ORDINANCE AMENDING WAUSHARA COUNTY CODE
CHAPTERS 18, AND 58

WHEREAS, Waushara County has enacted Chapters 18, and 58, to promote and protect the public health, safety, comfort, convenience, prosperity, aesthetics, and other aspects of the general welfare and to affix reasonable standards as applicable thereto; and

WHEREAS, the Waushara County Planning and Zoning Committee has determined that it is in the interest of the public health, safety and welfare to enact certain amendments to such Chapter; then

NOW, THEREFORE BE IT RESOLVED the County Board of Waushara County, Wisconsin, do hereby ordain as follows:

FOLLOWING ARE AMENDMENTS PROPOSED TO THE WAUSHARA COUNTY CODE
CHAPTER 18 (Floods):

(underlined sections are proposed additions)

Explanatory notations are in italics

A PORTION OF SECTION 18-7 IS HEREBY CREATED and AMENDED TO READ AS FOLLOWS:

Sec. 18-7 (1) thru (6) - Official maps and revisions.


(1) Mount Morris Dam Field File 69.04
Study titled: Analysis Hydrology, Hydraulics, and Dam Break
Prepared by: Timothy Dahlstrand
Dated March 23, 1992
Approved by the WDNR on March 7, 1993
Data table titled: Floodway Data Dam 100 Year Event With Dam Failure
Profile titled: Figure 5 – 100 yr. flood w/dam failure

(2) Lake Alpine Dam Field file 69.21
Study titled:
Prepared by: Waushara County Land Conservation Department
Dated:
Approved by the WDNR on February 12, 2007
Map titled: Lake Alpine Dam Hydraulic Shadow Map 2006
Date table titled: Lake Alpine Dam Hydraulic Shadow Floodway Data Table 2006
Profile titled: Lake Alpine Hydraulic Shadow Profile 2006
(3) The Upper White River Millpond Dam Failure Analysis Approval and Hazard Rating Assignment, dated November 29, 2011. Approved by: The DNR

Upper White River Dam Field File 69.13
Study titled: Dam Failure Analysis for Upper White River Dam
Prepared by General Engineering Company
Dated: November 145, 2011
Approved by the WDNR on November 29, 2011
Map tilted: No map generated
Data table titled: No data table generated – Development restricted between dam and downstream road to 937.00 ft NAVG29
Profile: None generated


Wild Rose Dam Field File 69.09
Study titled: Dam Failure Analysis and Assessment for Wild Rose Dam
Prepared by: General Engineering Company
Dated August 2013
Approved by the WDNR on October 4, 2013
Map titled: Wild Rose Dam 100yr. Dam Failure Analysis Floodplain Sheet C1.0
Data table titled: Dam Failure Floodway Data - Pine River
Profile titled: Wild Rose Dam DFA Dam Failure Flood Profile

(5) The Dam Failure Analysis Approval and Hazard Rating Assignment, Pine River Dam, Section 4, Town of Leon, dated December 2013. Approved by: The DNR

Pine River Dam Field File 69.05
Study titled: Dam Failure Analysis an Assessment for Pine River Dam Town of Leon
Prepared by: General Engineering Company
Dated: December 2013
Approved by WDNR on January 14, 2014
Map titled: Pine River Dam - Dam Failure Analysis Town of Leon sheet C1.0
Data table titled: Pine River Dam Failure Floodway Date
Profile titled: Pine River Dam Failure Analysis Hydraulic Shadow (red line)

(6) The Kristine Lake Dam Failure Analysis and Assessment, dated November 2015 by VPI Engineering, LLC, and approved by the WDNR on August 2, 2016.

Lake Kristine Dam Field File 69.22
Study titled: Lake Kristine Dam Failure Analysis and Assessment
Prepared by: VPI Engineering LLC
Dated: November 12, 2015
Approved by the WDNR August 2, 2016
Map titled: Flood Hazard Boundary Map
Data table titled: Table 3 Dam Failure (Piping Failure) page 5
Profile titled: Exhibit #2
Lower White River Dam Field File 69.12
Study titled: Dam Failure Analysis Lower White River Dam
Prepared by Ayres Associates
Dated October 2017
Approved by the WDNR on November 10, 2017
Map titled: Hydraulic Shadow (Sheets 1, 2 and 3)
Data table titled: Flood Crest Summary – Dam in place with failure
Profile title: Plan: Dam Fails

Saxeville Dam Field File 69.07
Study titled: Saxeville Dam Failure Analysis
Prepared by VPI Engineering LLC
Dated: January 14, 2018
Approved by the WDNR
Map titled: Waushara County FIRM Panel 55137C0111C from the Saxeville Dam to cross section “AL.”
Data table titled: Floodway Data Table 7
Profile titled: Flood Profile 12P

Floodplain Study Appendix: All DNR- and FEMA-approved floodplain maps, flood profiles, floodway data tables, regional or base flood elevations and other information shall be located in the appendix on the last page of this code. All approved floodplain maps, flood profiles, floodway data tables and other pertinent information are available from the Waushara County Zoning Office, the County Surveyor’s Office and the NOAA website. The community shall provide the most up to date appendix to the DNR and FEMA regional offices.

All approved Dam Failure Studies, Dam Hydraulic Shadow Maps, Dam Hydraulic Shadow Data Tables and Profiles are available from the Waushara County Zoning Office as well as the DNR regional offices.

Note: The Lake Alpine Dam Failure Study was brought over to Section 18-7 from Section 18-124 as it was incorrectly situated in the text. We are also amending the text to include additional studies that were recently approved by the DNR.

A PORTION OF SECTION 18-124 IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 18-124 – Determining floodway and flood fringe limits.

The Lake Alpine Dam Hydraulic Shadow Map, Lake Alpine Dam Hydraulic Shadow Floodway Data Table and Lake Alpine Dam Hydraulic Shadow Profile dated December 2006 and approved by the Waushara County Board of Supervisors on April 10, 2007.

Note: The above referenced text was incorrectly placed in this applicable Section. It is being relocated to Section 18-7 along with all of the other Dam Failure Studies.
FOLLOWING ARE AMENDMENTS PROPOSED TO THE WAUSHARA COUNTY CODE
CHAPTER 58 (Zoning):

(amended sections are underlined) (deleted sections are stricken)

Explanatory notations are in italics

A PORTION OF SECTION 58-9 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-9 – Definitions.

Building, principal, means the main building on a lot, intended for primary use as permitted by the regulations of the zone in which it is located. The principal structure shall include all porches, patios, decks, entryways, and other attachments. On residential lots it is the main single-family dwelling and all of its appurtenances, and on commercial lots it is the main commercial structure and all of its appurtenances. Detached decks, screen houses, patios, gazebos and other similar structures used for incidental living purposes, shall meet the required setbacks of a principal structure, unless otherwise exempted in this chapter.

Camping trailer, travel trailer and mobile camper or unit mean such mobile units designed to be used for temporary living or commercial purposes which may either be towed by a motorized vehicle or be a motorized vehicle. For the purposes of this definition, to come within the provisions of this definition, a camping trailer, travel trailer, or mobile camper or unit is to be used on a parcel less than 24 50 nonconsecutive calendar days within a calendar year with no more than 10 calendar days in succession. For the purposes of this chapter, a camping trailer, travel trailer, or mobile camper or unit used on a parcel for 24 50 nonconsecutive calendar days or more within a calendar year shall be deemed a seasonal residence under the provisions of this chapter. For the purposes of this chapter, a camping trailer, travel trailer, or mobile camper or unit used within the provisions of this definition shall conform to all required setbacks of the respective district within which it is located.

Nonconforming use or structure means any structure, land or water, lawfully used, occupied or erected at the time of the effective date of the ordinance from which this chapter is derived or amendments thereto, which does not conform to the regulations of this chapter or amendments thereto. Non-conforming structures in the shoreland zone shall meet the provisions in Section 58-235 herein.

Impervious surface means an area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surfaces excludes frozen soil, but includes include, but are not limited to all rooftops and paved or other solid surfaces unless specifically designed, constructed, and maintained to be pervious. All structures and vehicular or pedestrian accesses that are comprised of less than 50 percent impervious surfaces shall not be considered impervious. Impervious surface excludes frozen soil, all open wooden or composite material structures that allow water to flow through them and that do not have impervious surfaces underneath them, and all gravel or mulch covered areas. All roadways as defined by Wis. Stats. § 340.01 (54) or sidewalks as defined by Wis. Stats. § 340.01 (58) shall also be excluded from impervious surface calculations.

Kennel means a place where more than two adult dogs are boarded for a fee on a recurrent basis, or a place where more than five adult dogs are kept for any purpose, other than a dog breeding facility as defined per ATCP 16 which is prohibited. For the purposes of enforcement, any dog five months of age or older is considered an adult dog.
Recreational area means park, playground, ball field, ski hill, sport field, swimming pool, riding stables, or riding academies, boarding or other facilities and area constructed for recreational activities and open for uses by the public or private organization.

Seasonal residence means a dwelling unit to be used for part-time occupancy during certain periods of the year and not intended for permanent year-round use. For the purposes of this definition, the term "seasonal residence" shall include camping trailers, travel trailers, and mobile campers or units used on a parcel for commercial or living purposes for more than 24 50 nonconsecutive calendar days within a calendar year. A seasonal residence shall only be allowed if it meets the requirements of the Wisconsin Uniform Dwelling Code, and has a valid conditional use permit for storage of an unoccupied travel trailer, camping trailer, or mobile camper as noted in sections 58-334 and 58-454 of this Code.

Structure means and includes any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or in the ground, or an attachment to something on a premises including, but not limited to, dwellings or other principal structures, accessory structures such as detached garages, sheds, and boathouses, additions, signs, decks, above ground and below ground swimming pools, platforms, porches, balconies, gazebos, fire pits, satellite antenna dishes, fences, boathouses, stairs, walkways, sidewalks, piers, wharves, patios, bridges and retaining walls.

*Note: We are proposing on extending the amount of time an individual can occupy their camping trailer, travel trailer or mobile camper. This time period would allow for more weekend use between Memorial Day and Labor Day as well as a possible extended vacation within that time frame. We would also like to include boarding as a listed use within the definition of Recreational Area as we have experienced several requests for this activity over the years and feel this use is synonymous with riding stable or academies yet not included in any definition. Additional modifications are proposed to definitions of structures so as to comply with definitions per state statues and shoreland provisions of the Department of Natural Resources.

A PORTION OF SECTION 58-167 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-167 – Exceptions.

(a) The following uses are exempted from the requirements of section 58-161 and division 7 of this article and are permitted in any zone: Poles, towers, wires, cables, conduits, vaults, laterals, pipe, mains, valves or any other similar distribution equipment for telephone or other communications and electric power, gas, water and sewer lines.

(b) The provisions regarding filling, grading, tree cutting and work in respect to waterways shall not apply to the construction and repair of public roads; public or private utilities; flood control structures; or conservation practices such as terracing; installation of diversions, grass waterways, subsurface drainage, non-navigable drainage ditches; stream stabilization by riprapping or vegetative cover, ponds used for agriculture purposes, the removal of vegetation for the sole purpose of trout habitat improvement; or to nonfloating docks accessory to private dwellings.

*Note: This paragraph is moving to Section 58-903(p)(5) Shorelands –Filling, grading, lagoonning, dredging, ditching and excavating.
A PORTION OF SECTION 58-162 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-162 - Land use permits.

a) Required; exception. All uses listed as permanent uses within the respective zones require a land use permit, except that no permit is required for a structure or remodeling if the proposed work is less than $1,000.00 market value and less than 100 square feet in area. In the event work is conducted within the shoreland area, a “no-fee” land use permit shall be required when the structure or remodeling is below the previously outline requirements. All applicable setbacks and other provisions of this chapter shall be complied with.

(b) Application. Applications for land use permits shall be made to the zoning administrator on forms furnished by the zoning administrator, including fees which are on file in the zoning office. The zoning administrator may require the applicant to furnish a preliminary site plan containing the information listed in section 58-164.

(c) Decision. The zoning administrator shall, in writing, grant or deny the land use permit within 30 days of the date of the application except where a preliminary site plan is required, in which case, the permit shall be granted or denied within 60 days. Upon granting the land use permit, the zoning administrator may require that a final site plan be filed as part of the records for the permit issued.

(d) Prohibition. No land use permit shall be issued for any property where taxes are shown as being delinquent, as determined by the Waushara County Treasurer, or where there exists on the same property, or any other property owned by the same party, an outstanding violation of any county code, unless the issuance of such land use permit will result in compliance with such code.

*Note: Within a shoreland area, state statute requires a permit for any improvement, however, no fees and/or charges can be applied when the structure or remodeling falls below specified minimums.

A PORTION OF SECTION 58-232 IS HEREBY CREATED and AMENDED TO READ AS FOLLOWS:

Section 58-232 - Accessory uses and structures.

Accessory buildings and uses customarily incidental to the permitted use shall be permitted subject to the requirements of this section and other requirements, as may be designated for that zone in which they are located, and the following requirements:

(1) Accessory buildings, structures and uses shall be compatible with the principal uses and shall not be used for lounging, cooking, eating, sleeping, or any form of human habitation, occupancy or living purposes, even if on a temporary or incidental basis.

(2) Accessory buildings, structures and uses shall not be established prior to the principal use, and accessory building, structures and uses with overhead storage or an approved additional level or stage are required to unless the landowner submits a detailed site plan in accordance with section 58-164 and executes a verified affidavit and restrictive covenant running with the land regarding the use of the accessory building for living purposes, meeting the following requirements:

a. A subscription clause.

b. The legal description of the property.

c. The names of the persons, firms and corporations having an interest in the property who shall also execute the covenant and affidavit.
d. The names and addresses of all persons, firms or corporations holding a security interest in the property who shall also execute the covenant and affidavit.

e. A statement that the affidavit and covenant is given by the owner and all interested parties in the property in order to obtain a land use permit from the county zoning office for the purposes of constructing an accessory building on the described property in accordance with the provisions of this chapter.

f. The affidavit and restrictive covenant running with the land shall bind the property owners, grantees, successors, heirs or assigns of the property.

g. Set forth the condition that should buildings permitted as an accessory use be used for living purposes as a dwelling under this chapter that any land use permit issued by the county shall be null and void and the occupancy of such dwelling for living purposes shall be considered to be a violation of this chapter.

