

CHAPTER 31 SHORELAND ZONING

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

(1) Statutory Authorization. This chapter is adopted pursuant to Sections 59.97, 59.971, 59.99, 87.30, and 144.26 of the Wisconsin Statutes.

(2) Finding of Fact. Uncontrolled use of the shorelands and pollution of the navigable waters of Taylor County adversely affects the public health, safety, convenience, and general welfare, and impairs the tax base. The purposes of this chapter are to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty.

(3) Purpose. For the purpose of promoting the public health, safety, convenience, and welfare, this chapter is established to:

(a) Further the maintenance of safe and healthful conditions and prevent and control water pollution through limiting structures to those areas where soil and geological conditions will provide a safe foundation; establishing minimum lot sizes to provide adequate area for private sewage disposal facilities; controlling filling and grading to prevent serious soil erosion problems.

(b) Protect spawning grounds, fish, and aquatic life through preserving wetlands and other fish and aquatic habitat; regulating pollution sources; controlling shoreline alterations, dredging and lagooning.

(c) Control building sites, placement of structures and land uses through separating conflicting land uses; prohibiting certain uses detrimental to the shoreland area; setting minimum lot sizes and widths; regulating side yards and building setbacks from waterways.

(d) Preserve shore cover and natural beauty through restricting the removal of natural shoreland cover; preventing shoreline encroachment by structures, controlling shoreland excavation and other earth-moving activities; regulating the use and placement of boathouses and other structures.

(4) Title. This chapter may be cited as the "Taylor County Shoreland Zoning Chapter."

31.01 GENERAL PROVISIONS.

(1) Areas to be Regulated. Areas regulated by this chapter are all the lands (referred to herein as shorelands) in the unincorporated areas of Taylor County that are:

(a) Within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds, or flowages. Lakes, ponds, or flowages in Taylor County shall be presumed to be

navigable if they are listed in the Wisconsin Department of Natural Resources publication "Surface Water Resources of Taylor County": or are shown on United States Geological Survey quadrangle maps or other zoning base maps.

(b) Within 300 feet of the ordinary high-water mark of navigable rivers or streams, or to the edge of the floodplain, whichever distance is greater. Rivers and streams in Taylor County shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on United States Geological Survey quadrangle maps. Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, County soil survey maps, or other existing County floodplain zoning maps shall be used to delineate floodplain areas.

(2) Determinations of Navigability and Ordinary High-Water Mark Location Shall Initially Be Made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary high-water mark.

(3) Pursuant to Section 144.26(2)(d), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning chapter does not apply to lands adjacent to farm drainage ditches if:

(a) Such lands are not adjacent to a natural navigable stream or river;

(b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and

(c) Such lands are maintained in nonstructural agricultural use.

(4) Shoreland Zoning Maps. The maps designated below are adopted and made part of this chapter. They are and shall continue to be filed in the Office of the Zoning Administrator for Taylor County.

(a) United States Geological Survey Quadrangle maps for Taylor County (revised 1973);

(b) Wisconsin Wetlands Inventory maps stamped "FINAL" on January 4, 1985;

(c) Floodplain zoning maps identified as United States Department of Housing & Urban Development Flood Hazard Boundary Maps dated December 1, 1978.

(5) Compliance. The use of any land or water; the size, shape and placement of lots; the use, size, type, and location of structures on lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, lagooning, dredging of any lands; the cutting of shoreland vegetation; the subdivision of lots, shall be in full compliance with the terms of this chapter and other applicable local, state, or federal regulations unless permitted by Section 59.07(10), Wisconsin Statutes, pertaining to nonconforming uses. Buildings, signs, and other structures shall require a permit unless otherwise expressly

excluded by a provision of this chapter. Property owners, builders, and contractors are responsible for compliance with the terms of this chapter.

(6) Municipalities and State Agencies Regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply when Section 13.48(13), Wisconsin Statutes, applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Section 30.12(4)(a), Wisconsin Statutes, applies.

(7) Abrogation and Greater Restrictions.

(a) The provisions of this chapter supersede all the provisions of any county zoning ordinance adopted under Section 59.97, Wisconsin Statutes, which relate to shorelands. However, where an ordinance adopted under a statute other than Section 59.97, Wisconsin Statutes, is more restrictive than this chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(b) This chapter shall not require approval or be subject to disapproval by any town or town board. If an existing town ordinance relating to shorelands is more restrictive than this chapter, the town ordinance continues in all respects to the extent of the greater restrictions, but not otherwise.

(c) This chapter is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

(8) Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the County; and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this chapter is required by a standard in Chapter NR 115, Wisconsin Administrative Code, and where the chapter provision is unclear, the provision shall be interpreted in light of the Chapter NR 115 standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter.

(9) Severability. If any portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

31.02 LAND DIVISION REVIEW AND SANITARY REGULATIONS.

(1) Land Division Review. The County shall review, pursuant to Section 236.45, Wisconsin Statutes, all land divisions in shoreland areas which create three or more parcels or building sites of five acres each or less within a five year period. In such review the following factors shall be considered:

- (a) Hazards to the health, safety, or welfare of future residents;
- (b) Proper relationship to adjoining area;

- (c) Public access to navigable waters, as required by law;
- (d) Adequate storm drainage facilities;
- (e) Conformity to state law and Administrative Code provisions.

