

SHORELAND PROTECTION ORDINANCE

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

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

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

1.3 PURPOSE AND INTENT NR115.01 For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this ordinance has been established to:

(1) FURTHER THE MAINTENANCE OF SAFE AND HEALTHFUL CONDITIONS AND PREVENT AND CONTROL WATER POLLUTION THROUGH:

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

(2) PROTECT SPAWNING GROUNDS, FISH AND AQUATIC LIFE THROUGH:

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

(3) CONTROL BUILDING SITES, PLACEMENT OF STRUCTURES AND LAND USES THROUGH:

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

(4) PRESERVE AND RESTORE SHORELAND VEGETATION AND NATURAL SCENIC BEAUTY THROUGH:

- (a) Restricting the removal of natural shoreland cover.
- (b) Preventing shoreline encroachment by structures.
- (c) Controlling shoreland excavation and other earth moving activities.
- (d) Regulating the use and placement of boathouses and other structures.

1.4 TITLE. Shoreland Protection Ordinance for Dodge County, Wisconsin

2.0 GENERAL PROVISIONS

2.1 AREAS TO BE REGULATED Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Dodge County which are:

- (1) Within one thousand (1,000) feet of the ordinary high-water mark (OHWM) of navigable lakes, ponds or flowages. (NR 115.03(8))
 - (a) Lakes, ponds or flowages in Dodge County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication FH-800 2009 "Wisconsin Lakes" book available electronically at the following web site: <http://dnr.wi.gov/lakes/lakebook/wilakes2009bma.pdf> they are shown on the United States Geological Survey quadrangle maps (1:24,000 scale), or they are shown on other zoning base maps.
- (2) Within three hundred (300) feet of the OHWM of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. (NR 115.03(8))
 - (a) Rivers and streams in Dodge County shall be presumed to be navigable if they are designated as perennial waterways or intermittent waterways on United States Geological Survey quadrangle maps (1:24,000). Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.
- (3) The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas. Unless specifically exempted by law, all cities, villages, towns, counties and, when s. 13.48 (13), Stats., applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of transportation is not subject to local shoreland zoning ordinances if s. 30.2022 (1), Stats., applies. (NR 115.02). Shoreland zoning requirements in annexed or incorporated areas are as provided in s. 61.353 and s. 62.233, Stats.
- (4) Determinations of navigability and ordinary high-water mark location shall initially be made by the Land Use Administrator. When questions arise, the Land Use Administrator shall contact the appropriate office of the Department Natural Resources for a final determination of navigability or ordinary high-water mark. The County may work with surveyors with regard to s. 59.692(1h)
- (5) Under s. 281.31(2m) Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:
 - (a) Lands adjacent to farm drainage ditches if:
 1. Such lands are not adjacent to a natural navigable stream or river;
 2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - (b) Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

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

2.3 COMPLIANCE (NR 115.04) The use of any land, the size, shape and placement of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, tiling, dredging of any lands, the cutting of shoreland vegetation, the subdivision of lots, shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations.

All development shall require a permit from the Department unless otherwise expressly excluded by a provision of this ordinance.

All structures and buildings shall be located on a lot. If a parcel of land does not meet the definition of a lot, then the parcel of land does not qualify for a County permit under this Ordinance.

Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

2.4 MUNICIPALITIES AND STATE AGENCIES REGULATED Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when s. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.2022(1) Wis. Stats., applies.

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

- (1) (s. 59.692(2)(a), Wis. Stats.) This ordinance shall not require approval or be subject to disapproval by any town or town board.
- (2) (s. 59.692(2)(b), Wis. Stats.) If an existing town ordinance relating to shorelands is more restrictive than this ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.
- (3) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
- (4) (s. 59.692(1d)(b), Wis. Stats.) This ordinance may establish standards to regulate matters that are not regulated in NR 115, but that further the purposes of shoreland zoning as described in section 1.3 of this ordinance.
- (5) (s. 59.692(1k)(a)1., Wis. Stats.) Counties may not establish shoreland zoning standards in a shoreland zoning ordinance that requires any of the following:
 - (a) Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.
 - (b) Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.
- (6) (s. 59.692(7), Stats) The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if:
 - (a) The Department of Natural Resources has issued all required permits or approvals authorizing the construction or maintenance under ch. 30, 31, 281, or 283.A "facility" means any property or equipment of a public utility, as defined in s. 196.01 (5), or a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

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

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

3.0 SHORELAND-WETLAND DISTRICT (NR 115.04)

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

<http://dnrm.wisconsin.gov/SWDataViewer.html?Viewer=SWDV&runWorkflow=Wetland> (Note 7/17/20: New DNR link for surface water map - <https://dnrm.wisconsin.gov/H5/?Viewer=SWDV>)

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

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

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

- (1) Activities and uses which do not require the issuance of a County land use permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating.
- (a) Hiking, fishing, trapping, hunting, swimming, and boating;
 - (b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - (c) The pasturing of livestock;
 - (d) The cultivation of agricultural crops;
 - (e) The practice of silviculture, including the planting, thinning, and harvesting of timber;
 - (f) The construction or maintenance of duck blinds.
- (2) Uses which do not require the issuance of a County land use permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
- (a) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
 - (b) The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries;

- (c) The maintenance and repair of existing non-navigable agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible; ***Exception: A County Land Use Permit is required under Section 8.1(5) for the maintenance and repair of existing non-navigable agricultural drainage systems that are located within 300 feet of a navigable waterway/body or that are connected up to a navigable waterway/body.***
 - (d) The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - (e) The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
 - (f) The maintenance, repair, replacement or reconstruction of existing town and county highways, bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- (3) Uses which require the issuance of a County land use permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:
- (a) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
 1. The road cannot as a practical matter be located outside the wetland;
 2. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in section 3.52;
 3. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 4. Road construction activities are carried out in the immediate area of the roadbed only.
 - (b) The construction or maintenance of nonresidential buildings provided that:
 1. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
 2. The building cannot, as a practical matter, be located outside the wetland;
 3. Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and
 4. Only limited filling or excavating necessary to provide structural support for the building is authorized.
 - (c) The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
 1. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under ch. 29, Wis. Stats., where applicable;
 2. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in section 3.33(1)(a)-(d) and;
 3. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

- (d) The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:
 - 1. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 - 2. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in section 3.52.