Such affidavit and restrictive covenant running with the land shall be recorded in the register of deeds office for the county and shall be considered a restrictive covenant running with the land and shall inure to the benefit of the county, all abutting and contiguous properties to that of the subject property, as well as the residents of the county.

(3) Any accessory buildings or structures shall not exceed one story or 18 feet maximum building height in the RS-10, RS-20 and R-M zoning districts. Accessory structures in a shoreland zone shall also comply with 58-903.

(4) Any accessory buildings or structures shall not exceed one story in any agricultural zoning district, unless the accessory building or structure is used for general farm use, as defined in subsection 58-453(2) of this Code. Landowner shall submit an Accessory Building Affidavit in accordance with 58-232(2).

(5) Within an accessory structure, building or use an overhead storage area will be permitted in both the residential and agricultural zoning districts. Said area shall not span the entire footprint of the structure, shall not exceed 50% or 400 square feet of the floor area, whichever is more restrictive, shall not contain any walls, doors, and/or windows, shall not exceed a ceiling height of 7’ and shall have a minimum of 1 open side to area below. The Landowner shall submit an Accessory Building Affidavit in accordance with 58-232(2).

(6) No cargo shipping container, mobile home, semi-trailer or other inoperative vehicle shall be used wholly or in part as an accessory building or commercial structure.

(7) An accessory building, structure or use in a side or rear yard shall not be less than 7½ feet from any property line, and other setbacks required elsewhere, except that on a corner lot, a reversed corner or through lot of such accessory building, structure or use shall be set back from the property line adjoining a street the distance required for a front yard, unless otherwise required in this section for a specific permitted or conditional use.

(8) Accessory buildings and uses customarily incidental to the permitted use shall be permitted subject to the requirements of this section and other requirements, as may be designated in this article for that zone in which they are located. No accessory building shall have any wall, nor any individual door or access opening be more than one third transparent. Interior walls and plumbing are not permitted unless it is demonstrated it is necessary for the intended accessory use of the building. No decks, patios, fireplaces, or other appurtenances normally associated with living are permitted. Individual doors or access openings shall be no more than one third transparent.

(8) All accessory buildings that are planned to have more than one story, level or stage, either wholly or partially above or below grade, or accessory buildings with plumbing or other features that are normally associated with dwellings, shall be required to execute an accessory affidavit.
to be recorded with the property as a restrictive covenant as outlined in subsections 58-232(a–g), above. The affidavit shall serve to limit the use of the structure as noted on the land use permit, along with any and all associated site plans, and shall serve to ensure compliance with any restrictions noted on the permit and site plans. It shall note that the structure cannot be used for, nor shall it be arranged for, any type of permanent, temporary, or incidental living purposes at any time, unless substantially altered to be in full compliance with all state and local codes pertaining to habitable structures.

*Note: We are cleaning this sections up due to numerous issues we have had regarding Land Use Permits. While we want to allow the landowners opportunity to utilize their accessory structure for storage, we want to strongly discourage and/or prohibit accessory structures from being used as additional living space or conversion to a Mother-In-Law apartment.

A PORTION OF SECTION 58-233 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-233 - Temporary uses.

(a) Uses such as real estate sales field office, temporary sawmills or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the zoning administrator upon issuance of a land use permit for a period not to exceed six months, unless specified otherwise herein.

(b) A single camping trailer, travel trailer, or mobile camper or unit (as defined in section 58-9) may be used for temporary living purposes during the construction of a single-family or two-family home in all districts providing that all of the following conditions are met:

(1) The placement of the unit is for a period of time beginning upon the date of the issuance of the applicable land use permit, not to exceed one year.

(2) The unit is served by sanitary facilities that meet all minimum requirements of division 2, article II of chapter 54, and the applicable state administrative codes.

(3) A building permit has been issued from the building inspector for the new home.

(4) All other requirements of this chapter are complied with.

(c) A temporary asphalt plant located in a permitted non-metallic mining facility is permitted as a temporary use for a period not to exceed six months, provided it is associated with a permitted highway improvement project, a land use permit is obtained documenting the temporary use, and the plant complies with all state and federal regulations regarding the operation of such a facility. Multiple permits issued to the same operator in substantially the same location over subsequent years will not be considered a temporary permit.

*Note: While many of the uses listed above are permitted in various zoning districts, the County has always required the issuance of a Land Use Permit for a period not to exceed 6 months unless specified otherwise yet has never been officially spelled out.
A PORTION OF SECTION 58-235 (b) IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-235 (b) (5) - Nonconforming structures and uses.

(5) "Repairs and expansions of nonconforming structure."

a. An existing principal or accessory structure that was lawfully placed when constructed but is less than one-half of any required setback of this Code (other than required water setback) shall comply with subsection (b)(4) listed above.

b. An existing principal or accessory structure that was lawfully placed when constructed but is one-half or more of any required setback of this Code (other than required water setback), or that doesn’t meet the applicable visual clearance setback, shall comply with subsection (b)(4) above, and may also expand its total building footprint by no more than 25 percent, providing the expansion does not increase the degree of nonconformity, is not constructed to a height that is higher than any portion of the existing structure, and complies with all other provisions of this Code, including the impervious surface limitations of subsection 58-903(q), if applicable. If the expansion shall consist solely of an open deck or patio on the principal structure, such open deck or patio may consist of up to 50 percent of the existing footprint of the nonconforming structure. If the proposed expansion to the principal structure shall consist of both enclosed space and an open deck or patio, then each portion shall be limited to 25 percent of the existing square footage of the nonconforming structure.

*Note: The proposed change listed above in (a) is merely being made to be consistent with the condition listed directly below in (b).*

A PORTION OF SECTION 58-235 (c) IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-235 (c) (4) (e) In addition to the general provisions listed in subsection (b) above, the following provisions shall also apply to all nonconforming uses or structures that do not meet required setbacks:

1. Any structural alteration or repair to any nonconforming use or structure located within the floodplain shall comply with chapter 18 of this Code.

2. An existing accessory building or structure that was lawfully placed when constructed but that does not comply with the required water setbacks of this Code shall comply with section 58-903 of this chapter.

3. Any expansion, relocation or replacement of a dwelling shall require the removal of all other structures that contain living space or amenities associated with human habitation, located on the same lot or parcel.

3. (4) Open decks and patios attached to the principal structure on a parcel, and that are within any required setback of this chapter, may be authorized to have an exact replacement of the nonconforming open deck or patio by the zoning administrator without the necessity of seeking a variance from this chapter, provided all of the following provisions are met:

a. Proper verification of the size, location, height and dimensions of the nonconforming deck or patio is made by qualified staff prior to commencement of the maintenance, repair or replacement, and those verified dimensions are strictly adhered to.

b. The repair, maintenance or replacement of the attached open deck or patio does not make the principal structure any more nonconforming than before the replacement.
c. The existing open deck or patio is entirely contained on the applicant's property and does not go over a lot line, into a right-of-way or easement, is located in any wetland area, or extends beyond the ordinary high-water mark of a navigable body of water.

d. All other Code requirements, including building codes, are complied with.

e. The zoning administrator may deny a zoning permit for the repair or maintenance of an open deck as a nonconforming use if good cause is shown that the public safety or public health will be harmed by such repair, maintenance or replacement even though such action is allowed under this section.

*Note: Per the Property Rights Bill that was passed in 2017, non-conforming structures are allowed to be repaired, replaced, rebuilt and/or renovated per further specified in Sec. 58-235. State statute also does not give the Zoning Administrator authority to deny repair or maintenance of a non-conforming structure or use. These are clean-up issues that were missed in last years round of text amendments.

A PORTION OF SECTION 58-236 IS HEREBY CREATED and AMENDED TO READ AS FOLLOWS:

Section 58-236 - Selected conditional uses.

(a) Generally. Uses listed as conditional uses within the respective zones may be permitted upon the issuance of a conditional use permit pursuant to section 58-163. Conditional uses shall meet the general criteria enumerated in section 58-163 and the requirements of this section established for the respective conditional uses.

(b) Standards. The standards for selected conditional uses are as follows:

(1) Campgrounds. Campgrounds may be permitted, provided that:

   a. The minimum size of a campground shall be ten acres.
   b. The maximum number of camping sites shall be ten per acre.
   c. The minimum dimensions of a camping site shall be 50 feet wide by 40 feet long.
   d. Each camping site shall be separated by a yard not less than 15 feet wide.
   e. The minimum width of roads within campgrounds shall be 18 feet.
   f. There shall be 1½ automobile parking places for each camping site.
   g. There shall be a minimum setback of 40 feet from each camping site to the exterior lines of the campground.
   h. All electrical wiring within the campground shall conform to state electrical codes.
   i. Each camping site shall have a designated location marked or constructed for outdoor cooking or campfires, and no fires shall be allowed outside the designated areas.
   j. Campgrounds shall create and maintain a 100-foot wide firebreak clear of flammable materials.
   k. Campgrounds not served by public sewer systems shall have an approved private sewage system pursuant to Wis. Admin. Code and any subsequent amendments thereto.
   l. Campgrounds shall conform to the requirements of Wis. Admin. Code HFS and any subsequent amendments thereto.
(2) **Recreational and educational camps.** Camps; recreational and educational. Recreational and educational camps may be permitted, provided that:

a. The minimum lot area shall be five acres.
b. The minimum lot width at the building line and at the water line shall be 300 feet.
c. No building shall be located within 100 feet of the exterior lot line of the camp.
d. All buildings and parking lots shall be screened from adjacent residential uses by a suitable species of vegetation.
e. Camps not served by a public sewer system shall have an approved private sewage system pursuant to Wisconsin Administrative Code and any amendments thereto.
f. Camps shall conform to the requirements of Wis. Admin. Code HFS and any subsequent amendments thereto.

(3) **Solid and hazardous waste disposal, processing, storage and transfer facilities.** No solid or hazardous waste disposal, processing, storage or transfer facility shall be located in the county except in conformance with a plan approved by the zoning committee. Such facilities shall comply with the requirements of this section and the applicable requirements of Wis. Admin. Code chs. NR 180 and 181 and any subsequent amendments thereto. The zoning committee may require the applicant to provide a plan of operations describing the design, management and operational characteristics of the facility. A conditional use permit is required for the expansion or alteration of any existing solid waste disposal facility. The zoning committee shall consider the following standards and criteria prior to issuing a conditional use permit for solid waste facilities:

a. The facility shall be designed to accept wastes generated within the county or from agricultural or agribusiness sources from adjoining counties.
b. Whether the facility constitutes an appropriate use in consideration of adopted land use plans, site factors, neighboring land uses, and environmental factors.
c. There is reasonable assurance that the facility will not endanger public safety or security in relation to potential hazards of fire, explosion, leakage, or unauthorized entry to the site.
d. Potential pollution of land, air, surface water and groundwater; excessive noise, vibration, odors, dust and blowing refuse.
e. Potential damage or excessive wear on roads and bridges.
f. Traffic hazards.
g. Potential impact on land values of surrounding properties.
h. Plans for reuse upon termination of operations at the site.
i. All such facilities shall have minimum side and rear yards of 100 feet each and shall be located a minimum of 500 feet from any public right-of-way.
j. A 100-foot-wide firebreak completely surrounding the facility shall be created and maintained.

(4) **Home occupations.** Home occupations include, but are not limited to, activities such as dressmaking, tv/radio repair, dog grooming, sign painting, tool sharpening, professional offices, etc., subject to the following limitations:

a. Such use is clearly incidental to the principal use of the premises.
b. Such use does not involve any exterior alteration that would effect a substantial change in the residential character of the structure.
c. The home occupation shall not exceed 20 percent of the floor area or more than 600 square feet of the residence. In the case of a home occupation being located within an
accessory building on the same parcel of land as the residence, such home occupation shall not exceed 600 square feet (including storage area for inventory and supplies). In the case of a home occupation being located both within the residence and an accessory building on the same parcel of land, such home occupation shall not exceed a cumulative total of 600 square feet (including storage area for inventory and supplies). If any home occupation is located either partially or entirely in an accessory structure, commercial building codes may apply.

d. Other than the immediate family, no more than one person may be employed in the home occupation.

e. There shall be no exterior display or storage of goods, storage of products, materials, inventory, supplies, parts, or scrap or waste materials.

f. There shall be no more than one advertising sign on the premises, and such sign shall not exceed 32 square feet in area.

g. Adequate off-street parking shall be provided and shall be maintained in a reasonably dust-free condition and is adequately screened from adjoining residential properties. The amount of parking spaces shall be dictated by section 58-432 and the county zoning administrator.

h. The establishment of a home occupation, where allowed by ordinance, shall require the issuance of a land use permit or conditional use permit, depending on the respective zoning district, and shall be accompanied by a site plan meeting all the requirements of section 58-164.

i. No home occupations shall be considered for approval that are indicated in this chapter as commercial businesses such as, but not limited to, restaurants, auto service stations, auto body repair shops, commercial entertainment facilities, car sales, taverns, or wholesaling establishments.

j. No home occupation shall generate excessive dust, glare, noise, odor, smoke or vibration or pose a hazard to public safety, nor involve the storage or use of toxic or hazardous materials or waste that meets or exceeds the threshold requirements of SARA regulations relating to reporting or planning facilities.

k. Professional business offices which meet all of the conditions listed in this section, and where such professional business office is contained entirely within the residence, and where such office does not exceed 20 percent of the floor area of the residence is considered as a home occupation.

