of the
38 county highway department or state department of transportation, depending upon
39 jurisdiction. A cross access agreement shall be recorded by all landowners utilizing
40 such shared access. Such shared access must meet standard specifications.
41
42

1 **Sec. 20-1115. - Accessory regulations.**

2 ***

- 3 (e) For shoreland zoning purposes, in accordance with ss 59.692(1)(e), an accessory
4 structure include detached garage, shed, boathouse, sidewalk, stairway, walkway, patio,
5 deck, retaining wall, porch, or fire pit, where the accessory structure is or is not permanently
6 attached to the principal structure by a roof or wall-to-wall, shall be considered separate
7 from the principal structure.

8
9 **Sec. 20-1117. - Boathouses.**

- 10
11 (a) Boathouses accessory to residential uses may be located entirely above the ordinary
12 high water mark and entirely within the access viewing corridor that do not contain
13 plumbing and are not used for human habitation and shall:

14
15 (1)The construction or placement of boathouses below the ordinary high water mark
16 of any navigable waters shall be prohibited;

17
18 (2)Boathouses shall be designed and constructed solely for the storage of boats and
19 related equipment.

20
21 (3)One boathouse is permitted on a lot as an accessory structure and not closer than
22 three (3) feet to a side property line and shall not exceed 35-feet in height.

23
24 (4)Boathouses shall be constructed in conformity with local floodplain zoning
25 standards.

26
27 (5)Boathouses shall not exceed one story and 250 square feet in floor area.

28
29 (6)Boathouse roofs shall have a pitched roof that is no flatter than 4/12 pitch, and shall
30 not be designed or used as decks, observation platforms or for other similar uses.

31
32 (7)Earth toned color shall be required for all exterior surfaces of a boathouse.

33
34 (8)The main door shall face the water;

35
36 (9)Patio doors, fireplaces, heating or cooking facilities and other features inconsistent
37 with the use of the structure exclusively as a boathouse are not permitted.

38
39 **Sec. 20-1122—20-1140. - Reserved.**

40
41 **Sec. 20-1141. - Time Limitations for Decision and Expiration of Use.**

- 42
43 (a)The economic development and land use planning committee, acting in accordance with
44 the provisions of section 20-1181 et seq., shall decide all applications, except
45 applications for floodland conditional uses, within thirty (30) days after the public hearing
46 and shall transmit a signed copy of its decision to the applicant and to the town clerk of
47 the town in which the subject site is located. Decisions on floodland district applications
48 shall be made as soon as is practicable, but not more than sixty (60) days after the
49 required public hearing.

1
2 ***

3 (d) Any conditional use granted under this article that is discontinued or terminated for a
4 period of twelve (12) consecutive months or eighteen (18) cumulative months in a three
5 (3) year period (A business of a seasonal nature shall not be deemed to be discontinued
6 during periods in which it is normally inactive, i.e. summer camps, snowmobile courses,
7 ski areas, marinas, quarries, etc.) shall be considered abandoned and any future use
8 thereof will require additional economic development and land use planning committee
9 and town review and approval.

10
11 **Sec. 20-1161. - Application.**

12 ***

13 (4) For floodland conditional uses, the applicant shall include information that is necessary for
14 the county economic development and land use planning committee to determine whether
15 the proposed development will hamper flood flows, impair floodplain storage capacity, or
16 cause danger to human or animal life. This additional information may include plans,
17 certified by a registered professional engineer or land surveyor, showing elevations of
18 structures, size, location, and spatial arrangement of all existing and proposed structures
19 on the site; location and elevation of streets, water supply, and sanitary facilities;
20 photographs showing existing land uses and vegetation upstream and downstream; soil
21 types and other pertinent information.