3.4 PROHIBITED USES NR 115.04(4) Any use not listed in sections 3.31, 3.32 or 3.33 is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 3.5 of this ordinance and s. 59.69(5)(e), Wis. Stats.

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

- (1) For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the appropriate office with the Department of Natural Resources shall be provided with the following:
 - (a) A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within 5 days of the filing of such petition with the County clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;
 - (b) Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;
 - (c) A copy of the County zoning agency's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the County board; and
 - (d) Written notice of the County board's decision on the proposed amendment within 10 days after it is issued.
- (2) A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
 - (a) Storm and flood water storage capacity;
 - (b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
 - (c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - (d) Shoreline protection against soil erosion;
 - (e) Fish spawning, breeding, nursery or feeding grounds;
 - (f) Wildlife habitat; or
 - (g) Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04 which can be accessed at the following web site: <http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf> .

- (3) If the Department of Natural Resources notifies the County Board of Supervisors or the Department that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in section 3.52 of this ordinance, that amendment, if approved by the County board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed after written notice of the County Board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the County board that it will adopt a superseding shoreland ordinance for the County under s. 59.692(6), Wis. Stats. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the s. 59.692(6) adoption procedure is completed or otherwise terminated."

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

4.1 LAND DIVISION REVIEW (NR 115.05(2)) The County shall review, pursuant to s. 236.45, Wis. Stats., all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less within a 5-year period. In such review all of the following factors shall be considered:

- (1) Hazards to the health, safety or welfare of future residents.
- (2) Proper relationship to adjoining areas.
- (3) Public access to navigable waters, as required by law.
- (4) Adequate stormwater drainage facilities.
- (5) Conformity to state law and administrative code provisions.
- (6) Conformity to County Subdivision regulations.

Note: The Land Use Administrator shall send copies of all land divisions that meet the requirements of subsection 4.1 to the appropriate office of the Department of Natural Resources in accord with NR115.05(4)(h)

4.2 Planned Unit Development (PUD) (NR 115.05(1)(a)4.)

- (1) **PURPOSE.** The Planned Unit Development is intended to permit smaller non-riparian lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Unit Development at the time of its approval. A condition of all Planned Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.
- (2) **REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT.** The County Board may at its discretion, upon its own motion or upon petition, approve a Planned Unit Development Overlay District upon finding, after a public hearing, that all of the following facts exist:
 - (a) Area. The area proposed for the Planned Unit Development shall be at least 2 acres in size or have a minimum of 200 feet of frontage on a navigable water.
 - (b) Lots. Any proposed lot in the Planned Unit Development that does not meet the minimum size standards of Section 5.2 and 5.3 shall be a non-riparian lot.
 - (c) Lot sizes, widths, setbacks, and vegetation removal. When considering approval of a Planned Unit Development the governing body shall consider whether proposed lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions in Section 7.2 shall apply except that maximum width of a lake frontage opening shall be 100 feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.
 - (d) Density. The number of platted lots shall not exceed those which would have been possible if the same land were platted in accordance with the minimum lot sizes and widths adopted under the County's subdivision regulations. This figure shall be determined by dividing the total area of the subdivision by the minimum lot size required by Section 5.0 of this ordinance.
- (3) **PROCEDURE FOR ESTABLISHING A PLANNED RESIDENTIAL UNIT DEVELOPMENT DISTRICT.** The procedure for establishing a Planned Residential Unit Development district shall be in accord with Section 14.4.

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

- (1) Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 812, Wis. Adm. Code.
- (2) Where a public sewage collection and treatment system is not available, design and construction of private on-site waste treatment system shall, prior to July 1, 1980, be required to comply with ch. SPS 383, and after June 30, 1980 be governed by a private sewage system ordinance adopted by the County under s. 59.70(5), Wis. Stats.

5.0 MINIMUM LOT SIZE (NR 115.05(1))

5.1 PURPOSE (NR115.05(1)(a)) Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water.

- (1) Legal lots of record or parcels of land which do not meet the minimum lot area and lot width requirements stated in sections 5.2, 5.3, 5.4 shall not qualify for a land use permit under this Ordinance to allow the construction of a structure or building on the legal lot of record or parcel of land.
- (2) Legal lots of record or parcels of land which do not front or abut on a public road for a distance of at least 20 feet or that do not meet the requirements of Section 5.6, shall not qualify for a land use permit under this Ordinance to allow the construction of a structure or building on the legal lot of record or parcel of land.

5.2 SEWERED LOTS (NR 115.05(1)(a)1.) MINIMUM AREA AND WIDTH FOR EACH LOT.

- (1) The minimum lot area for lots served by public sewer shall be 10,000 square feet excluding street right-of-ways and land under the beds of navigable waters.
- (2) The minimum lot width for lots served by public sewer shall be 65 feet at the building setback line and 65 feet at the OHWM.

5.3 UNSEWERED LOTS (NR 115.05(1)(a)2.) MINIMUM AREA AND WIDTH FOR EACH LOT.

- (1) The minimum lot area for lots not served by public sewer shall be 20,000 square feet excluding street right-of-ways, and land under the beds of navigable waters.
- (2) The minimum lot width for lots not served by public sewer shall be 100 feet at the building setback line and 100 feet at the OHWM.