(2) Limited Rezoning to Achieve Reduced Lot Sizes and Setbacks.

(a) Purpose. In instances where an individual lot or small tract of land has unique characteristics, such as unique terrain which would result in unnecessary hardship as defined in Section 31.25(2)(v) of this chapter, if the owner were required to comply with one or more of the requirements for minimum lot sizes, width and setback, the Board of Adjustments may grant a variance. Where larger areas are involved, the appropriate method for seeking a relaxation of the same minimum standards is by rezoning to establish a Planned Residential Unit Development overlay. The Planned Residential Unit Development is intended to permit smaller lots and setbacks where the physical layout of the lots is so arranged (often by setting them back farther from navigable water) as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Residential Unit Development at the time of its approval. A condition of all Planned Residential Unit Development is the preservation of appropriate open space, preferably on the shoreland, in perpetuity.

(b) Requirements for Planned Residential Unit Development. The County Board may, at its discretion, upon its own motion or upon petition, approve a Planned Residential Unit Development either by approving first an overlay district and then a plat or by approving only a plat for the specifically planned residential project upon finding, after a public hearing, that all of the following facts exist:

1. Area. The area proposed for the Planned Residential Unit Development is at least 40 acres in size.

2. Pollution Control. The location and nature of the septic systems which will serve the homesites individually or collectively will assure that effluent from the septic systems will not reach the ground or surface waters in a condition which would contribute to health hazards, taste, odor, turbidity, fertility, or impair the aesthetic character of navigable waters.

3. Preservation of Ground Cover. The location of homesites and the dedication of part of the land for use by the public or residents of the Planned Residential Unit Development will preserve the ground cover of the shoreland and scenic beauty of the navigable water, prevent erosion, and other pertinent factors. Land not used for lots and streets shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of lots in the development or to a corporation formed by them, or by dedication to the county, town, or municipality. Lands dedicated to the public must be accepted by action of the governing body of the accepting unit of government. If the land is to be conveyed to owners of lots in the development, a homeowner's association or similar legally constituted body shall be created to maintain the open space land. Any restriction placed on platted land by covenant, grant of easement or

any other manner which was required by a public body or which names a public body as grantee, promisee or beneficiary, shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction.

4. Density. The number of platted homesites shall not exceed those, which would have been possible, if the same land were platted in accordance with the minimum lot sizes, setbacks, and widths provided by the applicable provisions of the zoning ordinance. This figure shall be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot sizes required by Section 31.04 of this chapter.

5. Lot Sizes, Widths, Setbacks, and Tree-cutting. The lot sizes, widths, and setbacks shall not be less than those provided for in current status Chapter ILHR 85, Wisconsin Administrative Code, and shall not be so small as to cause pollution or erosion along streets or other public ways and waterways or so small as to substantially depreciate the property values in the immediate neighborhood. Shore cover provisions in Section 31.07 of this chapter shall apply except that maximum width of a lake frontage opening shall be 100 feet.

(c) Procedure for Establishing a Planned Residential Unit Development District. The procedure for establishing limited rezoning in the form of a Planned Residential Unit Development district is:

1. Petition. A petition setting forth all of the facts required in Section 31.02(2)(b) of this chapter shall be submitted to the Zoning Administrator with sufficient copies to provide for distribution by the Administrator as required by Section 31.02(2)(c)(2) of this chapter, together with a filing fee set by the Zoning Committee.

2. Review and Hearing. The petition shall be submitted to the County zoning agency established as required by Section 59.97(3)(d), Wisconsin Statutes, which shall hold a public hearing and report to the County Board as required by law. Copies of the petition and notice of the hearing shall also be sent to the appropriate district office of the Department as described in Section 31.22(3) of this chapter. The County zoning agency's report to the County Board shall reflect the recommendations of any federal, state, or local agency with which the County zoning agency consults. If a petition seeks approval of a Planned Residential Unit Development plat without first seeking the granting of an overlay district, a hearing shall be held on such plat as in any regular amendment to the zoning ordinance. If, however, a hearing is first held on the overlay for a Planned Residential Unit Development district, a second public hearing, need not be held in connection with the approval of a subsequent plan or plats which comply with the overlay district as approved.

3. Findings and Conditions of Approval. The County Board shall make written findings as to the compliance or noncompliance of the proposed overlay district with each of the applicable requirements set forth in Section 31.02(2)(b). If the petition is granted in whole or part, the County Board shall attach such written conditions to the approval as are required by and consistent with Section 31.02(2)(b). The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks, and the location of septic systems and the preservation of ground cover and open space.

4. Planning Studies. A landowner or petitioner may at his own expense develop the facts required to establish compliance with the provisions of Section 31.02(2)(b) or may be required to contribute funds to the County to defray all or part of the cost of such studies being undertaken by the County or any agency or person with whom the County contracts for such work.