22
23 (5) For shoreland conditional uses, the zoning administrator may require the applicant to
24 furnish, in addition to the information required for a zoning permit, the following
25 information: a plan of the area showing surface contours, soil types, ordinary high-water
26 marks, ground water conditions, subsurface geology and vegetative cover; location of
27 buildings, parking areas, traffic access, driveways, walkways, pier, open space and
28 landscaping; plans of buildings, sewage disposal facilities, water supply systems and
29 arrangement of operations; specifications for areas of proposed filling, grading, lagooning
30 or dredging; other pertinent information necessary to determine if the proposed use meets
31 the requirements of this ordinance; and rationale for why the proposed conditional use
32 meets all of the conditional use criteria listed in the ordinance.

33
34 (6) Fee receipt from the zoning administrator for the fee required by the schedule of fees
35 adopted by the board of supervisors Report 79-92 and any subsequent resolutions.

36
37 **Sec. 20-1163. - Notice of hearings on shoreland, shoreland-wetland uses.**

38
39 Notice of public hearings on shoreland and shoreland-wetland conditional uses shall be
40 mailed to the DNR district office at least ten (10) days prior to the hearing. A copy of any decision
41 including grounds for such decision on any such conditional use shall be mailed to the DNR district
42 office within ten (10) days after it is granted or denied.

43 **Sec. 20-1166. - Conditional use permit revocation.**

44 ***

45
46
47 (b) After review by the development services department and consideration and
48 recommendation by the economic development and land use planning committee, the

1 committee shall act on the proposal to revoke the conditional use permit. Grounds for
2 revocation shall include, but not be limited to, the following:

3
4 ***

5 **Sec. 20-1167. - Procedures for Sitting Livestock Facilities.**

6
7 ***

8 (e) *Application review procedure.*

- 9
10 (1) Within forty-five (45) days after the development services department receives an
11 application, it shall notify the applicant whether the application is complete. If the
12 application is not complete, the notice shall describe the additional information
13 needed. Within fourteen (14) days after the applicant provides all of the required
14 information, the department shall notify the applicant that the application is
15 complete. This notice does not constitute an approval of the proposed livestock
16 facility.
17

18 **Sec. 20-1181. – Joint Approval by economic development and land use planning committee
19 and town board.**

20
21 ***

- 22 (b) The town board may communicate its position by any representative it may select and
23 either orally or in writing. Failure of the town board to communicate its position on the
24 application prior to the hearing shall be deemed to constitute approval by the town board
25 of whatever action the economic development and land use planning committee may
26 take unless the town board or its representative shall attend the hearing, in which case
27 it or its representative shall meet jointly with the economic development and land use
28 planning committee after the hearing and indicate the town board's position. If the town
29 board or its representative shall at such joint meeting request an extension of time within
30 which to determine its position, such extension shall automatically be granted for a
31 period of one (1) week or for such longer period as the economic development and land
32 use planning committee shall consider to be reasonable after taking into account these
33 factors: the complexity and importance of the matter; the diligence shown by the
34 applicant in submitting the application; the need of the applicant and the area for a
35 prompt decision.
36
37 (c) Approval of conditional uses may be by the economic development and land use
38 planning committee alone, if the town board fails to take a position before or at the
39 hearing, or by the end of any due extension of time after the hearing. Denial may be by
40 the vote of either the economic development and land use planning committee or, if
41 timely done, by the town board. The town board, however, shall not have the power to
42 approve or disapprove conditional uses in any areas such as shorelands, where
43 applicable statutes of the state give such power exclusively to the board of supervisors
44 and the state, provided, however, that the town board shall have the power to impose
45 conditions on such conditional use which are more strict than those imposed by the
46 county.
47
48 (d) If the town board and economic development and land use planning committee shall
49 both approve the application subject to certain conditions and such conditions shall not

1 be identical, then the more restrictive conditions shall apply. If the applicant, or the town
2 board, or the economic development and land use planning committee, shall deem it to
3 be unclear as to which restrictions apply, it may request a joint meeting of the town
4 board and county economic development and land use planning committee for the
5 purpose of clarifying or, if need be, amending the restrictions so as to clarify the
6 applicable restrictions.
7