(5) Professional business offices. Professional business offices may be permitted, provided that:

a. Such use shall be clearly incidental to the principal use of the premises.

b. Such use does not involve any exterior alteration that would effect a substantial change in the residential character of the structure.

c. Such use does not occupy more than 50 percent of the floor area of the principal structure.

d. Such use does not employ more than two persons who reside off-premises.

e. Any off-street parking area shall be maintained in a reasonably dust-free condition and is adequately screened from adjoining residential properties.

f. The establishment of a professional business office, where allowed, shall require the issuance of a land use permit or conditional use permit, depending on the respective zoning district, and shall be accompanied by a site plan meeting all the requirements of section 58-164.

g. In the case of a professional business office being located within an accessory building on the same parcel of land as the residence, such professional business office shall not exceed 600 square feet (including storage area for inventory and supplies). In the case of a
professional business office being located both within the residence and an accessory building on the same parcel of land, such professional business office shall not exceed a cumulative total of 600 square feet (including storage area for inventory and supplies).

h. An accessory building used exclusively for storage of inventory and supplies is considered as a professional business office, as long as all of the applicable conditions listed in this section are complied with.

i. The planning and zoning committee may impose additional related conditions on any approval of a professional business office, such as additional setbacks, vegetative or artificial buffers, limitations on hours, traffic, signs, etc.

(5) (6) Salvage yards. No salvage yard shall be permitted in the county except in conformance with a plan approved by the zoning committee. The zoning committee may require the applicant to file a plan of operation describing the design, management and operational characteristics of the facility, including a site plan showing the layout of the operation and location of the salvage materials, types and quantity of materials, equipment, fencing and maintenance of the operation. A conditional use permit is required for the alteration or expansion of any existing salvage yard. New, and the expansion of existing, salvage yards shall comply with the following requirements:

a. Salvage materials shall not be located within 600 feet of public roads, streets and highways, and all such uses shall have minimum side and rear yards of 100 feet.

b. Salvage yards shall be enclosed by a suitable fence or planting screen so that the materials are not visible from other property in the vicinity of the facility, nor from any public right-of-way such as roads, streets, highways and waterways. If trees are used, they shall be capable of screening the yard all year, or other methods shall be used in combination with the trees. Fences and other types of screening shall be maintained in a state of repair. Materials shall not be piled higher than such fence or screen.

c. Salvage materials shall not be piled higher than the height of the fence or planting screen, nor shall such materials be piled against the fence.

d. A 100-foot-wide firebreak surrounding the facility shall be created and maintained.

e. No person shall establish a new salvage yard or expand an existing salvage yard within 1,000 feet of any navigable lake, pond or flowage, 300 feet of a navigable river or stream, or within a floodplain or wetland.

f. No garbage or similar putrescible material shall be present at the site.

g. No open burning of solid waste shall be conducted.

h. Any windblown material from the operation shall be collected daily and properly disposed.

i. Any person who maintains or operates a salvage yard, when the yard is closed by the operator or property owner, shall close the yard by removing all salvageable materials within 120 days.

(6) (7) Commercial recycling operations. Commercial recycling operations may be permitted, provided that:

a. Such operations do not involve wrecking, dismantling, or demolition of salvageable material.

b. Such operations do not involve the sorting of refuse to recover salvageable materials.

c. Salvageable materials shall be stored in an enclosed structure or container.

(7) (8) Farm equipment sales, service and repairs. Farm equipment sales, service and repair facilities shall meet the following requirements:
a. The minimum lot area for such uses shall be 20,000 square feet.
b. Equipment shall be stored at least 100 feet from highways or roads and at least 200 feet from any residential property.
c. The zoning committee may require that the operation be enclosed with a suitable fence or vegetative screen so that equipment and materials are not visible from adjacent properties or public rights-of-way.

(8) (9) **Manufacturing.** The zoning committee shall consider the following standards prior to issuing a conditional use permit for manufacturing facilities:

a. Whether the facility constitutes an appropriate use in consideration of adopted land use plans, site factors, neighboring land uses, and environmental factors.
b. There is reasonable assurance that the facility will not endanger the public safety in relation to potential hazards of fire, explosion, traffic or accidental discharge of hazardous substances.
c. Potential pollution of land, air, surface and groundwater and excessive dust, glare, noise, odor, smoke and vibration.

(9) (10) **Marinas and boat liveries.** Marinas and boat liveries may be permitted, provided that:

a. Such uses are located a minimum of 500 feet from public bathing beaches, parks and boat access sites.
b. Such facilities are designed and constructed so as not to interfere with adjacent riparian owner's use of the water for swimming, fishing or boating; nor interfere with or obstruct public use of navigable waters.
c. Fueling pumps and tanks shall be located a minimum of two feet above the ordinary high-water mark.
d. Marinas shall be equipped with approved facilities for the disposal of domestic wastes from boats pursuant to Wis. Admin. Code Comm and any subsequent amendments thereto.
e. The following standards shall apply to marinas and boat liveries:
   1. Minimum lot area:
      Marinas: one acre.
      Boat liveries: 25,000 square feet.
   2. Minimum lot width:
      Marinas: 200 feet at the building line and at the water line.
      Boat liveries: 125 feet at the building line and at the water line.
   3. Maximum building height:
      Marinas: 20 feet.
      Boat liveries: 20 feet.
   4. Minimum setback at the water line:
      Marinas: 75 feet.
      Boat liveries: 75 feet.

(10) (44) **Used dwelling, single-family.** A used dwelling, or dwelling made of used materials may be permitted, provided that:
a. The proposed dwelling unit has a minimum floor area of 720 square feet.

b. The exterior of the used dwelling must be in "like-new" condition or plans for upgrades to the existing structure must be submitted.

c. The used dwelling shall meet all code requirements including those of the Uniform Dwelling Code.

d. The applicant shall demonstrate that the placement of a used dwelling shall meet Waushara County Code requirements and shall be finished in such a manner as to add to its surroundings and maintain area property values by furnishing the following information for consideration by the zoning committee: not aesthetically detract from its surroundings and aid in maintaining area property values. The following information shall be submitted to the Zoning Committee:

   1. Two color photographs not less than 2½ inches by four inches showing the front and side on one of the photographs and the rear and opposite side on the other photograph of the dwelling unit or materials to be used in construction.

   2. A detailed site plan in accordance with section 58-164 and narrative noting the construction details and methods of finishing the exterior of the structure.

   3. Any additional information deemed necessary by the zoning administrator for full evaluation of the proposal.

   4. Demonstrate its construction and installation methods shall meet minimum standards for protection from fire, wind, and other natural disasters.

e. Footings and foundation including those for landings and stoops shall be placed below frost penetration level or at least 48" below adjacent grade, whichever is deeper for frost protection per SPS 321.16.

f. Soil evaluation or evaluation of existing POWTS may be required if requesting a sanitary re-connect permit.

(11) Mobile home parks. No mobile home park shall be located in the county except in conformance with a plan approved by the zoning committee. Mobile home parks shall comply with the requirements of this section and Wis. Admin. Code chs. SPS 395 and HFS, and any subsequent amendments thereto. The zoning committee may require the applicant to provide a plan of operation describing the design, management and operation of the mobile home park. A conditional use permit is required for the expansion or alteration of an existing mobile home park. Mobile home parks shall meet the following requirements:

   a. Minimum area: five acres.

   b. Maximum density: ten units per acre.

   c. Minimum site dimensions: 40 feet wide by 75 feet long.

   d. Maximum mobile home height: 15 feet.

   e. Minimum distance between units: 20 feet.

   f. Minimum setback from service road: ten feet.

   g. Open space: There shall be a minimum of 250 square feet of open space per unit exclusive of the individual mobile home sites and buffer yards.

   h. No mobile home shall be located within 25 feet of the external boundaries of the mobile home park.

   i. All setbacks and yards shall be seeded and landscaped.
j. Each mobile home shall be connected to a public water supply and a public sewer system where such systems are available. Where a public water supply is not available, mobile home parks shall be served by an approved community water system pursuant to Wis. Admin. Code ch. NR 111, and any subsequent amendments thereto. Where a public sewer system is not available, mobile home parks shall have an approved private sewage system pursuant to Wis. Admin. Code chs. SPS 382 and 383, and any subsequent amendments thereto.

(12) Nonmetallic mining and processing. No nonmetallic mining or processing operation shall be located in the county except in conformance with a plan approved by the zoning committee. A conditional use permit is required for the expansion or alteration of any existing nonmetallic mining or processing operation. Nonmetallic mining and processing operations shall meet the following requirements:

a. In addition to the site plan required under section 58-164, the applicant shall furnish a plan of operation describing the design, management and operation of the facility. Such plan shall include:

1. A list of equipment, machinery and structures to be used.
2. The source, quantity and disposition of any water which may be used.
3. A topographic map of the site showing the existing topography at maximum vertical contour intervals of four feet.
4. The location of trees and a description of the existing groundcover.
5. The depth of all existing and proposed excavations.
6. The location of existing and proposed roads.
7. The location of all existing buildings and structures within 300 feet of the site boundaries.
8. The names of all property owners within 300 feet of the site boundaries.
9. Restoration of the property complying with all applicable provisions of article VII of this chapter. Sites where the material to be used or sold is generated incidentally to the primary purpose of the project, including but not limited to the creation of wetlands, ponds and sedimentation basins shall be exempted from this provision. Required restoration of these sites is limited to a revegetation plan.

b. The zoning committee shall consider the effects of the proposed operation upon existing streets, neighboring land uses, future land uses, drainage, water supply, soil erosion, natural beauty, character and land value of the locality. The committee shall also consider the potential effects of increased dust, smoke, odor, noise, vibration, traffic, and the practicality of restoring the site.

c. No nonmetallic mining or processing operation shall be located within 300 feet of a residence other than that of the landowner or applicant or within 500 feet of a school or institution.

d. No excavation shall take place within 50 feet of the external boundaries of the site.

e. The zoning committee may require that the site be enclosed by a suitable fence to prevent unauthorized entry.

f. The zoning committee may require that the site be enclosed by a suitable fence or vegetative screen so that materials are not visible from neighboring property and public rights-of-way including roads, streets, highways and waterways.

(13) Recreation areas. Recreation areas may be permitted, provided that:

a. The location and proposed use is compatible with adjacent land and water uses.
b. Stormwater runoff and erosion control practices shall be installed where required by the zoning committee to prevent soil erosion and the pollution of navigable waters.

c. Entrances and exits are designed and located so as not to interfere with the public's or adjacent landowner's access to navigable waters.

d. Lighting facilities are designed and located to minimize reflection and glare over the water, except for navigation aids.

e. Recreation areas not served by public sewer systems shall have an approved private sewage disposal system pursuant to Wis. Admin. Code chs. SPS 382, 383 and 391, and any subsequent amendments thereto.

f. Bleachers, spectator stands, motor-driven rides, concession stands, maintenance and storage buildings, parking lots and sanitary facilities shall be effectively screened from adjacent properties by vegetative growth.

(14) (15) **Roadside stands.** Roadside stands for products not produced or grown on the property, may be permitted, provided that:

a. The roadside stand or similar use conform to the setback, sign, and all other provisions of this chapter.

b. The location of the stand is approved by the highway committee. The highway committee shall consider the potential traffic hazards posed by such facilities in making such determinations.

(15) (16) **Shooting ranges for firearms.**

a. The zoning committee shall evaluate the following criteria in determining whether to issue a conditional use permit for shooting ranges:

   1. Potential hazards to adjacent uses.
   2. Topography and groundcover.

b. Shooting ranges shall meet the following requirements:

   1. The firing of rifled arms and shotgun slugs shall not be permitted directly toward or over navigable waters, public or private roads or drives, or toward any building or structure nor directly toward any population center which is located within 1½ miles.

   2. Shooting ranges shall provide:

      i. An adequate shotfall or bullet impact area.
      ii. A defined firing line or firing direction.
      iii. Adequate backstops for the firing of rifled arms.

   c. Shooting ranges shall be clearly identified by signs not less than four square feet in gross area located at intervals of not more than 25 yards around the perimeter of the range.

   d. Shooting ranges shall be securely fenced off from adjacent lands and waters.

(16) (17) **Public and semi-public uses.** The following public and semi-public uses may be permitted:

a. Airports may be permitted, provided that such facilities meet the requirements of Wis. Stats. ch. 114, all applicable state and federal aviation regulations, and the following requirements:

   1. Within an approach area (a trapezoidal area with an inner width at the runway threshold of 250 feet, a length of 5,000 from the threshold to the outer width, and an outer width of 1,250 feet), the height of any object shall not exceed 1/20 the distance from the runway threshold.
2. No structure used for human habitation may be located within 500 feet of the runway threshold.

3. No dwelling, other than that of the owner of such airport, may be located within 300 feet of the centerline of a runway or within 300 feet of the center point of a helicopter landing area.

b. Governmental and cultural uses such as administrative offices, fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums.

c. Public passenger transportation terminals such as heliports and bus and train depots, provided that all principal uses and structures are not less than 100 feet from any residential property line.

d. Utilities and communication towers with accessory buildings, except radio or television broadcast studios.

e. Churches; public, private and parochial preschools, elementary and secondary schools, provided that the lot area is not less than one acre, and all principal uses and structures are located not less than 50 feet from any lot line.

f. Institutions, colleges, universities, hospitals, sanitariums; religious, charitable, penal and correctional institutions; cemeteries and crematoria; provided, however, that all principal uses and structures are located not less than 50 feet from any lot line.

(17) (18) Storage of unoccupied travel trailers, camping trailers or mobile campers. The storage of unoccupied travel trailers, camping trailers or mobile campers on a parcel of land of ten acres or more on which no single-family or two-family dwelling exists is subject to the following conditions and requirements:

a. Approval of the location and placement of the travel trailer, camping trailer or mobile camper shall be by the planning and zoning committee to ensure appropriate visual screening from adjacent properties and public roadways; proximity to waterways, floodplains, wetlands, parcel size and other matters of environmental concern.

b. The posting on such travel trailer, camping trailer, or mobile camper of a conditional use permit card as may be promulgated by the administrator providing the following information;

b. The following information shall be furnished for consideration by the Planning and Zoning Committee:

1. The name of the landowner;

2. The date the conditional use for the storage of the unoccupied unit was granted by the county and the expiration date of the conditional use permit;

3. The name of the owner of the travel trailer, camping trailer or mobile camper permitted to be stored on the premises;

4. The vehicle identification number, certificate of title and registration of the travel trailer, camping trailer or mobile camper;

5. The current state license number on the license of the travel trailer, camping trailer plate or mobile camper as well as the expiration date of the current license plate on such unit;

6. Verification of attachment of the current year license plate on the travel trailer, camping trailer or mobile camper;

7. A statement that the travel trailer, camping trailer or mobile camper is roadworthy and is capable of being immediately pulled off the premises at all times during the unit's occupation of the premises; and
8. Such other information as may be required by the zoning administrator.