31.03 SANITARY REGULATIONS. The County adopts the following sanitary regulations for the protection of health and the preservation and enhancement of water quality:

(1) Where public water supply systems are not available, private well construction shall be required to conform to Chapter NR 112, Wisconsin Administrative Code.

(2) Where a public sewage collection and treatment system is not available, design and construction of private sewage disposal systems shall be governed by Chapter 32, Taylor County Code, and by Section 31.04 of this chapter.

31.04 DIMENSIONS OF BUILDING SITES.

(1) Lots Not Served by Public Sanitary Sewer.

(a) Minimum Area and Width for Each Main Building. The minimum lot area shall be 20,000 square feet and the minimum average lot width shall be 100 feet with at least 100 feet of frontage at the ordinary high-water mark.

(b) Side Yards. There shall be a side yard for each main building. The minimum width of one main side yard shall be 10 feet. The minimum combined width of both main side yards shall be 25 feet. There shall be a side yard of 5 feet for accessory structures excluding fences.

(2) Lots Served by Public Sanitary Sewer.

(a) Minimum Area and Width for Each Main Building. The minimum lot area shall be 10,000 square feet and the minimum average lot width shall be 65 feet with at least 65 feet of frontage at the ordinary high-water mark.

(b) Side Yards. The minimum width of one main side yard shall be 8 feet. The minimum combined width of both main side yards shall be 20 feet. There shall be a side yard of 4 feet for accessory structures excluding fences.

(3) Substandard Lots.

(a) Substandard Lots Served by a Public Sanitary Sewer. A substandard lot served by a public sanitary sewer which is at least 7,500 square feet in area and is at least 50 feet in width at the ordinary high-water mark may be used as a building site for a single family dwelling upon issuance of a zoning permit by the zoning administrator if it meets all of the following requirements:

History: Amended, Ordinance 310, 3/92

1. Such use is permitted in the zoning district;
2. The lot was on record in the County register of deeds office prior to the effective date of this chapter;
3. The lot was in separate ownership from abutting lands prior to the effective date of this chapter. If abutting lands and the substandard lot were owned by the same owner as of the effective date of this chapter, the substandard lot shall not be sold or used without full compliance with the terms of this chapter, including minimum area and width requirements found in Sections 31.04(1) and 31.04(2) of this chapter.

(b) Substandard Lots Not Served by Public Sanitary Sewer. A substandard lot not served by public sanitary sewer which is at least 10,000 square feet in area and at least 65 feet in width at the ordinary high-water mark may be used as a building site for a single-family dwelling upon issuance of a zoning permit by the Zoning Administrator if its meets all of the requirements of Section 31.04(3)(a) of this chapter.

(c) Other Substandard Lots. Except for lots which meet the requirements of Sections 31.04(3)(a) and 31.04(3)(b), a building permit for the improvement of a lot having lesser dimensions than those stated in Sections 31.04(1) and 31.04(2) shall be issued only after the granting of a variance by the Board of Adjustments.

(4) Lots in Cluster Subdivisions. Lots in cluster subdivisions not served by public sanitary sewers may be reduced to the minimum allowed by private sewage system regulations pursuant to Section 31.02(2) of this chapter.

31.05 SETBACKS FROM THE WATER.

(1) Lots that Abut on Navigable Waters. All buildings and structures, except piers, boat hoists, boathouses, and open fences which may require a lesser setback, shall be set back at least 75 feet from the ordinary high-water mark of navigable waters.

(2) Reduced Building Setbacks. A setback of less than that required by Section 31.05(1) may be permitted by the Zoning Administrator where there is at least one main building on either side of the applicant's lot, within 400 feet of the proposed site that is built to less than the required setback. In such case, the setback shall be the average of the setbacks of the nearest main building on each side of the proposed site; or, if there is an existing main building on only one side, the setback shall be the average of the existing building's setback and the required setback. Any other setback reduction may be permitted by the Board of Adjustments pursuant to Section 31.17 of this chapter.

(3) Boathouses. The use of a boathouse for human habitation and the construction of placing of a boathouse waterward beyond the ordinary high-water mark of any navigable waters are prohibited. Boathouses shall be designed solely for storage of boats and related equipment. The highest point of the roof elevation of the boathouse shall not be more than 10 feet vertical measurement above the ordinary high-water mark. Railings may be placed on top of the boathouse in excess of the 10-foot height standard provided the railing is not solid in appearance and not greater than 3.5 feet in height. Boathouses shall not be

constructed where the existing slope is more than 20 percent. Boathouses shall be located at least one foot above the ordinary high-water mark and shall not exceed 600 square feet.

31.06 SETBACKS FROM HIGHWAYS WITHIN THE SHORELANDS OF NAVIGABLE WATERS.

(1) The setback of buildings and other structures from all state and federal highways shall be 110 feet from the centerline of the highway or 50 feet from the right-of-way line, whichever is greater.

(2) The setback of buildings and other structures from all county trunk highways shall be 75 feet from the centerline of such highway or 42 feet from the right-of-way line, whichever is greater.

(3) The setback of buildings and other structures from all town roads and/or public streets shall be 55 feet from the centerline of such road or street or 22 feet from the right-of-way line, whichever is greater.