- 8 (e) In those cases where this chapter requires the economic development and land use
9 planning committee to request a recommendation of a state agency or other planning
10 agency prior to taking final action, the time within which the town board may disapprove
11 such a proposed conditional use shall be extended until the meeting at which the
12 economic development and land use planning committee finally acts on the application,
13 or seven (7) days thereafter, if the town board so requests at such meeting.
14

15
16 **Sec. 20-1182. - Standards in Reviewing Conditional Uses.**
17

18 In reviewing the proposed conditional uses, the economic development and land use
19 planning committee and the town board shall be guided by the following standards and
20 requirements:

21 ***

- 22
23 (2) A review of the site, existing and proposed structures, architectural plans, the need of the
24 proposed use for a shoreland location neighboring land and water uses, parking areas,
25 driveway locations, highway access, traffic generation and circulation, drainage, waste
26 disposal, water supply systems, and the effect of the proposed use, structure, operation
27 and improvement upon flood damage protection, water quality, shoreland cover, natural
28 beauty, wildlife habitat, and erosion potential based upon degree and direction of slope,
29 soil type and vegetation cover. Evaluation of location factors of the proposed use shall
30 include the following considerations:

- 31
32 a) Domestic uses shall be generally preferred;
33
34 b) Uses not inherently a source of pollution within an area shall be preferred over
35 uses that are or may be a pollution source;
36
37 c) Use locations within an area tending to minimize the possibility of pollution shall
38 be preferred over use locations tending to increase that possibility.
39

- 40 (3) Conditions such as landscaping, architectural design, type of construction, construction
41 commencement and completion dates, sureties, lighting, fencing, location, size and
42 number of signs, water supply and waste disposal systems, higher performance
43 standards, street dedication, certified survey maps, floodproofing, ground cover,
44 diversions, silting basins, terraces, stream bank protections, planting screens, operational
45 control, hours of operation, improved traffic circulation, deed restrictions, existing and
46 future highway and road access restrictions, increased yards, or additional parking may
47 be required by the economic development and land use planning committee upon its
48 finding that these are necessary to fulfill the purpose and intent of this chapter and the

1 State Water Resources Act of 1965, and to meet the provisions of state's floodplain, and
2 shoreland management programs.

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- 5
6 (5) With respect to conditional uses within shorelands, the standards set forth in W.S.A., §
7 144.26(5)(a), in particular as they relate to the avoidance or control of pollution including
8 sedimentation.
9

10 **Sec. 20-1184. - Review and Approval of minor additions and accessory structures.**

- 11
12 (a) Approval of minor additions, expansions or alterations to principal or accessory
13 structures, where such structures were previously approved after a conditional use
14 public hearing, may be granted without further public hearing as a site plan review
15 function of the economic development and land use planning committee and the
16 appropriate town board. Such additions, expansions or alterations may be approved in
17 this manner provided that total lifetime additions, alterations or expansions do not
18 exceed fifty (50) percent of the current equalized assessed value of the structure to
19 which they are being attached. Further accessory structures for such previously
20 approved uses/structures may also be approved via site plan review.
21
22 (b) The applicant may request a public hearing if he does not agree with the provisions of
23 the conditions of approval or feels that a public hearing is in the applicants' best interest.
24
25 (c) The economic development and land use planning committee through the zoning
26 administrator may request technical assistance from the county land conservation
27 office, county park department, county highway engineer, county environmental control
28 department or other county officers, departments, commission, and boards in reviewing
29 a site plan approval application prior to setting forth the provisions of site plan approval.
30 Such provisions shall be in compliance with the standards set forth in this division.
31
32 (d) The zoning administrator shall mail a copy of the application together with all maps,
33 plans, and other documents submitted by the applicant to the town board within which
34 the subject land lies. The town board shall have the power to impose conditions on site
35 plan approval applications which are more strict than those imposed by the economic
36 development and land use planning committee or may approve or deny the request.
37 The town board shall have twenty (20) days from the receipt of the application to notify
38 the zoning administrator of the more strict conditions being imposed or if the request is
39 approved or denied.
40