4. Color photographs not less than 2½ inches by four inches showing the front and side on one of the photographs and the rear and opposite side on the other photograph of the travel trailer, camping trailer or mobile camper.

5. A detailed site plan in accordance with section 58-164.

c. The travel trailer, camping trailer or mobile camper shall be roadworthy at all times and shall be capable of being immediately pulled off the premises.

d. The location and placement of the unit upon the premises must conform with all minimum water, highway and yard setbacks as determined by the committee. However, in no case may the minimum water setback be less than 75 feet and highway or yard setbacks be less than 100 feet.

e. The travel trailer, camping trailer or mobile unit shall not have any additions, attachments or permanent foundations attached or placed on or under such unit.

f. Should the unit be occupied at any time during the duration of the use permit, occupancy shall be limited to time frame established per 58-9 – Camping trailer, travel trailer and mobile camper or unit and the unit shall be served by appropriate sanitary facilities. The following are considered appropriate sanitary facilities:

1. If no running water exists (other than a hand pump located outside of the unit) a nonplumbing sanitation system or device is permitted, including, but not limited to, a chemical, gas or incinerator toilet portable self-contained toilet or vault privy. Depending upon the type of system selected, a sanitary permit may be required.

2. If running water exists, a conventional septic tank/drainfield or other type of POWTS approved by DSPS and the Waushara County Utilities Code is permitted. A sanitary permit is required for this type of system or device.

g. No more than one unoccupied camping trailer, travel trailer, mobile camper or unit may be stored on a parcel.

h. The zoning administrator shall annually inspect the camping trailer, travel trailer, mobile camper or unit to determine that the use of the premises is in compliance with this chapter and, upon such determination, shall issue a certificate of compliance as provided in section 58-165. The fee for such annual inspection shall be on file at the zoning office. Properties found by the zoning administrator to be in noncompliance with the conditional use permit shall, after 30 days' written notice (from the date of mailing) to the property owner or occupant, forfeit the conditional use permit issued under this subsection, unless such property is brought into compliance within such 30-day period.

(18) (19) Kennels. Establishment of kennels shall only be established in conformance with all applicable state and local regulations, including any recommendations of the county humane officer, who shall be notified of any conditional use prior to the public hearing. In addition, the following shall be considered as minimum standards in the development of such kennels:

a. All kennels must meet the requirements of Administrative Rule ATCP ch. 16.

b. If a kennel is required to be licensed by the state department of agriculture, trade and consumer protection, a copy of the approved license must be presented to the land conservation and zoning office within 30 days of the approval of a conditional use permit. Copies of licenses must be submitted to the land conservation and zoning office on an annual basis within ten days of receipt of the license.

c. All kennels not covered under subsection b. above, a copy of the approved kennel license issued by the county clerk must be presented to the land conservation and zoning office within 30 days of the approval of the conditional use permit. Copies of licenses must be submitted to the land conservation and zoning office on an annual basis within ten days of receipt of the license.
d. All kennels established under this chapter shall meet DNR well setback requirements.

e. Any kennel not submitting its required annual license with the land conservation and zoning department shall have its conditional use permit revoked.

f. These standards are to be considered minimum requirements. Additional requirements may be established on a case-by-case basis at the discretion of the Waushara County Health Department and the Waushara County Humane Officer.

Agricultural event center. An agricultural event center may be established as a conditional use within the AG (General Agricultural) zone, on parcels of five acres or more, in an existing outbuilding or outbuildings that have been on the premises for five years or more. In addition to site specific conditions imposed by the planning and zoning committee following their on-site, and testimony at the public hearing, agricultural event centers shall be in compliance with the following conditions:

a. The event center shall not have alterations made that will irreparably affect the future use of the premises for agricultural use.

b. The operation of the event center shall be seasonal and sporadic for the purpose of holding family and corporate events as noted in the definition.

c. Setbacks to the structure(s) used and all outdoor spaces utilized with the operation of the agricultural event center shall be at least 50 feet from the property lines.

d. Any outdoor spaces to be utilized for the events shall be kept in a clean, safe and healthful condition so as to reduce accidents and injuries.

e. All other codes shall be complied with and all permits shall be obtained. These include, but are not limited to, event permits from the sheriff’s department, health codes related to food preparation and service, alcoholic beverage service as determined by the state and town, building codes as administered by the local building inspector, fire codes at both the state and local level, and sanitary facilities as determined by state and local codes.

f. Off-street parking shall be provided with one space necessary for every two patrons at maximum capacity.

Wind energy facilities and wind turbines. The following shall be considered as minimum standards in the location and operation of wind energy facilities and its associated wind turbines:

a. Except in areas which are subjected to low flying aircraft, such as adjacent to irrigated agricultural fields and adjacent to major highways which are used for aeronautical visual reference purposes, wind turbines shall be painted a nonreflective, nonobtrusive color, and shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.

b. At wind energy facility sites, the design of the buildings and related structure shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the wind energy facility to the natural setting and the existing environment.

c. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.

d. Electrical controls and control wiring and power lines shall be wireless or below ground, except immediately adjacent to the facility site.

e. Wind turbines shall be set back from the nearest nonparticipating residence, school, hospital, church, public library, or other public building, a distance no less than the greater of 3.1 times their maximum blade tip height or 1,250 feet, whichever is less.

f. Wind turbines shall be set back from the nearest nonparticipating property line, and any participating residence, a distance no less than 1.1 times their total height, unless
appropriate easements are secured from adjacent property and participating residence owners.

g. Wind turbines shall be set back from the nearest public road right-of-way, above ground public overhead communication or electric transmission lines, other than lines serving individual homes or outbuildings, a distance no less than 1.1 times their total height.

h. Wind turbines shall not be climbable up to 15 feet above ground level.

i. All access doors to wind turbine towers and electrical equipment shall be lockable.

j. The blade tip of any wind turbine, shall, at its lowest point, have ground clearance of no less than 75 feet.

k. Appropriate warning signage shall be placed on wind turbine towers, electrical equipment, and wind energy facility entrances.

l. Upon cessation of the operation of the wind energy facility or turbine, the facility or turbine and other related improvements to the property shall be removed. The applicant shall furnish sureties which will enable the county to remove such improvements if the applicant/owner fails to do so. The amount of such sureties shall be determined by the zoning administrator. The form and type of such sureties shall be approved by the corporation counsel. Such fiscal surety shall be for a period not to exceed five years and will be renewed thereafter upon a favorable review of the operation and maintenance of such facility or turbine by the zoning committee and corporation counsel and updated cost estimates furnished by the applicant. All local units of government within the county shall be exempted from having to furnish fiscal sureties.

(21) (22) Home-based businesses include, but are not limited to businesses that fall within the standards listed, such as construction, excavation landscaper, plumber, electrician, and other family run contractor operations, minor vehicle repair and body work, small engine repair and sales, small truck and trailer terminals, minor welding and fabrication, storage, sales, and assembly, vehicle towing services, internet based businesses, commercial storage facilities and other similar family-based businesses where the business is incidental and subordinate to the residential use, and where the business conducted would not detract from neighboring land uses, would not pose a threat to public safety, health or the environment, and where such business can be conducted in such a manner where it would not prevent the property from converting back to strictly a residential use, if the business were ever to be abandoned subject to the following limitations:

a. Such use is clearly incidental to the principal use of the premises.

b. Such use must be established on the same parcel as the one- or two-family dwelling.

c. Such use does not involve any exterior alterations, additions or buildings that would affect any substantial change in the residential character of the property, nor would the changes prevent the property from reverting back to strictly a residential use, if the business would ever be abandoned.

d. Such use shall not be contrary to any adopted municipal or county land use plan.

e. Such use must meet all other applicable state and federal requirements and licenses, including applicable commercial building codes.

f. Adequate sanitary facilities (to be determined by the commercial building inspector) shall be provided.

g. Other than the immediate family, no more than four persons may be employed in a home-based business.

h. There shall be no more than one advertising sign on the premises, and such sign shall not exceed 32 square feet in area.
The home-based business shall not exceed 2,000 square feet of building space, including any home office or inside storage area, unless otherwise granted by the planning and zoning committee under subsection (22)m of this section.

The home-based business shall not exceed 20 percent of the floor area or more than 600 square feet of the residence. In the case of a home-based business being located within an accessory building on the same parcel of land as the residence, such home-based business shall not exceed 2,000 square feet (including storage area for inventory and supplies). In the case of a home-based business being located both within the residence and an accessory building on the same parcel of land, such home-based business shall not exceed a cumulative total of 2,000 square feet (including storage area for inventory and supplies), unless otherwise granted by the Planning and Zoning Committee. If any home-based business is located either partially or entirely in an accessory structure, commercial building codes may apply.

Storage outside of a completely enclosed building of any products, building materials, parts, scraps, wastes, materials, vehicles or equipment shall not exceed 5,000 square feet, and shall be stored behind a solid fence which screens such items from public roads and neighboring property lines, unless otherwise granted by the planning and zoning committee under subsection (22)m of this section.

Any off-street parking area shall be maintained in a reasonably dust-free condition and shall be adequately screened from adjoining residential properties. The amount of parking spaces shall be dictated by section 58-432 and the county zoning administrator.

Such use does not involve any new or used car sales.

The planning and zoning committee may impose additional related conditions on any approval of a home-based business, such as additional setbacks, vegetative or artificial buffers, limitations on hours, traffic, signs, increases and/or decreases of size of areas to be utilized by the proposed business, etc.

*Note: Changes were made herein to further define and/or clarify selected conditional uses and to eliminate issues that seem to arise on a somewhat regular basis. Professional business offices was also removed as there exists no definition of what is a professional business office and the fact that this was always intended to be a more intensive home occupation. It is believed that the listed selected conditional use Home based business satisfies that intended use. We are also concerned that a professional business office is a more commercial use and should be restricted to commercial zoning classifications.

A PORTION OF SECTION 58-303 IS HEREBY AMENDED TO READ AS FALLS:

Section 58-303 - Permitted uses.

Permitted uses in the O-N zone are as follows:

(1) Agricultural, including animal and poultry husbandry, beekeeping, dairying and grazing, field crops, forestry, orchards and wild crop harvesting, truck farming, horticulture and viticulture.

(2) Fish hatcheries and farm ponds.

(3) Camping trailers, mobile campers, or houseboats used for temporary parking and living purposes, unoccupied storage of a single camping trailer, mobile camper, houseboat or other recreational vehicle is permitted as an accessory use to single-family and two-family dwellings, provided that such storage is within 300 feet of such dwelling.
(3) Unoccupied storage of a single camping trailer, mobile camper, houseboat or other recreational vehicle is permitted as an accessory use to single-family and two-family dwellings, provided that such storage is within 300 feet of such dwelling. Such unoccupied storage of a single camping trailer, mobile camper, houseboat or other recreational vehicle shall conform to all required water setbacks.

(4) Signs: type 1, 2, 3, 6.

Wildlife preserves.

A PORTION OF SECTION 58-304 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-304 - Conditional uses.

Conditional uses in the O-N zone are as follows:

(1) Bait store.
(2) Camps.
(3) Hunting or fishing shelter.
(4) Dwelling, single-family, only as accessory to a principal use.
(5) Filling, grading and work in respect to waterways requiring a permit under subsection 58-903(p).
(6) Golf course.
(7) Maple syrup processing plant.
(8) Reserved.
(9) Public and semi-public buildings.
(10) Recreation areas.

A PORTION OF SECTION 58-333 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-333 - Permitted uses.

Permitted uses in the O-F zone are as follows:

(1) All uses permitted in the O-N zone.
(2) Debarking operations.
(3) Maple syrup processing plants.
(4) Portable sawmill, not to operate in one location in excess of 12 months.
(5) Signs: type 1, 2, 3, 6.
(6) Unoccupied storage of a single camping trailer, mobile camper, houseboat or other recreational vehicle is permitted as an accessory use to single-family and two-family dwellings, provided that such storage is within 300 feet of such dwelling. Such unoccupied storage of a single camping trailer, mobile camper, houseboat or other recreational vehicle shall conform to all required water setbacks.
A PORTION OF SECTION 58-334 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-334 - Conditional uses.

Conditional uses in the O-F zone are as follows:

1. Bait store.
2. Blacksmithing.
3. Camps.
5. Dwelling, single-family.
6. Dwelling, two-family.
7. Filling, grading and work in respect to waterways requiring a permit under subsection 58-903(p).
8. Golf course.
10. Reserved.
13. Recreation areas.
15. Storage of unoccupied travel trailers, camping trailers or mobile campers on parcels of ten acres or more on which no single-family or two-family dwelling exists.
16. Dog kennel, when located not less than 300 feet from any residential building other than that of the owner of such kennel, his agent or employee.
17. Home-based business, accessory to a one- or two-family dwelling.

A PORTION OF SECTION 58-364 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-364 - Conditional uses.

Conditional uses in the O-P zone are as follows:

1. Bait store.
2. Blacksmithing.
3. Campgrounds.
(5) Cemetery.
(6) Concession stand.
(7) Debarking operations.
(8) Dwelling, single-family, only as accessory to a principal use.
(9) Filling, grading and work in respect to waterways requiring a permit under subsection 58-903(o).
(10) Golf course.
(11) Reserved.
(12) Public and semi-public buildings.
(13) Recreation areas.
(14) Resorts.
(15) Sawmill, permanent.