5.4 SUBSTANDARD LOTS (NR 115.05(1)(a)3.) A legally created lot that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

- (1) The substandard lot was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one lot or parcel.
- (2) The substandard lot has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
- (3) The substandard lot is developed to comply with all other ordinance requirements.

5.5 OTHER SUBSTANDARD LOTS Except for lots which meet the requirements of sections 5.4, a Land Use Permit for the improvement of a lot having lesser dimensions than those stated in sections 5.2, 5.3 or 5.4 shall be issued only if a variance is granted by the Board of Adjustment.

5.6 LOTS THAT DO NOT ABUT A PUBLIC ROAD A single-family dwelling and its accessory structures may be constructed on a legal lot of record recorded in the County Register of Deeds Office before the effective date or amendment of this Ordinance, which has frontage along the platted private roads listed in Section 5.6(5) subject to the requirements set forth in this subsection.

- (1) Sewered Lots: Such lots are at least 65 feet wide and 10,000 square feet in area;
- (2) Unsewered lots: Such lots are at least 100 feet wide and 20,000 square feet in area.
- (3) All other dimensional requirements of this Ordinance shall be complied with;
- (4) Each lot is served by public sewer, contains a functioning septic system or contains an area of soil suitable for any type of private sewage system other than a holding tank permitted under SPS 383, Wisconsin Administrative Code.
- (5) Lower Howard Avenue located in Sections 21 and 28, Town of Fox Lake; East Water Street – Section 31, Town of Hubbard – Beginning at the intersection of East Water Street and Butternut Trail, thence south along East Water Street a distance of 624 feet; East Water Street – Section 31, Town of Hubbard – Beginning at the intersection of East Water Street and Butternut Trail, thence north along East Water Street a distance of 1000 feet;

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

6.1 SHORELAND SETBACK (NR115.05(1)(b)1.) Unless exempt under 6.1(1), or reduced under 6.2, a setback of 75 feet from the OHWM of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures.

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

(a) Boat houses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing, that are not used for human habitation, and that satisfy the following requirements: ~~Boathouses Per 6~~

1. The construction or placement of boathouses below the ordinary high-water mark of any navigable waters shall be prohibited.
2. A boathouse shall not extend forward of the ordinary highwater mark of the adjacent navigable water.
3. Boathouses shall be designed and constructed solely for the storage of boats and related equipment.
4. One boathouse is permitted on a lot as an accessory structure.
5. Boathouses shall be constructed in conformity with local floodplain standards.
6. Boathouses shall not exceed one story.
7. Earth toned color shall be required for all exterior surfaces of a boat house.
8. A boathouse shall have its largest door or opening facing the water and such door or opening shall be adequately in size to accommodate a boat directly from the water.
9. Patio doors, fireplaces and other features inconsistent with the use of the structure exclusively as a boathouse are prohibited.
10. The roof of an existing boathouse may be used as a deck provided that:
 - i. The existing boathouse has a flat roof;
 - ii. The roof has no sidewalls or screens;
 - iii. The roof may have a railing that meets the Department of Safety and professional Services standards.

(b) Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland_setback area that satisfy the requirements in s. 59.692(1v), Stats. (See Appendix A)

1. The part of the structure that is nearest to the water is located at least 35 feet landward from the OHWM.
2. The floor area of all the structures in the shoreland setback area will not exceed 200 square feet.
3. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
4. The County must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland 75 foot setback area that is nearest to the water. *Note: The statutory requirements under s. 59.692(1v) which require the establishment of a vegetative buffer for the construction of open sided structures is not superseded by s. 59.692(1f)(a).*
5. The structure must be free standing and more than ten-feet from a principal structure.
6. An enforceable affidavit must be filed with the register of deeds prior to construction acknowledging the limitations on vegetation.

- (c) Fishing rafts that are authorized on the Wolf river and Mississippi river under s. 30.126, Stats.
- (d) Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.
- (e) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pump house covers, private on-site wastewater treatment systems that comply with SPS 383, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.
- (f) Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width.
- (g) Devices or systems used to treat runoff from impervious surfaces.

(2) EXISTING EXEMPT STRUCTURES Existing exempt structures that were legally constructed may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three dimensional building envelope of the existing structure. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Note: Section 59.692(1k)(a)2m prohibits counties from requiring or imposing any fee or mitigation for the activities specified in Section 6.12. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplains, general zoning, sanitary codes, building codes, and stormwater erosion control codes.

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

1. Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:
 - (a) Both of the existing principal structures are located on adjacent lot to the proposed principal structure.
 - (b) Both of the principal structures are located within 250' of the proposed principal structure.
 - (c) Both of the principal structures are located less than 75' from the ordinary high water mark.
 - (d) The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.

2. Where there is an existing principal structure in only one direction, the setback may equal the average of the distance the existing principal structure is set back from the ordinary highwater mark and the required setback of 75' from the ordinary highwater mark provided all of the following are met:
 - (a) The existing principal structure is located on adjacent lot to the proposed principal structure.
 - (b) The existing principal structure is located within 250' of the proposed principal structure.
 - (c) The existing principal structure is located less than 75' from the ordinary highwater mark.
 - (d) The average setback shall not be reduced to less than 35' from the ordinary highwater mark of any navigable water.

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

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

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

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

- (1) The County may allow routine maintenance of vegetation.
- (2) The County may allow removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Per s. 59.692(1f)(b), Stats. the viewing corridor may be at least 35 feet wide for every 100 feet of shoreline frontage. The viewing corridor may run contiguously for the entire maximum width or shoreline frontage owned.
- (3) The County may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with “generally accepted forestry management practices” as defined in s. NR 1.25 (2) (b), and described in Department publication “Wisconsin Forest Management Guidelines” (publication FR-226), provided that vegetation removal be consistent with these practices.
- (4) The County may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.
- (5) The County may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this subsection shall require that all management activities comply with detailed plans approved by the County and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.