(4) In each quadrant of every public highway, road, or street intersection there shall be a visual clearance triangle bounded by the highway, road, or street centerlines and a line connecting points on them 300 feet from a state or federal highway intersection, 200 feet from a county trunk highway intersection and 150 feet from a town road or public street intersection.

(5) Objects permitted within highway setback lines and visual clearance triangles are:

(a) Open fences;

(b) Telephone, telegraph, and power transmission poles, lines and portable equipment, and livestock housings that are readily removable in their entirety;

(c) The planting and harvesting of field crops, shrubbery and trees, except that no trees, shrubbery or crops shall be planted within a visual clearance triangle so as to obstruct the view.

31.07 REMOVAL OF SHORE COVER.

(1) Purpose. The purpose of tree and shrubbery cutting regulations applicable to the shoreland area is to protect scenic beauty, control erosion and reduce effluent and nutrient flow from the shoreland. The provisions shall not apply to the removal of dead, diseased, or dying trees or shrubbery at the discretion of the landowner, or to silvicultural thinning upon recommendation of a forester.

(2) Shoreline Cutting. Tree and shrubbery cutting in an area parallel to the ordinary high-water mark, and extending 35 feet inland from all points along the ordinary high-water mark is limited to:

(a) No more than 30 feet in any 100 feet, as measured along the ordinary high-water mark, may be clear cut to the depth of the 35-foot area.

(b) Natural shrubbery shall be preserved as far as practicable; and, where removed, it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and preserving natural beauty.

(3) Paths. Any path, road, or passage within the 35-foot area shall be constructed and surfaced so as to effectively control erosion.

(4) Cutting Plan. As an alternative to Section 31.07(2), a special cutting plan allowing greater cutting may be permitted by the Board of Adjustments by issuance of a special exception permit, pursuant to Section 31.13. An application for such a permit shall include a sketch of the lot providing the following information: location of parking, topography of the land, existing vegetation, proposed cutting, and proposed replanting. The Board may grant such a permit only if it finds that such special cutting plans:

(a) Will not cause undue erosion or destruction of scenic beauty; and

(b) Will provide substantial visual screening from the water of dwellings, accessory structures, and parking areas. Where the plan calls for replacement plantings, the Board may require the submission of a bond that guarantees the performance of the planned tree or shrubbery replacement by the lot owner.

(5) Cutting More than 35 Feet Inland. From the inland edge of the 35-foot area to the outer limits of the shoreland, the cutting of trees and shrubbery shall be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality.

31.08 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING.

(1) General Standards. Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under Section 31.08(2) may be permitted in the shoreland area 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 a shoreland-wetland district meets the requirements of Sections 31.09(3)(b) and 31.09(3)(c) of this chapter.

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

(d) Any fill placed in the shoreland area is protected against erosion by the use of rip-rap, vegetative cover, or a bulkhead.

(e) Normal agricultural cultivation shall not require a permit under this chapter.

(2) Permit Required. Except as provided in Section 31.08(3), a special permit is required:

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

1. Any filling or grading on slopes of more than 20 percent;
2. Filling or grading of more than 10,000 square feet.

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

(3) Soil Conservation Practices. Soil conservation practices such as terraces, runoff diversions and grassed waterways which are used for erosion control shall not require a permit under Section 31.08(2) when designed and constructed to Soil Conservation Service technical standards.

(4) Permit Conditions. In granting a special exception permit under Section 31.08(2), the Board of Adjustments shall attach the following conditions, where appropriate, in addition to those provisions specified in Sections 31.14 and 31.15.

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

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

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

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

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

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

(g) Channels or artificial watercourses shall be constructed with side slopes of two units horizontal distance to one unit vertical or flatter which shall be promptly vegetated, unless bulkheads or rip-rap are provided.

31.09 SHORELAND-WETLAND DISTRICT.

(1) Designation. This district shall include all shorelands within the jurisdiction of this chapter which are wetlands of five acres or more (excluding point symbols), and which are

shown on the Wisconsin Wetland Inventory maps that are adopted and made a part of this chapter. A portion of a wetland which is less than five acres in size, and which is located in the unincorporated shoreland area within the County, shall be included in the shoreland-wetland district where the wetland as a whole is five acres or larger, but extends across the corporate limits of a municipality, across the County boundary or across the shoreland limits, so that the wetland is not regulated in its entirety by the County.

Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory maps and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contract the appropriate district office of the Department to determine if the shoreland-wetland district boundary as mapped is in error. If Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. The Zoning Administrator shall initiate a map amendment to correct these map discrepancies.

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

(3) Permitted Uses. The following uses shall be allowed, subject to general shoreland zoning regulations contained in this chapter, the provisions of Chapters 30 and 31, Wisconsin Statutes, and the provisions of other applicable local, state, and federal laws.

(a) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling, or excavating except as allowed under Section 31.09(5) or 31.22.

1. Hiking, fishing, trapping, hunting, swimming, and boating;
2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
3. The pasturing of livestock;
4. The cultivation of agricultural crops;
5. The practice of silviculture, including the planting, thinning, and harvesting of timber; and
6. The construction or maintenance of duck blinds.