*Note: Signs have been removed from the listings as there is an entire Division (Division 2. Signs) devoted to signage. Filling, and grading has also been removed as this too is referenced in greater detail in the Shoreland Code (Article VI). Each of the aforementioned sections of the code provide details with regard to usage permissibility, setbacks, permitting, etc…

A PORTION OF SECTION 58-453 IS HEREBY AMENDED TO READ AS follows:

Section 58-453 - Permitted uses.

Permitted uses in the A-G-* zone are as follows:

(1) Airstrip.
(2) General farming including dairying, grazing and livestock raising, field crops, nurseries, forestry, greenhouses, orchards and wild crop harvesting, beekeeping, truck farming, horticulture, viticulture, and the growing and sales of Christmas trees, greenhouses, and farm markets and the sale of other agricultural and silvicultural products, provided that these products are grown as part of the agricultural operation. No new building or pen for housing or feeding livestock or poultry shall be located within 100 feet of any boundary of a residential lot other than that of the owner, lessee or his employees. New buildings housing animals shall be at least 75 from any navigable water while barnyards or feedlots shall be at least 100 feet from any navigable water and shall be located to prevent the drainage of manure into any navigable water.
(3) New dwelling, single-family.
(4) Home occupations.
(5) New single-family dwelling established as a second farm residence accessory to the agricultural use, subject to the following limitations:
   a. Such single-family dwelling is used as a single-family dwelling.
   b. Such single-family dwelling is occupied by a person who, or a family at least one member of which, earns a substantial portion of his livelihood from farm operations on the farm parcel, or a parent or child of the operator of the farm.
c. The occupant of the single-family dwelling shall, at three-year intervals commencing on the date the land use permit for such use was issued, verify on a form provided by the zoning administrator his compliance with subsection (5)b of this section within 30 days of the receipt of such form. If the occupant fails to verify his compliance with subsection (5)b of this section, the zoning administrator shall, within 30 days, notify the occupant and the owner of such single-family dwelling of noncompliance with the provisions of this section. Upon receipt of a notice of noncompliance, the owner shall, within 90 days of the receipt of such notice, bring the single-family dwelling into compliance with subsection (5)b of this section, or cause such single-family dwelling to be removed from the premises.

d. Such agricultural use meets the definition of Wis. Stats. § 91.01(1).

(6) Sawmill, temporary.

(7) Signs: Types 1, 2, 3, 5, 6.

(8) Unoccupied storage of a single camping trailer, mobile camper, houseboat or other recreational vehicle is permitted as an accessory use to single-family and two-family dwellings, provided that such storage is within 300 feet of such dwelling. Such unoccupied storage of a single camping trailer, mobile camper, houseboat or other recreational vehicle shall conform to all required water setbacks.

(9) Except as otherwise required in this chapter, the storage, handling, refinement, processing, utilization, shipping, distribution, and application of agricultural products, equipment and other materials normally associated with, and considered part of a permitted general farming activity, providing that these products are grown as part of the agricultural operation, as defined in subsection (2) of this section, is considered as permitted uses, as long as the resultant storage, handling, refinement, processing, utilization, shipping, distribution, and application conforms with all other applicable laws and regulations including, but not limited to, the laws and regulations of the DNR, DATCP, EPA, and SARA regulations.

(10) Housing for migrant workers that complies with Wis. Stats. § 59.694(e).

A PORTION OF SECTION 58-454 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-454 - Conditional uses.

Conditional uses in the A-G-* zone are as follows:

(1) Airport.

(2) Animal hospital, zoo, rescue, sanctuary, or pound.

(3) Bed and breakfast establishments.

(4) Camps.

(5) Cemetery.

(6) Cheese factories and dairy processing plants.

(7) Christmas tree sales (other than sales permitted under subsection 58-453(2)).

(8) Church or other place of worship.

(9) Club or lodge.

(10) Day nursery/kindergarten.
(11) Dog kennel, when located not less than 300 feet from any residential building other than that of the owner of such kennel, his agent or employee.

(12) Farm equipment sales and/or service.

(13) Filling, grading and work in respect to waterways requiring a permit under subsection 58-903(p) of this chapter.

(13) (14) Fish hatchery, commercial.

(14) (15) Fur farm, when located not less than 300 feet from any residential building other than that of the owner of such fur farm, his agent or employee.

(15) (16) Garden or nursery store.

(16) (17) Grain elevator, commercial.

(17) (18) Housing for migrant workers that is not in compliance with Wis. Stats. 59.694(e).

(18) (19) Hunting or fishing shelter.

(20) Incinerator, public.

(19) (21) Maple syrup processing plant.

(20) (22) Reserved.

(21) (23) Nonmetallic mining operations and associated asphalt plants.

(22) (25) Professional business office.

(22) (25) Public or semi-public building.

(23) (26) Raising or keeping of ten or more animal units on five acres or less land.

(24) (27) Recreation areas.


(26) (29) Sawmill, permanent.

(27) (34) Storage of unoccupied travel trailers, camping trailers or mobile campers on parcels of ten acres or more on which no single-family or two-family dwelling exists.


(29) (33) Wind energy facility.

(30) (34) Home-based business, accessory to a one- or two-family dwelling.

(31) (35) Used dwelling, single-family.

(32) (36) Agricultural event center.

(33) Shooting Ranges

A PORTION OF SECTION 58-453 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-483 - Permitted uses.

Permitted uses in the A-R zone are as follows:

(1) General farming (same as subsection 58-453(2)).
(2) New dwelling, single-family.
(3) Home occupation.
(4) Signs: types 1, 2, 3, 5, 6.
(4) Unoccupied storage of a single camping trailer, mobile camper, houseboat or other recreational vehicle is permitted as an accessory use to single-family and two-family dwellings, provided that such storage is within 300 feet of such dwelling. Such unoccupied storage of a single camping trailer, mobile camper, houseboat or other recreational vehicle shall conform to all required water setbacks.

A PORTION OF SECTION 58-484 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-484 - Conditional uses.

Conditional uses in the A-R zone are as follows:
(1) Bed and breakfast establishments.
(2) Church or other place of worship.
(3) Club or lodge.
(4) Day nursery/kindergarten.
(5) Dog kennel, when located not less than 300 feet from any residential building other than that of the owner, his agent or employees.
(6) Dwelling, two-family.
(7) Filling, grading and work in respect to waterways requiring a permit under subsection 58-903(p).
(8) Reserved.
(9) Professional business office.
(10) Public or semi-public building.
(11) Raising or keeping ten or more animal units on less than five acres.
(12) Recreation area.
(13) Roadside stand.
(14) Cemeteries.
(15) Used dwelling, single-family.

A PORTION OF SECTION 58-513 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-513 - Permitted uses.

Permitted uses in the RS-10 zone are as follows:
(1) Agricultural uses including beekeeping, field crops, forestry, orchards and wild crop harvesting, truck farming, horticulture or viticulture.
(2) New dwelling, single-family.
A PORTION OF SECTION 58-514 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-514 - Conditional uses.

(1) Bed and breakfast establishment.
(2) Club or lodge.
(3) Day nursery/Kindergarten.
(4) Dwelling, two-family.
(5) Filling, grading and work in respect to waterways requiring a permit under subsection 58-903(p).
(6) Golf course.
(7) Home occupation.
(8) Reserved.
(9) Professional business office.
(10) Public or semi-public buildings.
(11) Recreation areas.
(12) Roominghouse or boardinghouse.
(13) Cemeteries.
(14) Churches.
(15) Used dwelling, single-family.

A PORTION OF SECTION 58-543 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-543 - Permitted uses

Permitted uses in the RS-20 zone are as follows:

(1) Agricultural uses including beekeeping, field crops, forestry, orchards and wild crop harvesting, truck farming, horticulture or viticulture.
(2) New dwelling, single-family.
(3) Signs: Types 1, 3, 6.
(4) Unoccupied storage of a single camping trailer, mobile camper, houseboat or other recreational vehicle is permitted as an accessory use to single-family and two-family dwellings, provided that such storage is within 300 feet of such dwelling. Such unoccupied storage of a single camping trailer, mobile camper, houseboat or other recreational vehicle shall conform to all required water setbacks.
trailer, mobile camper, houseboat or other recreational vehicle shall conform to all required water setbacks.

(4) (5) Raising or keeping of no more than four domestic chickens for egg production. Chickens shall be housed in an enclosure of not more than 50 square feet with an outside run of not more than 50 additional square feet. Chickens shall not be allowed to range free. All parts of the enclosure and run shall maintain a minimum setback of 20 feet to side and rear lot lines, 75 feet to the OHWM of a navigable body of water, and all pertinent road setbacks as noted in section 58-826 of this Code.

A PORTION OF SECTION 58-544 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-544 - Conditional uses.

Conditional uses in the RS-20 zone are as follows:

(1) Bed and breakfast establishments.
(2) Club or lodge.
(3) Day nursery/kindergarten.
(4) Dwelling, two-family.
(5) Filling, grading and work in respect to waterways requiring a permit under subsection 58-903(p).
(6) Golf course.
(7) Home occupation.
(8) Reserved.
(9) Public or semi-public buildings.
(10) Recreation area.
(11) Roominghouse or boardinghouse.
(12) Cemeteries.
(13) Churches.
(14) Professional business office.
(15) Used dwelling, single-family.

A PORTION OF SECTION 58-573 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-573 - Permitted uses.

Permitted uses in the R-M zone are as follows:

(1) Agricultural uses including beekeeping, field crops, forestry, orchards and wild crop harvesting, truck farming, horticulture or viticulture.
(2) New dwelling, Dwelling, multifamily multiple-family and duplex.
(3) Signs: Types 1, 3, 6.
(3) (4) New dwelling, Dwelling, single-family.

A PORTION OF SECTION 58-574 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-574 - Conditional uses.

(1) Bed and breakfast establishments.
(2) Camping trailer, mobile home and houseboat parking not intended for living purposes.
(3) Day nursery/Kindergarten.
(4) Filling, grading and work in respect to waterways requiring a permit under subsection 58-903(p).
(5) Golf course.
(6) Home occupation.
(7) Mobile home park.
(8) Professional business office.
(9) Public and semi-public buildings.
(10) Retail consumer goods, sales and service conducted solely for the convenience of the resident of a multifamily dwelling.
(11) Roominghouses or boardinghouses.
(12) Cemeteries.
(13) Churches.
(14) Used dwelling, single-family, multifamily, multiple-family and duplex.

*Note: Given recent legislative changes made to Conditional Uses, Counties have been directed by our Associations and Corporate Councils to review listings of Conditional uses for compatibility within certain zoning classifications. While a vast majority of our listed uses are compatible with the underlying districts, there were a few uses found to be incompatible and/or inappropriate. Signs have also been removed from the listings as there is an entire Division (Division 2. Signs) devoted to signage. Filling, and grading has been removed as well as this too is referenced in greater detail in the Shoreland Code (Article VI). Each of the aforementioned sections of the code provide details with regard to usage permissibility, setbacks, permitting, etc…

A PORTION OF SECTION 58-632 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-632 - Basic development standards.

(a) Generally. The requirements established for this RM-P zone apply to developments served by public sewer systems. Development not served by public sewer systems shall meet the
requirements of this section and have an approved private sewage system pursuant to Wis. Admin. Code chs. SPS 382 and 383, and subsequent amendments thereto.

(b) Minimum area. The minimum area to be designated as an RM-P planned residential development shall be five acres.

(c) Minimum width. There is no minimum width, except that all RM-P planned residential developments shall abut on a public street.

(d) Maximum height. The maximum height in the RM-P zone is 35 feet. One additional foot of height up to a maximum height of 60 feet may be permitted, provided that one foot of side or rear yard is added for each additional foot of height. Greater heights may be approved by the zoning committee. At no time shall the building height exceed 35 feet within the required shoreland setback.

(e) Density. Density in the RM-P zone shall not exceed 20 dwelling units per acre of net buildable area. The net buildable area shall be determined by subtracting the area occupied by streets, driveways, parking areas, navigable streams, wetlands, and the applicable front, side and rear yard and water setbacks from the gross acreage of the land parcel designated as a planned residential development.

(f) Lot requirements. There are no lot requirements in the RM-P zone.

(g) Yard and setback requirements. Yard and setback requirements in the RM-P zone are as follows:

1. Minimum front yard: All structures abutting a through street shall meet the setback requirements of section 58-826. All structures abutting a private street or a street terminating in a cul-de-sac shall have a minimum setback of 15 feet.

2. Minimum side and rear yard: Structures shall be set back a minimum of two times the height of such structure from the external lot lines of the planned residential zone.

3. Minimum water setback: 75 feet.

(h) Design criteria. A site plan containing the information listed in section 58-164 is required in the RM-P zone.

(i) Unified control. RM-P residential multifamily planned developments shall meet the requirements for unified control established under section 58-662 58-602(i).

(j) Open space. RM-P residential multifamily planned developments shall meet the requirements for open space established under subsection 58-602(i) 58-602(j).

(k) Access road. For the purposes of providing safe and adequate access for emergency purposes, any new development in the RM-P zone involving more than two dwelling units shall be served by an access road that, at the minimum, meets the design standards identified in section 42-81 of this Code.

*Note: Referenced code sections were revised to reflect correct sections of the Code.*

**A PORTION OF SECTION 58-663 IS HEREBY AMENDED TO READ AS FOLLOWS:**

Section 58-663 - Permitted uses.

Permitted uses in the C-G zone are as follows:

1. Banks and similar services.
2. Bed and breakfast establishments.
3. Business and professional offices and studios.
(4) Dental and medical clinics.
(5) New dwelling, single-family, only as accessory to a principal use.
(6) Funeral homes.
(7) Garages for the storage of vehicles used in conjunction with a permitted use.
(8) Laundromats.
(9) Restaurant.
(10) Retail stores and shops offering convenience goods and services, this includes gas stations and associated convenience stores provided no automotive repair or other similar services are provided.
(11) Semi-public uses such as fire station, police station, administrative building or similar uses according to definition.
(12) Signs: types 1, 2, 3, 4, 5, 6.
(13) Warehouses.
(14) Adult-oriented establishments, if established in accordance with the provisions contained in section 58-834 of this Code.