Note: Section 59.692(1f)(a) prohibits counties from requiring a property owner to establish a vegetative buffer zone on previously developed land or expand an existing vegetative buffer zone. However, as part of a counties shoreland mitigation standards and as required under Section 6.11(2)(d), the establishment or expansion of the vegetative buffer may remain an option.

7.3 MINIMUM MITIGATION STANDARDS FOR ~~OF~~ A VEGETATIVE BUFFER

The following vegetative buffer standards shall be the minimum requirements for a vegetative buffer when the “restoration of native primary vegetative buffer mitigation option” is chosen under Section 13.3 or when a vegetative buffer plan is required as mitigation under subsection 6.1(1)(b)(4):

- (1) **Planting Densities.** The table below describes planting standards for two major shoreland types: woodland, and barrens/dry prairie/wet prairie. The woodland has a nearly complete canopy of trees while the barrens/prairie and wetland are more open. Plant numbers are to be calculated based on the area in square feet to be reestablished and the appropriate density. The area to be reestablished shall be calculated for each layer.

7.3 Shoreland Buffer Planting Standards (Table 1)

Woodland Buffer			Wetland / Prairie Buffer	
Layer	Minimum number of species	Density per 100 square feet	Minimum number of species	Density per 100 square feet
Tree Canopy*	3	1	1	0.2
Shrub Understory **	4	2	2	0.5
Groundcover Plant Plugs ***	1	50 Must be Mulched	5	70 Must be Mulched
Groundcover seeding	1	Varies Grass 4oz./1000sqft. Forbs 3oz./1000sqft.	5	Varies Grass 4oz./1000sqft. Forbs 3oz./1000sqft.

* Tree must be ≥ 2 years old and 18" tall or taller

** Shrubs must be 1 Liter container size or larger

*** Plugs must be 3" tall or 1" dia.

7.4 Type of Vegetation Buffer Establishment

- (1) **Avoidance-** Your buffer may be totally intact or undisturbed. If that is the case, your affidavit will simply state that you will not disturb the area and will remain compliant with placement of your viewing corridor. The area designated as Vegetative Buffer must meet the density requirements of 7.3 (Table 1).
- (2) **Accelerated Recovery (enhancement)** - This method entails actually installing some plant materials to achieve proper vegetation density, outlined in 7.3 (Table 1). Simply stated, you will be filling in areas that are too thin or where the vegetation is missing.
- (3) **Accelerated Recovery (creation)** - This method is used when no buffer exists. The area in question may have been graded to bare soil or the site may have been mowed for many years. Creation will involve planting groundcover, shrubs and trees after removal of existing vegetation.

7.5 DODGE COUNTY NATIVE PLANT LIST Species of plants must be selected from the Dodge County Native Plant List and approved for shoreline buffers by the Land Use Administrator. Substitutions must be approved by the Land Use Administrator. Substitutions to the list will be allowed in the event of lack of plant stock or seed availability on a case-by-case basis. All plants may be transplanted from areas outside of the buffer zone.

7.6 SHORELAND BUFFER PLAN REQUIREMENTS The following information shall be submitted to the Department for review and approval when the “restoration of native primary vegetative buffer mitigation option” is chosen under Section 13.3 or when a vegetative buffer preservation plan is required under 6.1(1)(b)(4):

(1) Shoreland Buffer Restoration Site Plans must include:

- (a)** Name and address of property owner
- (b)** Property address and legal description
- (c)** Extent of the shoreland buffer
- (d)** Scale (e.g. 1 inch = 10 feet)
- (e)** North arrow
- (f)** Ordinary high water mark (OHWM) location
- (g)** Location of all structures in the shoreland buffer zone
- (h)** Viewing and access corridor
- (i)** Boundary of the shoreland buffer zone
- (j)** Existing trees, shrubs, and native ground cover
- (k)** Areas to be planted with trees, shrubs, and groundcovers
- (l)** Implementation schedule
- (m)** A plant species list; indicate if you are requesting substitutions from the prepared list
- (n)** Erosion control practices (to be installed prior to and during buffer establishment)
- (o)** Water diversions and channelized flow areas
- (p)** Buffer maintenance (weeding, replanting)

(2) Implementation schedule.

The approved Shoreland Buffer Restoration Site Plan must be started within one year from the issue date of applicable Land Use Permit. All plantings and any other required activities in the Shoreland Buffer Restoration Site Plan must be completed within two years of the Land Use Permit issue date.

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

8.0 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING (NR115.05(1)(d))

Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of s. NR 115.04, the requirements of ch. 30, Stats., and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

8.1 PERMIT REQUIRED The following permits are required for filling, grading, dredging, ditching, tiling and excavating:

- (1) **Filling, Grading, Dredging, Ditching and Excavating – Navigable Waterway/Body.** A Land Use Permit is required for any filling, grading, dredging, ditching or excavating within the bed of a navigable waterway/body.

Exception: The maintenance, repair, replacement or reconstruction of existing town and county highways, bridges and road culverts, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction shall be exempt from the land use permit requirements of this section provided the project is designed, permitted and constructed in accord with the applicable provisions of chs. 30, 31, 281.36, and 281.37, Wis. Stats., the applicable provisions of the Dodge County Floodplain Zoning Ordinance and the applicable provisions of other applicable local, state and federal regulations.