41 **Sec. 20-1185. —Conditions attached to conditional uses.**

42
43 Such conditions may include specifications for, without limitation because of specific
44 enumeration: type of shore cover; specific sewage disposal and water supply facilities;
45 landscaping and planting screens; period of operation; operational control; sureties; deed
46 restrictions; location of piers, docks, parking and signs; and type of construction. Upon
47 consideration of the factors listed above, the economic development and land use planning
48 committee and the town board shall attach such conditions, in addition to those required
49 elsewhere in this ordinance, as are necessary to further the purpose of this ordinance. Violations
50 of any of these conditions shall be deemed a violation of this ordinance.

1
2 In granting a special exception permit, the economic development and land use planning
3 committee and the town board may not impose conditions which are more restrictive than any of
4 the specific standards of the ordinance. Where the ordinance is silent as to the extent of the
5 restriction, the board may impose any reasonable permit conditions to affect the purpose of this
6 ordinance.

7
8 **Sec. 20 – 1186. – Recording.**

9
10 When a conditional use permit is approved, an appropriate record shall be made of the
11 land use and structures permitted; such permit shall be applicable solely to the structures, use
12 and property so described. A copy of any decision on a conditional use permit shall be provided
13 to the appropriate off of the department of natural resources within ten (10) days after it is granted
14 or denied.

15
16 **Sec. 20 – 1187. – Revocation.**

17
18 Where the conditions of a conditional use permit are violated, the conditional use permit
19 shall be revoked.

20
21 **Secs. 20-1188— 20-1200. - Reserved.**

22
23 **Sec. 20-1203. - Application for Zoning Permit.**

24
25 ***

26 (b) The life of a county zoning permit for a mobile home park shall be nine (9) months, but
27 may be extended for not more than an additional ninety (90) days in the aggregate by the
28 zoning administrator with the approval of the economic development and land use
29 planning committee upon the holder of the county zoning permit showing good cause
30 arising out of an act of God, delay in construction due to the elements, fire or due to a
31 strike that is not within the control of the person requesting the extension.

32
33 **Sec. 20-1228. - Mineral Extraction.**

34
35 ***

36 (4) The economic development and land use planning committee shall particularly consider
37 the effect of the proposed operation upon existing streets, neighboring development,
38 proposed land use, drainage, water supply, soil erosion, natural beauty, character and
39 land value of the locality and shall also consider the practicality of the proposed restoration
40 of the site.

41 **Sec. 20-1291. - Uses Permitted Conditionally.**

42
43 The uses set forth in this division may be conditional uses requiring review, public hearing,
44 and approval by the economic development and land use planning committee or may be permitted
45 by the zoning administrator subject to the provisions of this article.

1 **Sec. 20-1292. - Tree Cutting, Shrubbery Clearing.**
2

- 3 (a) Tree cutting and shrubbery clearing must comply with section 20-1036 et seq and shall be
4 so regulated as to prevent erosion and sedimentation, preserve and improve scenic
5 qualities, and during foliage substantially screen any development from stream or lake
6 uses. Paths and trails shall not exceed ten (10) feet in width and shall be so designed and
7 constructed as to result in the least removal and disruption of shoreland cover and the
8 minimum impairment of natural beauty. Any path or trail within the thirty-five-foot area
9 described above shall be constructed and surfaced so as to effectively control erosion.
10
11 (b) The economic development and land use planning committee or the zoning
12 administrator shall request a review of such tree cutting and shrubbery clearing in
13 excess of one (1) acre by the state department of natural resources and await their
14 recommendations before taking final action, but not to exceed sixty (60) days.