A PORTION OF SECTION 58-664 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-664 - Conditional uses.

(1) Amusement parks including baseball batting ranges, commercial skating rinks, go-cart tracks, golf driving ranges, miniature golf courses or similar establishments.
(2) Auto, truck, and farm equipment service and repair operations.
(3) Commercial entertainment facilities.
(4) Commercial recycling operations.
(5) Drive-in restaurant.
(6) Farm equipment sales and service.
(7) Filling, grading and work in respect to waterways requiring a permit under subsection 58-903(p).
(8) Hotels and motels.
(9) New and used car sales.
(10) Outdoor theaters.
(11) Roominghouse or boardinghouse.
(12) Taverns.
(13) Transportation terminals.
(14) Wholesaling establishments.
A PORTION OF SECTION 58-693 IS HEREBY AMENDED TO READ AS Follows:

Section 58-693 - Permitted uses.

Permitted uses in the C-C zone are as follows:

1. Banks and similar services.
2. Bed and breakfast establishments.
3. Business and professional offices and studios.
4. Dental and medical clinics.
5. Funeral homes.
7. Semi-public uses such as fire station, police station, administrative building or similar uses according to definition.
8. Signs: types 1, 2, 3, 4, 5, 6.
9. Dwelling, single-family only as accessory to a principal use.
10. Retail stores and shops offering convenience goods and services.
11. Adult-oriented establishments, if established in accordance with the provisions contained in section 58-834 of this Code.

A PORTION OF SECTION 58-694 IS HEREBY AMENDED TO READ AS Follows:

Section 58-694 - Conditional uses.

Conditional uses in the C-C zone are as follows:

1. Auto service stations.
2. Commercial entertainment facilities.
3. Commercial recycling operations.
4. Filling, grading and work in respect to waterways requiring a permit under subsection 58-903(p).
5. Hotels.
6. New and used car sales.
7. Roominghouse or boardinghouse.
8. Taverns.
9. Transportation terminals.
10. Warehouses.
11. Wholesaling establishments.
A PORTION OF SECTION 58-723 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-723 - Permitted uses.

Permitted uses in the C-S zone are as follows:
(1) Bed and breakfast establishments.
(2) Boat sales and service.
(3) Business and professional offices and studios.
(4) Club or lodge.
(5) Signs: Types 1, 2, 3, 4, 5, 6.
(6) Retail stores and shops offering convenience goods and services.
(7) Swimming pool, public.

A PORTION OF SECTION 58-724 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-724 - Conditional uses.

Conditional uses in the C-S zone are as follows:
(1) Amusement parks including baseball batting ranges, commercial skating rink, go-cart track, golf driving range, golf pitch-and-putt course and similar establishments.
(2) Auto service stations. Auto, truck and farm equipment service and repair operations.
(3) Boat liveries.
(4) Commercial entertainment facilities.
(5) Commercial recycling operation.
(6) Common business establishments including:
   a. Retail stores and shops offering convenience goods and services;
   b. Business and professional offices and studios;
   c. Commercial entertainment facilities; and
   d. Other similar uses approved by the zoning committee.
(7) Filling, grading and work in respect to waterways requiring a permit under subsection 58-903(p).
(8) Hotels and motels.
(9) Marinas.
(10) Semi-public and public uses such as fire station, police station, administrative building or similar uses according to definition.
(11) Taverns.
(12) Dwelling, single-family, only as an accessory to a principal use.
A PORTION OF SECTION 58-753 IS HEREBY AMENDED TO READ AS FollowS:

Section 58-753 - Permitted uses.
Permitted uses in the M-G zone are as follows:
(1) Automotive heavy repair and upholstery.
(2) Cleaning, pressing and dying establishments.
(3) Commercial bakeries.
(4) Commercial greenhouses.
(5) Commercial recycling operations.
(6) Distributors.
(7) Farm machinery sales and/or service.
(8) Food locker plants.
(9) Laboratories.
(10) Machine shops.
(11) Manufacture and bottling of nonalcoholic beverages.
(12) Manufacture, fabrication, processing, packaging and packing of:
   a. Confections.
   b. Cosmetics.
   c. Electrical appliances.
   d. Electronic devices.
   e. Food, except cabbage, fish and fish products, meat and meat products.
   f. Pea vining.
   g. Jewelry.
   h. Instruments.
   i. Pharmaceuticals.
   j. Signs: types 1, 2, 3, 4, 5, 6.
   k. Tobacco.
   l. Toiletries.
(13) Manufacture, fabrication, packing, packaging, and assembly of products from:
   a. Furs.
   b. Glass.
   c. Leather.
   d. Metals.
   e. Paper.
f. Plaster.
g. Plastics.
h. Textiles.
i. Tobacco.
j. Wood.

(14) Printing or publishing.
(15) Storage and sale of machinery and equipment.
(16) Trade and contractors’ offices.
(17) Warehousing and wholesaling.
(18) Office, storage, power supply and other such uses normally incidental to the principal use.

A PORTION OF SECTION 58-754 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-754 - Conditional uses.

Conditional uses in the M-G zone are as follows:
(1) Airport.
(2) Animal hospitals.
(3) Commercial service facilities such as restaurants and fueling stations if oriented toward servicing the surrounding industrial uses.
(4) Filling, grading and work in respect to waterways requiring a permit under subsection 58-903(p).
(4) (5) Incinerator, public.
(6) Solid and hazardous waste disposal, processing, storage and transfer facilities.

A PORTION OF SECTION 58-783 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-783 - Permitted uses.

Permitted uses in the M-I zone are as follows:
(1) All those uses permitted in the M-G general manufacturing zone.
(2) Freight yards and depots.
(3) Breweries.
(4) Inside storage.
(5) Signs: Types 1, 2, 3, 4, 5, 6.
A PORTION OF SECTION 58-784 IS HEREBY AMENDED TO READ AS FOLLOWS:

Section 58-784 - Conditional uses.

Conditional uses in the M-I zone are as follows:

(1) The manufacturing and processing of:

Abrasives
Acetylene
Acid
Alkalies
Ammonia
Asbestos
Asphalt
Batteries
Bedding
Bleach
Bone
Cabbage
Candles
Carpeting
Celluloid
Cement
Cereals
Charcoal
Chemicals
Chlorine
Coal
Coffee
Coke
Cordage
Creosote
Dextrine
Disinfectant
Dye
Excelsior
Felt
Fish
Fuel
Furs
Gelatin
Glucose
Gypsum
Hair products
Ice
Ink
Lampblack
Lime
Lime products
Linoleum
Matches
Meat
Oil cloth
Paint
Paper
Peas
Perfume
Pesticides
Pickle
Plaster of Paris
Plastics
Poison
Polish
Potash
Pulp
Pyroxylin
Radium
Rope
Rubber
Sausage
Shoddy
Shoe and lamp blacking
Size
Starch
Stove polish
Textiles
Varnish

(2) The manufacturing, processing and storage of:
Building materials
Dry ice
Explosives
Fat
Fertilizer
Flammables
Gasoline
Glue
Grains
Grease
Lard
Plastics
Radioactive materials
Shellac
Solid waste and hazardous waste disposal and transfer facilities

Soap
Turpentine
Vinegar
Yeast

(3) Animal reduction
(4) Bag cleaning
(5) Bleacheries
(6) Bone distillation
(7) Canneries
(8) Coal storage yards
(9) Cold storage warehouses
(10) Electric and steam generating plants
(11) Electroplating
(12) Enameling

(13) Filling, grading and work in respect to waterways requiring a permit under subsection 58-903(p).

(13) (14) Forges
(14) (15) Foundries
(15) (16) Incinerators
(16) (17) Lacquering
(17) (18) Lithographing
(18) (19) Manufacturing and bottling of alcoholic beverages

(19) (20) Oil storage depot
(20) (21) Refineries
(21) (22) Road test facilities
(22) (23) Salvage yards
(23) (24) Sanitary landfills
(24) (25) Sawmills
(25) (26) Slaughterhouses
(26) (27) Smelting
(27) (28) Stockyards
(28) (29) Textiles
(29) (30) Tanneries
(30) (31) Mining of metallic materials
*Note: Given recent legislative changes made to Conditional Uses, Counties have been directed by our Associations to review listings of Conditional uses for compatibility within certain zoning classifications. While a vast majority of our listed uses are compatible with the underlying districts, there were a few uses found to be incompatible and/or inappropriate. Signs have also been removed from the listings as there is as there is an entire Division (Division 2. Signs) devoted to signage. Filling, and grading has been removed as well as this too is referenced in greater detail in the Shoreland Code (Article VI). Each of the aforementioned sections of the code provide details with regard to usage permissibility, setbacks, permitting, etc…

A PORTION OF SECTION 58-902 IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 58-902 – Jurisdictional area.

(a) Application of provisions in unincorporated areas of county. All provisions of this chapter shall apply to the shoreland of navigable waters, as navigable waters are defined in Wis. Stats. § 281.31, in the unincorporated areas of the county, which are:

(1) Within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the county shall be presumed to be navigable if they are listed in the state department of natural resources publication "Surface Water Resources of Waushara County," or are shown on the United States Geological Survey Quadrangle Maps or other zoning base maps which have been incorporated by reference and made a part of this article.

(2) Within 300 feet of the ordinary high-water mark of navigable rivers or streams, or the landward side of the floodplain, whichever distance is greater. Rivers and streams in the county shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey Quadrangle Maps or other zoning base maps which have been incorporated by reference and made a part of this article. Flood hazard boundary maps, or flood insurance study maps (or soil maps or other existing county maps used to delineate floodplain areas), which have been adopted by the county, shall be used to determine the extent of the floodplain of navigable rivers or streams in the county.

(b) Determination of navigability and ordinary high-water mark. The county zoning administrator shall make the initial determination whether or not a body of water is navigable under the laws of the state. The county zoning administrator shall also make the initial determination of the location of the ordinary high-water mark. When questions arise, the zoning administrator shall contact the appropriate district department of natural resources office for a determination of navigability or ordinary high-water mark. When such determination is made, the department of natural resources shall submit a copy of the findings to the county zoning administrator who shall maintain a file on such determinations in the county zoning office. The zoning administrator may also work with a professional land surveyor as outlined in Wis. Stats. § 59.692(1h).

(c) Municipalities and state agencies regulated. Unless specifically exempted by law, all cities, towns, villages, and counties are required to comply with this article and obtain all necessary permits. State agencies are required to comply if Wis. Stats. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the state department of transportation are exempt when Wis. Stats. § 30.12(4)(a) 30.2022(1) applies.

Note: This is a house keeping revision as it we are inserting the correct statue reference section.
A PORTION OF SECTION 58-903 IS HEREBY CREATED and AMENDED TO READ AS FOLLOWS:

Sec. 58-903 – General shoreland zoning provisions.

(a) Generally. The zoning provisions of this chapter apply to the shoreland jurisdictional area as defined by subsections 58-902(a)(1) and (2). Additional restrictions may apply in the shoreland/wetland zone as provided in divisions 5 and 6, article IV of this chapter.

(b) Lot size regulations. The following minimum lot sizes shall apply only if more restrictive than those established for the underlying zone:

1. Lots served by public sanitary sewer shall have a minimum average width of 65 feet and a minimum width of 65 feet at the building line and at the ordinary high-water mark. The minimum lot area shall be 10,000 square feet.

2. Lots not served by public sanitary sewer shall have a minimum average width of 100 feet and a minimum width of 100 feet at the building line and at the ordinary high-water mark. The minimum lot area shall be 20,000 square feet.

3. A legally created lot within the shoreland area that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:
   a. The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
   b. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
   c. The substandard lot or parcel is developed to comply with all other code requirements.

(c) Substandard lots. Substandard lots shall meet the requirements of subsection (b)(3) above if in any unzoned town, and subsection 58-823(c) where general zoning standards apply.

(d) Water setback. All buildings and structures, except those enumerated in this subsection (d), shall be set back at least 75 feet from the ordinary high-water mark of navigable waters, unless there is at least one principal structure on either side of the applicant's lot, within 250 feet of the proposed site built to less than the required setback. In such case, the setback shall be the average of the nearest principal structure on each side of the proposed site. If there is no principal structure on one side of the proposed building site that lies within 250 feet, then the required setback of 75 feet shall be used to compute the average setback on that side. In no case shall averaging allow a setback of less than 35 feet from the ordinary high-water mark.

1. All boathouses shall be set back a minimum of ten feet from the ordinary high-water mark or on steep slopes where a ten-foot lateral setback is more than two feet above the ordinary high-water mark, the point on the slope where it is also two feet above the ordinary high-water mark may be used as the closest setback point.

2. Patios must be 75 feet from the ordinary high-water mark, whether poured in place, prefabricated, patio block, brick or stone. The exact replacement of attached open decks and patios within the water setback may be permitted if in compliance with subsection 58-235(b)(3).

3. Sidewalks, stairs, and elevated walkways landward of the ordinary high-water mark are allowed within the required setback only when necessary to access the shoreline because of steep slopes, rocky or wet unstable soils, or other natural features, and only if the following conditions apply:
   a. A maximum width of 60 inches (outside dimensions) is allowed. Maximum allowable width shall be measured perpendicular to the direction of travel.
   b. Attached benches, seats, tables, etc., are prohibited.
c. Canopies and/or roofs are prohibited.

d. Stairways constructed of any material, including but not limited to, concrete, paver block, stone, or timbers that are at or below grade are prohibited. Stairways, shall be elevated above the ground surface rather than being excavated. Sidewalks and walkways may be constructed of any material at or below grade provided no stairs are necessary to traverse the slope. Stairways, walkways and sidewalks established for the purposes of accessing the OHWM and boathouses, gazebos or other permitted buildings, or that are parallel with the water rather than perpendicular to the water shall be set back at least ten feet from the ordinary high-water mark.

e. Landings are allowed when required for safety purposes and shall not exceed 40 square feet. A maximum width of 60 inches (outside dimensions) is allowed. Maximum allowable width shall be measured perpendicular to the direction of travel.