- (2) **Filling, Grading, Dredging, Ditching and/or Excavating Within 300 feet of a Navigable Waterway/Body.** A Land Use Permit is required for any filling, grading, dredging, and/or ditching of any area which is within 300 feet landward of the OHWM of navigable waterway/body and which has surface drainage toward the water and on which there is either:
 - (a) Filling or grading on slopes of 20 percent or more.
 - (b) Filling or grading of more than 1,000 square feet on slopes greater than 12 percent and less than 20 percent.
 - (c) Filling or grading of more than 2,000 square feet on slopes of 12 percent or less.
 - (d) 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 OHWM of a navigable body of water and where the purpose is the ultimate connection with a navigable body of water.
- (3) **Rip-rap and Shoreline Stabilization Projects.** A Land Use Permit is required for rip-rap and other related shoreline stabilization projects.
- (4) **Filling, Grading Dredging, Ditching and/or Excavating Permitted under Section 3.3(3) of this Ordinance.** A Land Use Permit is required for the filling, grading dredging, ditching and/or excavating that is permitted under Section 3.3(3) of the Ordinance.
- (5) **Maintenance and Repair of Existing Non-navigable Agricultural Drainage Systems Located Within 300 Feet of a Navigable Waterway/Body.** A Land Use Permit is required for the maintenance and repair of existing non-navigable agricultural drainage systems that are located within 300 feet of a navigable waterway/body or that are connected to a navigable waterway/body, including ditching, tiling, dredging, excavating and filling necessary to maintain the level of existing agricultural use.
- (6) **Ponds and Wetland Scrapes Less than 2-acres in Area.** A County Land Use Permit is required for the construction and maintenance of ponds and wetland scrapes less than 2 acres in area that are located within the Wetland district.

- (7) **Ponds and Wetland Scrapes 2-Acres and Greater in Area.** A County conditional use permit is required for ponds and wetland scrapes that are 2-acres and greater in area.
- (8) **Installation, Maintenance and Repair of Drainage Tiles.** A Land Use Permit is required for the installation, maintenance or the repair of existing drainage tiles that are located within a wetland, within a floodplain or within 300 feet of a navigable waterway/body or that are connected to a navigable waterway/body. Per Section 3.3(2)(c), new tile lines are not permitted in wetlands.
- (9) **Construction or Relocation of a Watercourse.** A Conditional Use Permit is required for the construction of a new watercourse or the relocation of an existing watercourse that is located within a wetland, within a floodplain or within 300 feet of a navigable waterway/body or that is connected to a navigable waterway/body.

8.2 GENERAL STANDARDS

Filling, grading, dredging, ditching or excavating in the shoreland area, including projects which do not require a permit under Subsection 8.1 (1) or Sections 3.3(1) and 3.3(2) of this Ordinance are subject to the shoreland zoning regulations contained within this ordinance, the provisions of chs. 30, 31, and 281.36 Wis. Stats, the provisions of the Dodge County Floodplain Zoning Ordinance, the provisions of all applicable local, state and federal regulations and the following general standards:

8.2.1 It shall be the responsibility of the applicant to obtain all required permits and approvals (e.g., Wisconsin Department of Natural Resources and/or U.S. Army Corps of Engineers) for a proposed project prior to the start of construction.

8.2.2 Erosion Control.

All erosion control measures required by the applicable Federal, State, County and Local codes shall be in place and shall be maintained throughout the duration of the project in accordance with Best Management Practices.

Unless otherwise exempted or waived, an erosion control plan shall be required, and all construction site erosion control provisions of Chapter 7 of the Dodge County Land Use Code shall apply to all land disturbing activity in the shoreland area, that meet any of the following criteria:

8.2.2.a Disturbs 2,000 square feet or more of total land surface area;

8.2.2.b Involves excavation or filling, or a combination of excavation and filling, in excess of 400 cubic yards of material;

8.2.2.c Disturbs 100 lineal feet of road ditch, grass waterway, or other land area where surface drainage flows in a defined open channel; including the placement, repair, or removal of any underground pipe, utility, or other facility within the cross-section of the channel at flow capacity;

8.2.2.d Involves excavation or filling, or a combination of excavation and filling, on slopes of 12 percent or greater; or

8.2.2.e Other land disturbing activities, including the installation of access drives, that the Committee or the Land Use Administrator determines to have a high risk of soil erosion or water pollution, or that may have a significant adverse impact on environmentally sensitive areas.

8.2.2.f Exemptions

The following sites shall be exempt from the erosion control requirements of this section, provided all such exempt activities are undertaken in a manner that presents no significant erosion or sedimentation hazard:

8.2.2.f.1 All activities directly relating to the planting, growing, and harvesting of agricultural crops.

8.2.2.f.2 Land disturbing activities exclusively subject to federal or State approval and enforcement, except as may voluntarily become subject to this Ordinance through adopted memorandums of understanding or other, similar cooperative mechanisms.

8.2.2.f.3 Usual and customary site investigation and surveying activities undertaken prior to submittal of an application for preliminary subdivision approval, provided such activity shall not disturb more than 5,000 square feet of land area.

8.2.2.f.4 The construction of one- and two-family residential buildings under SPS 321 Wis. Adm. Code which are required to meet the erosion control requirements of the Wisconsin Uniform Dwelling Code.

8.2.2.f.5 Any proposal that is designed and/or certified by the Land Conservation Department as part of a soil conservation or water pollution control project shall comply with all of the requirements of this section, but may be exempted from obtaining a permit, providing a financial guarantee, or paying a fee.

8.2.2.f.6 Any road construction or other land disturbing or land development activity by the County, or any municipality within the County shall comply with all of the requirements of this section, but shall be exempted from any fees and financial guarantee requirements.