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

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

2. The cultivation of cranberries including flooding, dike and dam construction, or ditching necessary for the growing and harvesting of cranberries;

3. The maintenance and repair of existing agricultural drainage systems where permissible by Section 30.20, Wisconsin Statutes, including ditching, tiling, dredging, excavating, and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that the filling is permissible by Chapter 30, Wisconsin Statutes, and that dredged spoil is placed on existing spoil banks where possible;

4. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;

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

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

(c) Uses which require the issuance of a zoning permit under Section 31.12 and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:

1. The construction and maintenance of roads that are necessary to conduct silvicultural activities or agricultural cultivation provided that:

a. The road cannot, as a practical matter, be located outside the wetland;

b. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 31.09(5)(b);

c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;

d. Road construction activities are carried out in the immediate area of the roadbed only.

2. The construction or maintenance of nonresidential buildings, provided that:

a. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;

b. The building cannot, as a practical matter, be located outside the wetland;

c. Such building is not designed for human habitation and does not exceed 500 square feet in floor area; and

d. Only limited filling or excavating necessary to provide structural support for the building is authorized.

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

a. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Chapter 29, Wisconsin Statutes, where applicable;

b. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in Section 31.09(3)(c) and;

c. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

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

a. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;

b. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 31.09(5)(b).

(4) Prohibited Uses. Any use not listed in Sections 31.09(3)(a), (b) or (c) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this chapter in accordance with Section 31.09(5) of this chapter and Section 59.97(5)(e), Wisconsin Statutes.

(5) Rezoning Of Lands In The Shoreland-Wetland District.

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

1. A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this Code, within 5 days of the filing of such petition with the Zoning Administrator. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this chapter, describing any proposed rezoning of a shoreland-wetland.

2. Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;

3. A copy of the County zoning agency's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the County Board;

4. Written notice of the County Board's decision on the proposed amendment within 10 days after it is issued.

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

1. Storm and flood water storage capacity;

2. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;

3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

4. Shoreline protection against soil erosion;

5. Fish spawning, breeding, nursery or feeding grounds;

6. Wildlife habitat; or

7. Areas of special recreational, scenic or scientific interest, including scarce wetland types.

(c) If the Department notifies the County zoning agency that a proposed text or map amendment to the shoreland-wetland provisions of this chapter may have a significant adverse impact upon any of the criteria listed in Section 31.09(5)(b) of this chapter, that amendment, if approved by the County Board, shall contain the following provision:

This amendment shall not take effect until more than 30 days have elapsed after written notice of the County Board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the County under Section 59.971(6), Wisconsin Statutes. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the Section 59.971(6) adoption procedure is completed or otherwise terminated.

31.10 NONCONFORMING USES AND STRUCTURES.

(1) The lawful use of a building, structure, or property which existed at the time this chapter, or an applicable amendment to this chapter, took effect and which is not in conformity with the provisions of this chapter, including the routine maintenance of such a building or structure, may be continued subject to the following conditions:

(a) If a nonconforming use is discontinued for 12 consecutive months, any future use of the building, structure, or property shall conform to this chapter.

(b) The maintenance and repair of nonconforming boathouses that extend waterward beyond the ordinary high-water mark of any navigable waters shall comply with the requirements of Section 31.121, Wisconsin Statutes.

History: Amended, Ordinance 310, 3/92

(c) If the nonconforming use of a temporary structure is discontinued, such nonconforming use may not be recommenced.

(d) Uses that are nuisances shall not be permitted to continue as nonconforming uses.

(e) No structural alterations, additions, or repairs to any building or structure with a nonconforming use of any nonconforming building or structure, over the life of the building or structure shall exceed 50 percent of its current estimated fair market value. Alterations/repairs over \$500.00 shall require a zoning permit.

History: Amended, Ordinance 310, 3/92

(f) If the alteration, addition, or repair of a building or structure with a nonconforming use or nonconforming building or structure is prohibited because it exceeds 50 percent of its current estimated fair market value under (e); the property owner may still make the proposed alteration, addition, or repair if:

1. A nonconforming use is permanently changed to a conforming use;

or

2. The property owner appeals the determination of the Zoning Administrator and either the County Board of Adjustments or the circuit court find in the property owner's favor under Sections 59.99(4) or 59.99(10), Wisconsin Statutes; or

3. The property owner successfully petitions to have the property rezoned by amendment to this chapter in accordance with Section 31.22 of this chapter and Section 59.97(5)(e), Wisconsin Statutes.

31.11 ADMINISTRATIVE PROVISIONS.

(1) Zoning Administrator. The Zoning Administrator and his deputies, assistants, and staff have the following duties and powers.

(a) Advise applicants as to the provisions of this chapter and assist them in preparing permit applications and appeal forms.

(b) Issue permits and inspect properties for compliance with this chapter.

(c) Keep records of all permits issued, inspections made, work approved, and other official actions.

(d) Submit copies of variances, special exceptions, and decisions on appeals for map or text interpretations and map or text amendments within 10 days after they are granted or denied to the appropriate district office of the Department.