(4) Sidewalks, filled paths and elevated stairs and walkways may be allowed within the 75-foot setback for access to buildings meeting the setback. A maximum width of 60 inches (outside dimensions) is allowed. Maximum allowable width shall be measured perpendicular to the direction of travel. The ordinary high water mark and entrance to a permitted or existing non-conforming structure.

(5) Any stairs, sidewalks or elevated walkways landward of the ordinary high-water mark shall be constructed in such fashion and located so that the least amount of land disturbance and soil erosion shall occur, the least amount of vegetation removal is necessary and be no greater in length than the shortest distance necessary to gain direct access to the water or permitted or existing nonconforming structure. Such stairs, sidewalks, elevated walkways or filled paths, shall terminate once it reaches the ordinary high-water mark or the entrance to the permitted or existing nonconforming structure. A pier may extend from the stairs or elevated walkways beyond the ordinary high-water mark, provided that it meets the standards required by the state department of natural resources.

(6) Open structures such as gazebos, decks, patios and screened houses in the shoreland setback area shall be as required by Wis. Stats. § 59.692(1v), and as described below:

a. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary high-water mark.

b. The structure shall be located within the view corridor described in subsection 58-903(n).

c. The total floor area of all structures in the shoreland setback area on the property will not exceed 200 square feet. This calculation shall not include the area of any permitted or conforming boathouse, walkway or stairs.

d. The structure that is the subject of the request for a permit has no sides or has open or screened sides. The structure shall not be attached to any other structure unless the side of such structure at the point of attachment is open or screened.

e. The side yard shall be the minimum required in the specific zoning district.

f. Height of any structure allowed under this section shall comply with any restriction of the general zoning code (if applicable) in addition to the height limits under shoreland zoning.

g. Prior to issuance of a zoning permit for such structure, a vegetative buffer zone shall be established that covers at least 70 percent of the half of the shoreland setback area that is nearest the water. The definition of a vegetative buffer zone is an area along, and parallel to, the ordinary high-water mark, one-half of the distance from the water's edge landward to the building setback line, that is either undisturbed or restored with native vegetation that provides natural features and functions for fish and wildlife habitat, water quality protection, and natural scenic beauty. For the purposes of administering the provisions of this subsection, the standards contained in "NRCS Standard 643 A and Wisconsin Biology Technical Note #1 - Shoreland Habitat", shall be used as a guide in determining if such
natural features and functions are sufficient. In addition to such provisions, the vegetative buffer zone shall provide the following:

1. The vegetative buffer zone shall preserve or establish a full range of water quality, habitat and natural shoreline beauty protection functions and shall specifically provide measures:
   i. To screen from view from the water all other structures within 300 feet of the ordinary high-water mark to the extent feasible; and
   ii. To detain or infiltrate all runoff prior to leaving the buffer area.

2. All vegetative buffer zones shall provide a tree canopy, shrub layer and groundcover.

3. The buffer area shall be a no disturbance area as described in subsection 59-903(n).

4. Placement of the structure is not authorized until the vegetative buffer zone has been established for at least three months.

5. Any permit issued under this section shall not be valid until notice of its conditions is recorded by affidavit with the county register of deeds.

6. Structures that, in the opinion of the land conservation and zoning department, are necessary to control shoreline erosion caused by wave or ice action on navigable waters are allowed within the required water setback. The design and construction techniques of said structures shall be approved by the land conservation and zoning department.

7. All of the structures listed in subsections (d)(1) through (5) of this section located within 35 feet of the ordinary high-water mark shall be located within the view corridor described in subsection (n) of this section.

8. Repairs, modifications or replacement of any of the structures listed in subsections (d)(6)a. through g. of this section, which existed lawfully at the time of the adoption of this Code and are located within 35 feet of the ordinary high-water mark, but located outside of the view corridor shall conform to subsection (s) of this section.

9. In the case of a property that does not have a clearly defined view corridor, one may be established and identified based primarily on existing vegetation, but may also be based on the location of any existing structures within 35 feet of the ordinary high-water mark. All future structures and disturbances within 35 feet of the ordinary high-water mark shall be limited to that corridor.

10. Broadcast signal receivers and satellite antenna dishes that are six feet or less in diameter are permitted within the required water setback.

11. Utility transmission and distribution lines, pole, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with Ch. SPS 383, devices or systems used to capture and treat runoff from impervious surfaces, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or to otherwise control stormwater runoff from the structure.

12. Paths or roads that are necessary for public access or to carry out any other permitted activity of this Code, including but not limited to, wildlife habitat enhancement, or approved horticultural or silvicultural practices shall be permitted as necessary in accordance with 58-903(n)(4).

13. Buildings and structures to be constructed or placed in a floodplain shall comply with the applicable requirements of chapter 18 of the Waushara County Floods Code.
Existing structures that are exempt from the water setback as noted above, may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the construction does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Expansion beyond the existing footprint may be allowed if the expansion is necessary to comply with applicable state or federal requirements.

Rip rap projects that are specifically designed and implemented for shoreline stabilization at the actual physical location of the ordinary high water mark, per the ordinance definition, shall be allowed within the required water setback if it is demonstrated necessary to control erosion caused by wave or ice action. The location and conceptual design of said structure(s) shall be approved by the land conservation and zoning department.

Building elevation. All structures intended for human habitation or occupancy shall have the lowest inhabitable floor constructed not less than two feet above the ordinary high-water mark or the regional flood elevation, whichever elevation is higher.

Boathouses. A single boathouse may be allowed for each buildable lot of record; provided that, such boathouse shall not contain plumbing or be used for human habitation. In addition, the following standards apply:

1. All boathouses shall be no more than one story. The wall height of any boathouse shall be a minimum of six feet and a maximum of ten feet in height.
2. No decks, patio doors, fireplaces, or other structures associated with human habitation shall be attached to or made part of a boathouse.
3. All boathouses shall have pitched roofs ranging in pitch from a minimum of 4:12 (rise to run) to a maximum of 6:12 (rise to run).
4. No boathouse shall exceed 180 square feet in area. Any overhang of a boathouse that exceeds 24 inches from the exterior wall shall be included in calculating this square footage requirement.
5. All boathouses shall be set back a minimum of ten feet from the ordinary high-water mark, or on steep slopes where a ten-foot lateral setback is more than two feet above the ordinary high-water mark, the point on the slope where it is two feet above the ordinary high-water mark may be used as the setback point. Any stairway, walkway or sidewalk that accesses a boathouse shall also be set back at least ten feet from the ordinary high-water mark.
6. No boathouse shall have any wall, door or access opening be more than one-third transparent. No transparent doors, windows or other openings are permitted on the water side of the boathouse.
7. No boathouse shall have interior walls, insulation or plumbing.
8. Prior to the issuance of a land use permit for a boathouse, the landowner shall be required to execute a verified affidavit and restrictive covenant running with the land regarding the use of the accessory building for living purposes, meeting the standards described in section 58-231.
9. Boathouses shall be contained entirely within the access and view corridor for a riparian parcel.
10. The construction of any boathouse which extends wholly or in part beyond the ordinary high-water mark of any navigable waters is prohibited by this chapter.
11. All boathouses shall comply with any other codes including all general zoning, and floodplain codes.

Houseboats. Houseboats stored above the ordinary high-water mark shall not be used for human habitation.
(h) **Piers, docks, wharves, boat shelters and boat hoists.** Piers, docks, wharves, boat shelters and boat hoists extending below the ordinary high-water mark shall comply with Wis. Admin. Code ch. NR 326, and other applicable state or federal regulations.

(i) **Obstructions of navigable waters.** No watercraft or float shall be anchored, moored, or attached to the shore in any manner that will obstruct or interfere with:

1. Ingress and egress to or from public boat launching sites, docks, parks, swimming beaches, or other public access points.
2. The ingress or egress of adjacent riparian property owners to and from navigable waters.
3. The free navigation of any river, canal, water channel or slip.

(j) **Dumps and sanitary landfills.** Dumps, sanitary landfills, junkyards and salvage yards are prohibited within the shorelands.

(k) **Burning of sawdust.** The depositing or burning of sawdust is prohibited within 300 feet of navigable waters. All areas used for the burning of sawdust shall be surrounded by an unobstructed plowed firebreak 16 feet wide.

(l) **Dumping and disposal.** The dumping or disposal of any fluid or viscous materials that are toxic, or in any manner would create a human health hazard including surface irrigation, lagooning or burial of sewage or other similar waste effluents or materials, is prohibited within 300 feet of navigable waters or within the floodplain or natural resource prevention zone. This provision does not include the spreading of fertilizer or the proper application of farm chemicals.

(m) **Livestock housing.** Buildings, pens and structures used for the housing, sheltering or feeding of livestock shall be located, designed and constructed so as to prevent animal waste material from entering watercourses, waterways, or other navigable waters, and shall be located not less than 100 feet from navigable waters while barnyards or feedlots shall be at least 100 feet from any navigable water and shall be located to prevent the drainage of manure into any navigable water.

(n) **Removal of shore cover.**

1. The cutting or removal of woody perennial vegetation within the shorelands shall be carried out in a manner that will maintain or tend to improve water quality and preserve scenic beauty. Soil conservation and timber harvesting practices which are effective in controlling erosion and in preventing pollutants from entering navigable waters shall be used. These provisions shall not apply to the removal of shore cover for the sole purpose of improving trout habitat in designated Class I, II and III trout waters and/or navigable bodies of water as approved by Land Conservation/Zoning and DNR as applicable. Vegetation may not be removed outside of the view corridor, except for the removal of exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation possessing an imminent safety hazard. Any removed vegetation shall be replaced by planting a comparable noninvasive species of vegetation in the same area.

2. Slash material shall be disposed of in accordance with Wis. Stats. §§ 26.12(6) and (7).

3. The cutting or removal of woody perennial vegetation within 35 feet of the ordinary high-water mark shall be prohibited, except as follows:

   a. View corridor. The establishment of a view corridor is exempted from the provisions of removal of shore cover, providing that the combined width of all access and viewing corridors on all riparian lots or parcels under the same ownership does not exceed 35 percent of the shoreline frontage, as measured at the ordinary high-water mark. No filling, grading, lagooning, dredging, ditching or excavating is allowed within 35 feet of the ordinary high-water mark, except within this view corridor, and in accordance with subsection 58-903(p) herein. In the case of a property that does not have a clearly defined view corridor, one may be established and identified based primarily on existing vegetation, but may also be based on the location of any existing structures
within 35 feet of the ordinary high-water mark. All future structures and disturbances within 35 feet of the ordinary high-water mark shall be limited to that corridor.

b. Timber harvest is exempted from the provisions of this subsection (n)(3) if:
   1. Such activity complies with Wisconsin’s Forestry Best Management Practices for Water Quality described in the field manual, published by the state department of natural resources (DNR);
   2. The lands on which such activity takes place are enrolled in a forest management plan approved by the DNR; and
   3. Such lands are located in a district which allows commercial timber harvest as a permitted use.

c. Agricultural cultivation is exempted from the provisions of this subsection (n) if:
   1. Such activity complies with best management practices for agriculture described in the field manual, published by the state department of agriculture;
   2. The lands on which such activity takes place are enrolled in a farm plan approved by the county land conservation and zoning department; and
   3. Such lands are located in a district which allows commercial agriculture as a permitted use.

(4) Any paths or roads permitted within the shoreland area shall be constructed to be effective in controlling erosion, and shall comply with the filling, grading, lagooning, dredging, ditching and excavating sections of this article. Any path, road or access constructed shall be constructed in such a fashion and located so that the least amount of vegetation removal is necessary, and be no greater in length than the shortest distance necessary to gain direct access to the water. Such path, road or access shall terminate once it reaches the ordinary high-water mark. A pier may extend from the path, road or access beyond the ordinary high-water mark; provided that, it meets the standards required by the state department of natural resources.

(5) If any of the standards of this section are violated, the county shall seek, in addition to other penalties provided by this article, restoration of all the natural functions of the shoreline vegetation protection area in accordance with the standards contained in "NRCS Standard 643 A and Wisconsin Biology Technical Note #1 - Shoreland Habitat", and this Code as it pertains to the maximum access and viewing corridor width; or at a minimum restoration of the shoreline vegetation to the level that existed prior to the violation, in compliance with a plan prepared by a qualified professional and approved by the land conservation and zoning department. In reviewing the plan the land conservation and zoning department shall determine if such plan adequately screens uses from the water, maintains a stable bank, retards the flow of pollutants and protects aesthetic values. As part of restoration that may be required under this section because of a violation of these standards, or that may be required in other parts of this Code, or as a result of a condition of a decision of the planning and zoning committee, board of adjustments or the zoning administrator, a verified affidavit and restrictive covenant running with the land regarding this vegetation protection area shall be executed. Such affidavit and restrictive covenant running with the land shall be recorded in the register of deeds office for the county and shall be considered a restrictive covenant running with the land and shall inure to the benefit of the county, all abutting and contiguous properties to that of the subject property, as well as the residents of the county.

(6) If a principal building setback line is less than 75 feet from the ordinary high-water mark, then a vegetative buffer zone shall be established as described, but shall not be required closer than 15 feet to the principal structure.
A land use permit is required for any cutting, removal or replacement of shoreline vegetation outside of the access and viewing corridor that is not specifically listed as an exemption in subsections (1) through (6) as noted above.

Storage. In addition to the other provisions of this code, storage within the shoreland area shall meet the following requirements unless otherwise specified:

1. Accessory use. All storage facilities shall be permitted only as an accessory use.

2. Grade. Storage facilities shall not be less than two feet above the ordinary high-water mark except underground tanks.

Bulk materials. Bulk materials, such as coal, sand, gravel, limestone or similar materials subject to erosion, shall be enclosed on three sides by a retaining wall in such manner to prevent erosion, and it shall be drained away from navigable water and shall meet all required OHWM setbacks.