8.2.3 Stormwater Management

Unless otherwise exempted or waived, a stormwater management plan shall be required, and all stormwater management provisions of Chapter 7 of the Dodge County Land Use Code shall apply, to all land development activity that meet any of the following criteria:

8.2.3.a Divides an existing parcel into 5 separate parcels of 5 acres each or less in total area within a common plan of development;

8.2.3.b Involves the construction of any new public or private roads;

8.2.3.c Results in the addition of impervious surfaces of 20,000 square feet or greater in total area, including smaller individual sites that are part of a common plan of development; or

8.2.3.d Other land development activities, including access drives, that the Committee or the Land Use Administrator determines may significantly increase downstream runoff volumes, flooding, soil erosion, water pollution or property damage, or significantly impact an environmentally sensitive area.

8.2.4 Cleanout, Maintenance or Repair of Non-navigable Agricultural Drainage Ditches.

For those projects that are located within the shoreland wetland district and that involve the clean-out, maintenance or the repair of existing non-navigable agricultural drainage systems the clean-out, maintenance or repair project shall not exceed the original dimensions of the ditch (no increase in depth or bottom width), although sideslopes may be flatter than the original sideslopes if necessary to conform with modern erosion-control practices, provided that the sideslopes are not flatter than 2:1 (horizontal to vertical). Disposal of dredged spoil material shall be placed in an upland area outside of the wetland district or may be placed on existing spoil banks where possible;

8.2.5 Vegetative Buffer Zone Restrictions.

For those projects that are located within the vegetative buffer zone (within 35 feet inland of the ordinary highwater mark of a navigable waterway/body), the project shall comply with the vegetative buffer zone provisions of Section 7.2 of this Ordinance,

8.2.6 Seeding/Revegetation.

All disturbed areas shall be leveled and graded (as needed) and seeded to permanent vegetation as soon as possible to prevent erosion of silt/sediment into the waterway. A disturbed area shall be considered stabilized by vegetation when a perennial cover has been established with a density of 70%.

8.2.7 Rip Rap and Other Shoreline Stabilization Projects.

No rip rap or other shoreline related stabilization projects shall:

- 8.2.7.a** substantially extend the shoreline into the waters of the state.
- 8.2.7.b** result in the obstruction of navigation.
- 8.2.7.c** result in water pollution.
- 8.2.7.d** result in the substantial destruction of wetland, spawning grounds, fish and aquatic life.
- 8.2.7.e** result in the increase in the regional flood elevation.

8.2.8 Ponds and Wetland Scrapes located within the Wetland District

- 8.2.8.a** All spoil materials shall be removed to an upland area outside of the Wetland District;
- 8.2.8.b** The pond or wetland scrape shall not be connected to a navigable body of water or a waterway or ditch that ultimately is connected up to a navigable body of water and shall be located a minimum of 50 feet from the OHWM of any navigable waterway or body of water;
- 8.2.8.c** The project (s) shall not create an increase in the height of the regional flood;
- 8.2.8.d** Side slopes of the ponds or wetland scrapes shall not be steeper than three feet horizontal to one foot vertical;
- 8.2.8.e** All disturbed upland areas shall be leveled, graded and seeded to permanent vegetation as soon as possible to prevent erosion of silt into the pond or scrape;
- 8.2.8.f** The pond and wetland scrape shall be for the purpose of improving wildlife or fish habitat or for recreational opportunities.

8.2.9 Waivers

The Committee or the Land Use Administrator may waive any or all of the requirements of Section 8.2 if the Committee or Land Use Administrator determines that:

- 8.2.9.a** The site or activity in question will have no appreciable off-site impact; or
- 8.2.9.b** Compliance with the requirement(s) is impractical or impossible due to site conditions or other circumstances beyond the control of the applicant.

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

9.1 PURPOSE Establish impervious surface standards to protect water quality, fish and wildlife habitat and to protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any nonriparian lot or parcel that is located entirely within 300 feet of the ordinary highwater mark of any navigable waterway.

9.2 CALCULATION OF IMPERVIOUS SURFACE (NR 115.05(1)(e)1.) 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 OHWM by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in subsection 9.21 and 9.5 shall be excluded from the calculation of impervious surface on the lot or parcel. If an out lot lies between the OHWM and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

Note: NR 115.05(1)e1m. clarifies that if an outlot lies between the OHWM and the developed lot or parcel and both are in common ownership, then the lot or parcel should be considered one property for purposes of calculating the percentage of impervious surfaces. If there is an outlot, parcel or road that is owned by some other entity, for example a hydroelectric facility or a town or county then the county should determine what level of control the property owner has over that portion of the lot. Can the property owner place structures, such as shoreline protection, piers, stairs, boathouses etc. on that portion of the lot or does some other entity have control over the development? If a property owner has no or little say over construction on that portion of the lot then impervious surfaces on that portion of the lot should be calculated separately.

For properties that are within a condominium type of ownership, the impervious surface calculations apply to the entire property as a whole and not just to the portion of the frontage that might be in front of the individual unit impacted. The property is still under one legal description and the proposed expansion to a unit is not the only impervious surface calculated since the regulations states lot or parcel and not a unit. Mitigation will also apply to the property as a whole and not just to the portion of the frontage that might be in front of the unit impacted.

- (1) Exempt Surfaces** (per 2015 Act 167)
 - (a)** Roadway as defined in s. 340.01(54) Stats.
 - (b)** Sidewalk as defined in s. 340.01(58) Stats.

9.3 IMPERVIOUS SURFACE STANDARD (NR 115.05(1)(e)2.) Except as allowed in sections 9.4 through 9.5, allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary highwater mark.