(e) Investigate and report violations of this chapter to the appropriate DNR district office Regional Water Specialist, County Zoning Committee, and the district attorney or corporation counsel.

(f) Prohibit the use of new private water supply or private sewage disposal systems not in compliance with the requirements of this chapter until the Zoning Administrator has inspected and approved such system or systems.

(g) Inspect new and existing sewage and water systems.

(h) Have access to any structure or premises between the hours of 8 a.m. and 6 p.m. for the purpose of performing duties.

(i) Make necessary on-site investigations required for administration.

31.12 ZONING PERMITS.

(1) When Required. Except where another section of this chapter specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in Section 31.25(2)(f), major renovation or repair over \$500.00 or any change in the use of an existing building or structure is initiated.

History: Amended, Ordinance 310, 3/92

(2) Application. The Taylor County Zoning Committee shall, periodically, with the advice and input of the Taylor County Zoning Administrator, review the Application for Zoning Permit in use by Taylor County. The Zoning Committee shall by resolution adopt an

application form to be the official Taylor County Permit Application Form. An application for a zoning permit shall be made to the Zoning Administrator upon the application form furnished by the county, together with the fee set by the Zoning Committee. All information requested on the application form shall be truthfully provided by the applicant. Failure by the applicant to provide information requested on the application form shall be grounds for the Zoning Administrator to refuse to issue any permits requested. Incorrect or falsely provided information shall be grounds for revocation of any permits issued in reliance upon the application form. In addition to revocation of any permits, all work completed to the date of revocation shall be deemed to be noncompliant and Taylor County may seek to have it removed from the premises.

History: Amended, Ordinance 567, 4/20/2010

(3) Expiration of Permit. Zoning permits shall expire 24 months from the date issued, unless a 12-month extension is approved and no substantial work has commenced.

31.13 SPECIAL EXCEPTION PERMITS.

(1) Application for a Special Exception Permit. Any use listed as a special exception in this chapter is prohibited unless an application has been submitted to the Zoning Administrator, with the fee set by the Zoning Committee, and a special exception permit has been granted by the Board of Adjustments.

(2) Permitted Uses. The following uses are permitted upon the issuance of a special exception permit. Unless a greater distance is specified, any of the following structures shall be at least 100 feet from a residence other than that of the owner of the establishment, his agent, or employees, and 50 feet from any side lot line.

(a) Hotels, resorts (including two or more seasonal, single-family dwellings for rent or lease), motels, restaurants, dinner clubs, taverns, and other private clubs.

(b) Institutions of a philanthropic or educational nature.

(c) Recreational camps and campgrounds provided all buildings shall be not less than 100 feet from the side lot lines. Recreational camps shall conform to Chapter ILHR 75, Wisconsin Administrative Code; and campgrounds shall conform to Chapter ILHR 78, Wisconsin Administrative Code, all of which shall apply as amended.

(d) Gift and specialty shops customarily found in recreational areas.

(e) Marinas, boat liveries, sale of bait, fishing equipment, boats and motors, fish farms, and forest industries.

(f) Mobile home parks, which shall conform to the requirements of Chapter ILHR 77, Wisconsin Administrative Code.

(g) Travel trailer parks, which shall conform to the requirements of Chapter ILHR 78, Wisconsin Administrative Code.

31.14 STANDARDS APPLICABLE TO ALL SPECIAL EXCEPTIONS. In passing upon a special exception permit, the Board of Adjustments shall evaluate the effect of the proposed use upon:

- (1) The maintenance of safe and healthful conditions.
- (2) The prevention and control of water pollution including sedimentation.
- (3) Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.
- (4) The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
- (5) The location of the site with respect to existing or future access roads.
- (6) The need of the proposed use for a shoreland location.
- (7) Its compatibility with uses of adjacent land.
- (8) The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
- (9) Location of factors under which:
 - (a) Domestic uses shall be generally preferred;
 - (b) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be pollution source;
 - (c) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.
 - (d) Farm animals shall be housed at least 100 feet from any residential dwelling on a non-farm lot. Barnyards, feed lots, and farm buildings housing animals shall be at least 100 feet from any navigable water and shall be so located that manure will not drain into any navigable water.

31.15 CONDITIONS ATTACHED TO SPECIAL EXCEPTIONS. Upon consideration of the factors listed above, the Board of Adjustments shall attach such conditions, in addition to those required elsewhere in this chapter, as are necessary to further the purposes of this chapter. Violation of any of these conditions shall be deemed a violation of this chapter. Such conditions may include specifications for, without limitation because of specific enumerations; type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking, and signs; and type of construction. To secure information upon which to base its determination, the Board of Adjustments may require the applicant to furnish, in addition to the information required for a zoning permit, the following information:

(1) A plan of the area showing surface contours, soil types, ordinary high-water marks, ground water conditions, subsurface geology and vegetative cover.

(2) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space, and landscaping.

(3) Plans of buildings, sewage disposal facilities, water supply systems, and arrangement of operations.

(4) Specifications of areas of proposed filling, grading, lagooning, or dredging.

(5) Other pertinent information necessary to determine if the proposed use meets the requirements of this Code.