Indoor storage. Petroleum products, chemicals and chemical compounds packaged in paper, cardboard, glass or metal which do not require outdoor storage, and plaster, lime and cement or similar products packaged in paper or cardboard containers shall be stored in an enclosed building when located within 300 feet of navigable waters.

Outdoor storage. Petroleum products, chemicals, chemical compounds and inflammables packaged in any type of container or delivered in bulk which may not be stored indoors by reason of fire codes, insurance or bulk, when stored above the ground must have protective measures installed to prevent any spillage or leakage of the materials from entering any body of water or watercourse; or must be stored in an underground tank.

Filling, grading, lagooning, dredging, ditching and excavating.

1. General standards. All filling, grading, lagooning, dredging, ditching and excavating within the required water setback, except for riprap and other waterline protection measures approved by the state department of natural resources and U.S. Army Corps of Engineers (regardless of size) shall be reclaimed by revegetation. Earth disturbances within the required water setback shall not be allowed where the resulting slope would be too steep to be stabilized with vegetation. Earth disturbances within 35 feet of the ordinary high-water mark shall also conform to subsection 58-903(n), and shall be permitted only in association with a permitted structure, use or exemption listed herein. In calculating the square feet in area of any filling, grading, lagooning, dredging, ditching or excavating, areas that have been stabilized by adequate vegetation to the extent that the area is not subject to erosion and impervious areas that have adequate stormwater management practices installed shall not be included in these calculations. If a question arises, the land conservation and zoning department shall determine the adequacy of such vegetation or stormwater management practices. Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under subsections (p)(2) or (p)(3) is permitted in the shorelands, provided that:

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

b. Filling, grading, lagooning, dredging, ditching or excavating in the O-SW shoreland/wetland zone meets the requirements of section 58-393.
c. A state or federal permit has been obtained for any filling, grading, lagooning, dredging, ditching or excavating for which a state or federal permit is required and such activities are in full compliance with the terms of this article.

d. Such filling, grading, lagooning, dredging, ditching or excavating is less than 2,000 square feet in area.

e. Such filling and grading done within the O-SW zone is done in accordance with the applicable sections of that zone.

(2) Land use permit required. A land use permit is required for filling, grading, lagooning, dredging, ditching and excavating in the shoreland where such activity involves any filling or grading of any area which is within 300 feet of the ordinary high-water mark of a navigable water has both of the following:

a. Surface drainage towards the navigable body of water; and

b. Involves a total area of between 2,000 and 10,000 square feet.

(3) Conditional use permit required. A conditional use permit is required for filling, grading, lagooning, dredging, ditching and excavating in the shoreland where such activity involves any filling or grading of any area which is within 300 feet of the ordinary high-water mark and has both of the following:

a. Surface drainage towards the navigable body of water; and

b. Involves a total area of greater than 10,000 square feet.

c. If the application for a conditional use permit includes area within the shorelands or floodplain, the department of natural resources shall be notified at least ten days prior to the date of such hearing.

d. The standards set forth in Wis. Stats. chs. 281 and 283, particularly as they relate to the avoidance or control of pollution, shall apply.

e. A copy of all decisions granting or denying applications for conditional use permits for property located in a floodplain or shoreland area shall be transmitted to the state department of natural resources within ten days after a conditional use permit decision has been made.

(4) Permit conditions. Upon receipt of permit application under subsections (p)(2) or (p)(3) of this section, the zoning administrator shall submit such application to the county land conservation and zoning department technical staff for review and recommendations. Based upon the recommendations of the land conservation and zoning department technical staff and other relevant information, the zoning administrator or planning and zoning committee may attach such conditions to the permit as it deems necessary to protect water quality and preserve floodplain storage capacity.

(5) The provisions regarding filling, grading, tree cutting and work in respect to waterways shall not apply to the construction and repair of public roads; public or private utilities; flood control structures; or conservation practices such as terracing; installation of diversions, grass waterways, subsurface drainage, non-navigable drainage ditches; stream stabilization by riprap or vegetative cover, ponds used for agriculture purposes, the removal of vegetation for the sole purpose of trout habitat improvement; or to nonfloating docks accessory to private dwellings.

(q) Impervious surfaces. Impervious surface standards are established to protect water quality and fish and wildlife habitat and protect against pollution of navigable waters. These impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any
impervious surface within 300 feet of the ordinary high-water mark of any navigable waterway, and shall require all of the following:

1. "Calculation of percentage of impervious surface." Percentage of impervious surface shall be calculated by dividing the surface area of existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total area of the lot or parcel and multiplied by 100. All impervious surfaces on the lot or parcel, that are deemed to be a public road as defined by Wis. Stats. § 340.01 (58) or sidewalk as defined by Wisc. Stats. § 340.01 (58) shall be excluded from these calculations. All calculations shall be done by the landowner or their representative on forms furnished by the land conservation and zoning department, and shall be submitted to the land conservation and zoning department along with a copy of a survey or plat which clearly shows the total square footage of the parcel. If such a survey or plat cannot be furnished, or if all of the property iron on said survey or plat are not found, then it is the landowner's responsibility to have a survey done which clearly shows the total square footage of the parcel and all of the property iron clearly shown, and provide a copy of the survey to the land conservation and zoning department.

Impervious surfaces that are documented as meeting either of the following subsections (q)(1)a. and b. below, shall be excluded from the impervious calculations under this section:

a. The impervious surface is treated by devices such as stormwater retention ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales, or other engineered systems approved by the land conservation and zoning department, and that have a verified maintenance agreement recorded with the deed to the property.

b. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil, and this discharge is determined to be adequate and does not require maintenance as determined by the land conservation and zoning department. A permanent easement shall be recorded with the deed to the property to secure the area for infiltration of the runoff for the life of the impervious surface.

2. "Impervious surface standard." Up to 15 percent impervious surface is allowed on that portion of the lot or parcel that is within 300 feet of the ordinary high-water mark.

3. "Maximum impervious surface." Greater than 15 percent impervious surface, but less than 30 percent impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark is allowed; providing that, a land use or conditional use permit is issued that requires a mitigation plan meeting the requirements of subsection (r) of this section.

4. "Existing impervious surfaces." For existing impervious surfaces that were lawfully placed when constructed, but that do not comply with the standards in subsections (2) and (3) above, the property owner may do any of the following:

a. Maintenance and repair of all impervious surfaces;

b. Replacement of existing impervious surfaces with similar surfaces within the existing building envelope, providing all other provisions and setbacks of this Code are complied with;

c. Relocation or modification of existing impervious surfaces with similar or different impervious surfaces; provided that, the relocation or modification does not result in an increase in the percentage of impervious surface that existed on January 1, 2012, and the construction meets the applicable setback requirements in NR 115.05(1)(b), Wisconsin Administrative Code and all the provisions of chapter 58, Waushara County Zoning Code.

(r) Mitigation plans. Mitigation plans shall include all of the following:

1. Mitigation plans shall be approved by the county and implemented by the property owner within the life of the land use permit.
(2) Mitigation plans shall include enforceable obligations of the property owner to establish and/or maintain measures that the county determines adequate to offset the impacts of the proposal on water quality, near shore aquatic habitat, upland wildlife habitat and natural scenic beauty.

(3) The measures contained within the mitigation plan shall be proportional to the amount and impacts of the proposal being permitted.

(4) The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the register of deeds.

(5) For purposes of administration, and in order to meet the requirements of subsections (r)(2) and (3) above:
   a. Mitigation plans for sites that have greater than 15 percent impervious surface, but less than 30 percent impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark shall meet the requirements specified in appendix "A" of this Code, which is on file with the county zoning office.

(s) **Nonconforming structures.**

(1) The following general provisions shall apply to all nonconforming structures within the shoreland area that do not meet the required water setback:
   a. "Continued use." Any nonconforming structure which existed lawfully at the time of the adoption of the ordinance from which this chapter is derived or amendment thereto may be continued although such structure does not conform with the provisions of this chapter.
   b. "Maintenance, repair, replacement and vertical expansion." An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet in height as defined in this chapter. Expansion of the footprint may be allowed if the expansion is necessary to comply with state or federal requirements. All other requirements of this chapter must be complied with, and the use shall not be allowed to change with the expansion.

(2) In addition to the general provisions listed in subsection (1) above, the following provisions shall also apply to all nonconforming structures within the shoreland area that do not meet required water setbacks:
   a. "Maintenance, repair or replacement of nonconforming principal structure." An existing principal structure that was lawfully placed when constructed but that is less than the required water setback may be maintained, repaired or replaced within its existing building footprint. Expansion of the footprint may be allowed if necessary to comply with applicable state or federal requirements.
   b. "Expansion of nonconforming principal structure within the setback." An existing principal structure that was lawfully placed when constructed but that does not comply with the required water setbacks may be expanded laterally, provided that all of the following requirements are met:
      1. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
      2. The existing principal structure is at least 35 feet from the ordinary high-water mark.
      3. Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing structure. Proper verification of the size, location, height, use and dimensions of the nonconforming principal structure shall be made by department staff prior to commencement of the maintenance, repair or
replacement, and those verified dimensions strictly adhered to as required by this Code.

4. The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner within the life of the land use permit. The mitigation plan shall include enforceable obligations of the property owner to establish and/or maintain measures that the county determines adequate to offset the impacts of the proposal on water quality, near shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The measures contained within the mitigation plan shall be proportional to the amount and impacts of the proposal being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the register of deeds. For purposes of administration, and in order to meet the above requirements the mitigation plan shall meet the requirements specified in appendix "A" of this Code, which is on file with the county zoning office.

5. All other provisions of applicable Waushara County Codes, including but not limited to, floodplain, sanitary, shoreland and zoning codes, shall be met.

c. "Expansion of nonconforming principal structures where all new construction will meet required setbacks, including the water setback." An existing principal structure that was lawfully placed when constructed, and that does not comply with the required water setback, may be expanded horizontally, landward or vertically, provided that the expanded area meets all required setbacks, and provided that all of the following requirements are met:

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

2. All other provisions of applicable Waushara County Codes, including but not limited to, floodplain, sanitary, shoreland and zoning codes, shall be met.

d. "Relocation of nonconforming principal structure." An existing principal structure that was lawfully placed when constructed but that does not comply with the required water setback may be relocated on the property provided all of the following requirements are met:

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

2. The existing principal structure is at least 35 feet from the ordinary high-water mark.

3. No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure. Proper verification of the size, location, height, use and dimensions of the nonconforming principal structure shall be made by department staff prior to commencement of the replacement, and those verified dimensions shall be strictly adhered to as required by this Code.

4. The relocated structure is limited to its existing building footprint and no increase in impervious surfaces is permitted, unless the increase in impervious surface complies with the provisions of subsection 58-903(q).

5. The county determines that no other location is available on the property to construct a principal structure that can be contained within the existing building envelope and that will result in compliance with the required water setback.

6. The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner within the life of the land use permit. The mitigation plans shall include enforceable obligations of the property owner to establish and/or maintain measures that the county determines adequate to offset the impacts of the proposal on water quality, near shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The measures contained within the mitigation plan shall be proportional to the amount and impacts of the proposal being
permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the register of deeds. For purposes of administration, and in order to meet the above requirements the mitigation plan shall meet the requirements specified in appendix "A" of this Code, which is on file with the county zoning office.

7. All other provisions of applicable Waushara County Codes, including but not limited to, floodplain, sanitary, shoreland and zoning codes, shall be met.

e. "Replacement and/or vertical expansion of nonconforming principal structure within the setback." An existing principal structure that was lawfully placed when constructed but that does not comply with the required water setback may be replaced and/or expanded vertically, provided that all of the following requirements are met:

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

2. No portion of the replaced and/or vertically expanded structure may be located any closer to the ordinary high-water mark than the closest point of the existing principal structure, and proper verification of the size, location, use and dimensions of the nonconforming principal structure is made by department staff prior to commencement of the vertical expansion, and those verified dimensions are strictly adhered to.

3. Replacement and/or vertical expansion is limited to the existing building footprint with no increase in impervious surfaces, and to the height limitations in subsection 58-903(t).

4. All other provisions of applicable Waushara County Codes, including but not limited to, floodplain, sanitary, shoreland and zoning codes, shall be met.

f. "Boathouses." The maintenance and repair of nonconforming boathouses which extend beyond the ordinary high-water mark of any navigable waters shall be required to comply with Wis. Stats. § 30.121. If an existing boathouse has a flat roof, the flat roof may be used as a deck provided the roof area has no side walls or roof. A railing that meets DSPS standards may be installed for safety purposes.

g. Any structural alteration or repair to any nonconforming use or structure located within the floodplain shall comply with chapter 18 of this Code.

h. An existing accessory building or structure that was lawfully placed when constructed but that does not comply with the required water setbacks of this Code may be maintained and repaired within its existing building envelope.

i. Vertical expansion of structures granted a shoreland variance prior to July 13, 2015, shall be allowed to expand vertically provided all other provisions of this Code are complied with.

(t) Height limitations. No construction is permitted which results in any structure or building taller than 35 feet within 75 feet of the ordinary high-water mark of any navigable waters.

Note: The aforementioned revisions come as a result of months of deliberation with the Department of Natural Resources. There has been disagreement over the past couple of years with regard to current County Codes and compliance with 2015 Wisconsin Act 55 (the Budget Bill), 2015 Wisconsin Act 167, and 2015 Wisconsin Act 391. It is believed the proposed revisions will bring us into full compliance with said Acts.
EFFECTIVE DATE
Upon passage by the County Board of Supervisors, the amendments will be in full force and effect, as provided for in Section 59.97(5)(e), Wis. Stats.

Ordinance ____________

Ayes_________ Nays_________ Abstain_________ ( ) Voice Vote

Approved and adopted this ______day of _____________, 2019.

Approved: Submitted by:

___________________________ _______________________
Ruth Zouski, Mike Kapp, Chairman
Corporation Counsel Planning & Zoning Committee

Attest: Signed by:

__________________________ _______________________
Megan Kapp, Donna Kalata, Chairperson
Waushara County Clerk Waushara Co. Board of Supervisors