9.4 IMPERVIOUS SURFACE STANDARD FOR HIGHLY DEVELOPED SHORELINES. (NR 115.05(1)(e)2m.) and s. 59.692(1k)(am)2, Stats. The county at its discretion may adopt an ordinance for highly developed shorelines allowing up to 30% for residential land use and up to 40% for commercial industrial or business land uses for lands that meet one of the following standards:

- (1) The highly developed shoreline is identified as an Urbanized Area or Urban Cluster in the 2010 US Census or has a commercial, industrial, or business land use as of January 31, 2013.
- (2) After conducting a hearing and receiving approval by the department of natural resources, the county has mapped additional areas of highly developed shorelines that are at least 500 feet in length and meet the one of the following criteria:
 - a) The area is composed of a majority of lots with more than 30 percent impervious surface area.
 - b) Located on a lake served by a sewerage system as defined in NR 110.03(30) Wis Adm. Code.
 - c) The area is composed of a majority of lots that are less than 20,000 square feet in area.

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

- (1) For properties where the general impervious surface standard applies under section 9.3, a property owner may have more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.
- (2) For properties on shorelands where the impervious surface standard for highly developed shorelines applies under 9.4, a property owner may have more than 30% impervious surface but not more than 40% impervious surface for residential land uses. For commercial, industrial or business land uses a property owner may have more than 40% impervious surface but not more than 60% impervious surface.
- (3) For properties that exceed the standard under 9.3 or 9.4 but do not exceed the maximum standard under 9.5, a permit can be issued for development with a mitigation plan that meets the standards found in section 13.0

Note: (2015 Act 167) A surface will be considered a treated pervious surface if the runoff from the surface is treated by a device or system, or is discharged to an internally drained pervious area, that retains the runoff on or off the parcel to allow infiltration into the soil in accord with Section 9.6.

9.6 TREATED IMPERVIOUS SURFACES (NR115.05(1)(e)3m. and S. 59.692(1K)(A)1E.) Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under section 9.2.

- (1) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems which are designed to contain a 5 year 24 hour rainfall event or larger.
- (2) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff and allows infiltration into the soil which are designed to contain a 5 year 24 hour rainfall event or larger.
- (3) A permeable pavement system designed in accordance to Wisconsin Department of Natural Resources Conservation Practice Standards (1008).

***Note:** The provisions in section 9.6 are an exemption from the impervious surface standards and as such should be read/construed narrowly. As such, a property owner is entitled to this exemption only when the runoff from the impervious surface is being treated by some type of treatment system, treatment device or is internally drained. Property owners can demonstrate that the runoff from an impervious surface is being treated consistent with section 9.6 will be considered pervious for the purposes of implementing the impervious surface standards in this Ordinance. If a property owner or subsequent property owner fails to maintain the treatment system, treatment device or internally drained area, the impervious surface is no longer exempt under section 9.6.*

To qualify for the statutory exemption, property owners shall submit documentation to the Department by a certified engineer, soil and water conservation department and/or other qualified position showing compliance with the standards listed in this section. The documentation shall include the following:

- (a) Calculations showing how much runoff is coming from the impervious surface area.
- (b) Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device or internally drained area.
- (c) An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices or internally drained area.
- (d) The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the permit.

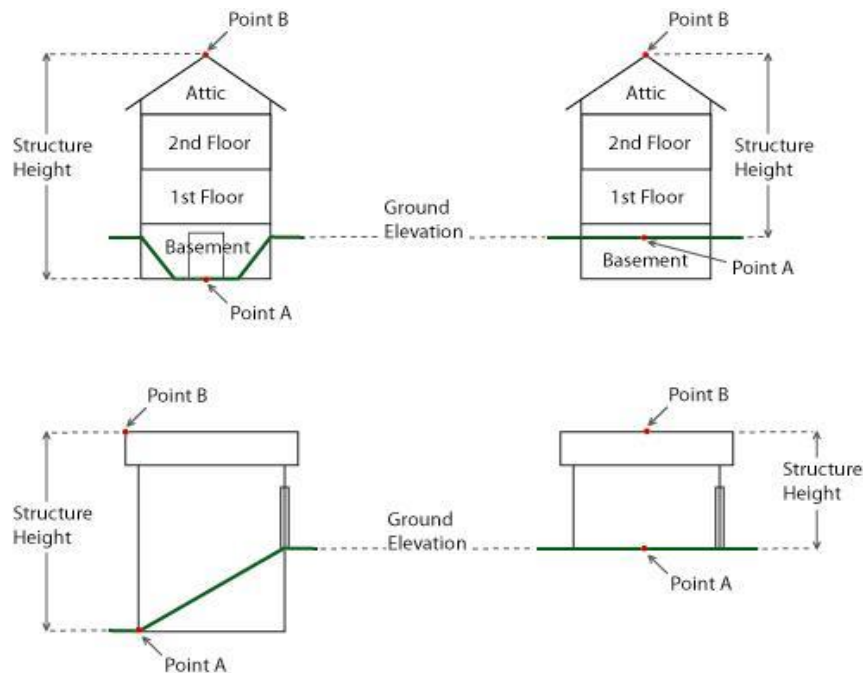
9.7 EXISTING IMPERVIOUS SURFACES (NR 115.05(1)(e)4.) For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in section 9.3 or the maximum impervious surface standard in section 9.4, the property owner may do any of the following:

- (1) Maintain and repair the existing impervious surfaces;
- (2) Replace existing impervious surfaces with similar surfaces within the existing building envelope;
- (3) Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of this ordinance, and the impervious surface meets the applicable setback requirements in s. Wis. Admin. Code NR 115.05 (1) (b).

9.8 The impervious surface standards in this Ordinance shall not be construed to supersede other provisions in the County Shoreland Ordinance. All of the provisions of the County Shoreland Ordinance still apply to new or existing development.