31.16 PROCEDURE.

(1) Notice, Public Hearing, and Decision. Before passing upon an application for a special exception permit, the Board of Adjustments shall hold a public hearing. Notice of such public hearing, specifying the time, place, and matters to come before the Board, shall be given as a Class 2 notice under Chapter 985, Wisconsin Statutes. Such notice shall be mailed to the appropriate district office of the Department at least 10 days prior to the hearing. The Board shall state in writing the grounds for granting or refusing a special exception permit.

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

(3) Revocation. Where conditions of a special exception permit are violated, the special exception permit shall be revoked by the Board of Adjustments.

31.17 VARIANCES.

(1) Appeal. The Board of Adjustments may grant upon appeal a variance from the dimensional standards of this chapter where an applicant convincingly demonstrates that literal enforcement of the provisions of the chapter will:

- (a) Result in unnecessary hardship on the applicant;
- (b) Due to special conditions unique to the property; and
- (c) That such variance is not contrary to the public interest.

(2) No Use Variance. A variance shall not grant or increase any use of property that is prohibited in the zoning district.

(3) Notice, Hearing, and Decision. Before passing on an application for a variance, the Board of Adjustments shall hold a public hearing. Notice of such hearing specifying the time, place, and matters of concern shall be given via a Class 2 notice under Chapter 985, Wisconsin Statutes. Such notice shall be mailed to the appropriate district office of the Department at least 10 days prior to the hearing. The Board shall state in writing the reasons for granting or refusing a variance and shall mail a copy of such decision to the appropriate Department district office within 10 days of the decision.

31.18 BOARD OF ADJUSTMENTS.

(1) Appointment. The chairman of the County Board shall appoint a Board of Adjustments consisting of three members pursuant to Section 59.99, Wisconsin Statutes. The County Board may adopt such rules for the conduct of the business of the Board of Adjustments pursuant to Section 59.99(3), Wisconsin Statutes.

(2) Powers and Duties.

(a) The Board of Adjustments shall adopt such rules as it deems necessary and may exercise all of the powers conferred on such boards by Section 59.99, Wisconsin Statutes.

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

(c) It shall hear and decide applications for special exception permits pursuant to Section 31.13.

(d) It may grant a variance from the dimensional standards of this chapter pursuant to Section 31.17.

31.19 APPEALS TO THE BOARD. Appeals to the Board of Adjustments may be made by any person aggrieved or by an officer, department, board, or bureau of the County affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be made within a reasonable time, as provided by the rules of the Board, by filing with the officer whose decision is in question, and with the Board of Adjustments, a notice of appeal specifying the reasons for the appeal, together with a fee set by the Zoning Committee. The Zoning Administrator or other officer whose decision is in question shall promptly transmit to the Board all the papers constituting the record concerning the matter appealed.

31.20 HEARING APPEALS AND APPLICATIONS FOR VARIANCES AND SPECIAL EXCEPTION PERMITS.

(1) The Board of Adjustments shall fix a reasonable time for a hearing on the appeal or application. The Board shall give public notice thereof by publishing a Class 2 notice under Chapter 985, Wisconsin Statutes, specifying the date, time and place of the hearing, and the matters to come before the Board. Notice shall be mailed to the parties in interest. Written notice shall be given to the appropriate district office of the Department at least 10

days prior to the hearing on the proposed shoreland variances, special exceptions (conditional uses), and appeals for map or text interpretations.

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

(3) The final disposition of an appeal or application to the Board of Adjustments shall be in the form of a written resolution or order signed by the chairman and secretary of the Board. Such resolution shall state the specific facts which are the basis of the Board's determination and shall either affirm; reverse; vary; or modify the order, requirement, decision, or determination appealed (in whole or in part); dismiss the appeal for lack of jurisdiction or prosecution; or grant the application.

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

31.21 FEES. The Zoning Committee may adopt fees for all permits, reviews, and appeals, and applications for them, and may require the applicant or appellant to pay the actual costs of publication of any required notices.

31.22 CHANGES AND AMENDMENTS.

(1) The County Board may, from time-to-time, alter, supplement, or change the boundaries of use districts and the regulations contained in this chapter in accordance with the requirements of Section 59.97(5)(e), Wisconsin Statutes, Chapter NR 115, Wisconsin Administrative Code, and Section 31.09(5) of this chapter where applicable.

(2) Amendments to this chapter may be made on petition of any interested party as provided in Section 59.97(5)(e), Wisconsin Statutes.

(3) Every petition for a text or map amendment filed with the Zoning Administrator shall be referred to the County zoning committee. A copy of each petition shall be mailed to the appropriate district office of the Department within 5 days of the filing of the petition with the County Clerk. Written notice of the public hearing to be held on a proposed amendment shall be mailed to the appropriate district office of the Department at least 10 days prior to the hearing.

(4) A copy of the County Board's decision on each proposed amendment shall be forwarded to the appropriate district office of the Department within 10 days after the decision is issued.