15 **Sec. 20-1293. - Earth Movements.**

- 16 (a) Earth movements, such as filling, grading, topsoil removal, stream course changing,
17 road cutting, waterway construction or enlargement, removal of stream or lake bed
18 materials, excavation, channel clearing, ditching, dredging, lagooning, and soil and
19 water conservation structures, may be permitted provided that such uses are done in
20 accordance with the provisions of NR 115.04, the requirements of W.S.A ch, 30, and
21 other state and federal laws where applicable and are so regulated as to prevent erosion
22 and sedimentation and to least disturb the natural fauna, flora, watercourse, water
23 regimen, scenic beauty, and topography.
24
25 (b) The economic development and land use planning committee or the zoning
26 administrator shall request a review of such earth movement by the county land
27 conservation office and the state district fish and game managers and a review of each
28 such cutting and clearing from the state district forester and await their
29 recommendations before taking final action, but not to exceed sixty (60) days.
30
31 (c) A copy of the economic development and land use planning committee's or the zoning
32 administrator's decision on such application shall be forwarded to the department of
33 natural resources and the Region 2 Water Resources Advisory Board within ten (10)
34 days of such decision.
35

36 **Sec. 20-1294. - Shore Protection Structures.**
37

38 ***

- 39 (b) The economic development and land use planning committee or the zoning
40 administrator shall request a review of such shore protection structures by the county
41 technical subcommittee on shoreland development standards and await their
42 recommendations before taking final action, but not to exceed sixty (60) days.
43

44 **Sec. 20-1338. - Temporary Structures.**
45

46 Temporary structures shall be conditional uses in all zoning districts. The zoning
47 administrator may grant conditional use permits for temporary structures. Any person aggrieved

1 by a decision of the zoning administrator or any officer, department, board or bureau of the county
2 affected by a decision of the zoning administrator may appeal that decision to the economic
3 development and land use planning committee.
4

5 **Sec. 20-1358. - Existing signs.**
6

- 7 a. Signs (including billboards) lawfully existing at the time of the adoption or amendment of
8 this article may be continued, although the use, size, height, or location does not conform
9 to the provisions of this article. However, they are deemed a nonconforming use or
10 structure and the provisions of section 20-186 et seq. apply. Notwithstanding section 20-
11 186 et seq., development services department staff is authorized to issue a zoning permit
12 for conversion of an existing nonconforming sign from static to digital display, even if the
13 costs of conversion exceed fifty (50) percent of the equalized assessed value, as long as
14 the sign meets the requirements of this article, and does not otherwise become more
15 nonconforming in its overall size, location or height. A conversion from static to digital
16 display that increases the nonconformity of the overall size, location or height of an existing
17 nonconforming sign will require approval via the site plan review process or a petition for
18 a variance to the zoning board of adjustment.
19

20 **Sec. 20-1466. – Commercial-scale wind energy facility conditional use.**
21

- 22 a. Every conditional use permit application must be made in writing to the development
23 services department on the forms provided by the department and accompanied by the
24 required filing fee. The application must include the following information:
25

26 ***

27 **Sec. 20-1468. - Abandonment.**
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- 30
31 c. The facility and foundation shall be recorded in the county register of deeds office, and
32 a copy of the recorded deed shall be filed with county development services.
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1st Reading _____
2nd Reading _____
BOARD ACTION
 Adopted _____
 For _____
 Against _____
 Absent _____

VOTE REQUIRED: Majority

Prepared by:
Corporation Counsel

Respectfully submitted,

**ECONOMIC DEVELOPMENT AND LAND USE
PLANNING COMMITTEE**

Tom Hincz, Chairman

Robert D. Grove, Vice Chairman

Brett Nielsen, Secretary

Tom Kramer

Mike Dawson

Jason Eckman

Kelly Kruse

**The foregoing legislation adopted by the County Board of Supervisors of
Racine County, Wisconsin, is hereby:**

Approved: _____

Vetoed: _____

Date: _____,

Jonathan Delagrave, County Executive