31.23 ENFORCEMENT AND PENALTIES.

(1) Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this chapter or its predecessor in violation of any provision of this chapter or its predecessor, by any person, firm, association, corporation (including building contractors or their agents), is a violation. The Zoning Administrator shall refer violations to the district attorney who shall expeditiously

persecute violations. Any person, firm, association, or corporation including building contractors, well drillers, carpenters, plumbers, electricians, excavators, or his or their agent, who violates or refuses to comply with any of the provisions of this chapter shall forfeit not less than \$25 nor more than \$200 per offense; and in default of payment, shall be confined to the County jail until paid, not to exceed 30 days. A separate offense occurs on each day on which a violation continues. Every violation of this chapter is a public nuisance and may be enjoined and abated pursuant to Section 59.97(11), Wisconsin Statutes.

31.24 NUISANCES.

History: Repealed, Ordinance 310, 3/92

31.25 DEFINITIONS.

(1) For the purpose of administering and enforcing this chapter, the terms or words used herein shall be interpreted as follows:

- (a) Words used in the present tense include the future;
- (b) Words in the singular include the plural;
- (c) Words in the plural include the singular;
- (d) The word "shall" is mandatory, not permissive;
- (e) All distances, unless otherwise specified, shall be measured horizontally.

(2) The following terms used in this chapter mean:

(a) "Accessory structure or use." A detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use.

(b) "Boathouse." Any permanent structure designed solely for the purpose of protecting or storing boats and related equipment for noncommercial purposes and should not be used for human habitation.

History: Amended, Ordinance 310, 3/92

(c) "Campgrounds." Any premises established for overnight habitation by persons using equipment designed for the purpose of temporary camping and for which a fee is charged.

(d) "County zoning agency." The Zoning Committee.

History: Amended, Ordinance 310, 3/92
Amended, Ordinance 410, 2/98

(e) "Department." The Wisconsin Department of Natural Resources.

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

(g) "Drainage system." One or more artificial ditches, tile drains, or similar devices that collect surface runoff or groundwater and convey it to a point of discharge.

(h) "Floodplain." The land that has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in Chapter NR 116, Wisconsin Administrative Code.

(i) "Floodproofing." Any treatment of land or buildings and their attendant water supply and sanitary sewage disposal facilities that reduces the flood damage and water contamination hazard. This includes, but is not limited to, sealing, anchoring, elevating, and filling.

(j) "Lot width." In the case of a shoreland lot, the width of the lot at the waterline.

(k) "Mobile home." A detached single-family dwelling unit designed for long term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems, which is designed on its own wheels.

(l) "Navigable waters." All natural inland lakes within Taylor County and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of this County, including boundary waters which are navigable under the laws of this state. Under Section 144.26(2)(d), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Section 59.971, Wisconsin Statutes, and Chapter NR 115, Wisconsin Administrative Code, do not apply to lands adjacent to farm drainage ditches if:

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

(m) "Ordinary high-water mark." The point on the bank or shore up to which the presence and action of surface water is to continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other readily recognized characteristics.

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

(o) "Setback from a highway." The minimum horizontal distance from the centerline of a highway or its right-of-way line to a structure, measured at right angles to the centerline or right-of-way line.

(p) "Setback from water." The minimum horizontal distance from the ordinary high-watermark of a body of water to the nearest part of a structure.

(q) "Shoreland." Lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond, or flowage, and 300 feet from a river or stream or to the landward side of the floodplain whichever distance is greater.

(r) "Shoreland-wetland district." The zoning district, created as a part of this shoreland-zoning chapter, comprised of shorelands that are designated as wetlands on the wetland maps that have been adopted and made a part of this chapter.

(s) "Silvicultural thinning." A woodland management practice which, for the purposes of this chapter, improves or maintains the quality of adjacent surface water through responsible cutting in shoreland, and by which long-lived species are perpetuated and provision is made for efficient methods of slash disposal.

(t) "Special exception (conditional use)." A use which is permitted by this chapter provided that certain conditions specified in the chapter are met and that a permit is granted by the Board of Adjustments; or, where appropriate, the Planning and Zoning Committee or County Board.

(u) "Structure." Anything constructed or erected, the use of which requires a more-or-less permanent location on or in the ground.

History: Created, Ordinance 310, 3/92

(v) "Subdivision." Any division of a lot, parcel, or tract of land by the owner or his agent for the purpose of sale or building development where:

History: Amended, Ordinance 310, 3/92

1. The act of division creates three or more parcels or building sites of five acres each or less in area; or

2. Three or more parcels or building sites of five acres each or less in area are created by successive divisions within a five-year period.

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

History: Amended, Ordinance 310, 3/92

(x) "Variance." An authorization granted by the Board of Adjustments to construct, alter, or use a building or structure in a manner that deviates from the dimensional standard of this chapter.

History: Amended, Ordinance 310, 3/92

(y) "Waterline." The shortest straight line at the waterfront end of a lot abutting a lake or stream that lies wholly within the lot providing that not less than 75 percent of such waterline shall be on the landward side of the ordinary high-water mark.

History: Amended, Ordinance 310, 3/92

(z) "Wetlands." Those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

History: Ordinance 22, 1/71
Ordinance 68, 4/78
Amended, 9/78
Repealed and Recreated, Ordinance 210, 9/85
Amended, Ordinance 320, 3/92