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

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



10.1 Exceptions: Chimneys, or chimney flues shall not be used to calculate structure height.

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

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

11.2 (s. MAINTENANCE, REPAIR, REPLACEMENT, RESTORATION, REBUILDING, REMODELING OR VERTICAL EXPANSION OF NONCONFORMING STRUCTURES 59.692(1k)(a)2 stats. (2017 Wisconsin Act 68) An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback, or that is legally located in the shoreland setback area by operation of a variance granted before July 13, 2015, may be maintained, repaired, replaced, restored, rebuilt, or remodeled without a County Shoreland Land Use Permit if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties shall (2015 ACT 167) allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state for federal requirements.

Note: Section 59.692(1k)(a)2, stats. prohibits counties from requiring any approval or imposing any fee or mitigation requirements for the activities specified in Section 11.2. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes or even stormwater erosion control.

Note: NR 115.05(1)(b)1m and Section 6.1(1) lists structures that are exempt from the shoreland setback. These structures are considered conforming structures and are not considered nonconforming structures. Structures that were granted variances or illegally constructed structures are not considered nonconforming structures.

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

- (1) The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
- (2) The existing principal structure is at least 35 feet from the ordinary high-water mark.
- (3) Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- (4) The County shall issue a permit that requires a mitigation plan that shall be approved by the County and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Section 13.0.
- (5) All other provisions of the shoreland ordinance shall be met.

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

expansion under this paragraph, but may be required per Section 9.0.

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

- (1) The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
- (2) The existing principal structure is at least 35 feet from the ordinary high-water mark.
- (3) No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- (4) The County determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirements per Section 6.1. Comparable size for purposes of this subsection is defined as an area in square feet which is equal to or less than the area of the footprint of the existing principal structure as measured by the perimeter or outside walls of the existing principal structure.
- (5) The County shall issue a permit that requires a mitigation plan that shall be approved by the County and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Section 13.0, include enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owners under the mitigation plan shall be evidences by an instrument recorded in the office of the County Register of Deeds.
- (6) All other provisions of the shoreland ordinance shall be met.

12.0 MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE. (S.59.692(1K)(A)(2), AND (A) 4) A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the footprint if the expansion is necessary to comply with applicable state or federal requirements.

Note: Section 59.692(1k)(a)(2) prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in Section 13. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

13.0 MITIGATION (s. 59.692(1v), Stats, NR 115.05 (1)(e)3., (g)5., (g)6.) When the County issues a Land Use Permit requiring mitigation under sections 6.1(1)(b)4, 9.5(3) 11.3(4), 11.5(5) the property owner must submit a complete Land Use Permit application, that is reviewed and approved by the County. The application shall include the following:

- (1) A site plan that describes the proposed mitigation measures:
 - (a) The site plan shall be designed and implemented to restore natural functions lost through development and human activities;
 - (b) The mitigation measures shall be proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.
- (2) An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures.
 - (a) The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to issuance of the Land Use Permit.

13.1 MITIGATION PURPOSE To offer alternatives for a property owner who desires to make improvements to a parcel located within the shoreland area, and said improvements may be nonconforming in regards to any of the following categories:

- (1) Mitigation Categories:
 - a. Expansion or relocation within the setback (Per Sections 11.3-11.5);
 - b. Impervious surface (Per Section 9.5).

13.2 MITIGATION REQUIREMENTS All mitigation categories must have a total of 4 points or more per category.

13.3 MITIGATION OPTIONS

- (1) **Expansion or relocation of principal structure located between 35 feet and 75 feet from the O.H.W.M. and less than 35 feet in height. (As required under Sections 11.3 – 11.5)**
 - (a) Restoration of native primary vegetative buffer to county vegetative buffer standards per Section 7.2 (4 points);
 - (b) Removal of all nonconforming accessory structures (2 points);
 - (c) Removal of all seawalls, bulkheads and, artificial beaches.(1 point);
 - (d) Reduce impervious surfaces to less than 15 percent of lot coverage (1 point for every 5 percent reduction)
 - (e) Stormwater management practices (e.g., rain gardens, water diversions of overland flow) (1 point/practice);
 - (f) Structure in which project is to take place must utilize exterior natural or earth tone colors excluding trim (1 point);
 - (g) Relocate access and viewing corridor to include an existing boathouse (1 point).
- (2) **Impervious Surface Area greater than 15 percent and or less than or equal to 30 percent in all areas other than areas designated “Highly Developed Shorelines” (As required under Section 9.5).**
 - (a) Restoration of native primary vegetative buffer to county vegetative buffer standards shown in Section 7.2 (4 points);
 - (b) Engineer designed subsurface dispersal system, practice or structure that is approved by the Department and that is designed to contain the 5 year 24 hour rain fall event for all impervious areas greater than 15 percent (4 points)

- (c) Engineer designed subsurface dispersal system, practice or structure that is approved by the Department and that is designed to contain 2 year 24 hour rainfall event for all impervious areas greater than 15 percent (3 points);
 - (d) Install a bio-retention system, rain garden, or other stormwater retention and dispersal system that is approved by the Department and that is designed to contain a 5 year 24 hour rain event for all impervious areas greater than 15 percent (4 points);
 - (e) Install a bio-retention system, rain gardens, or other stormwater retention and dispersal system that is approved by the Department and that is designed to contain a 2 year 24 hour rain fall event for all impervious areas greater than 15 percent (2 points);
 - (f) Install a bio-retention system, rain garden or other subsurface dispersal system that is designed to contain a 2 year 24 hour rainfall event for all new proposed additional impervious area above that which is allowed under section 9.2 of this ordinance (1 point).
- (3) Impervious Surface Area greater than 30 percent but not more than 40 percent for residential land uses in areas approved as “Highly Developed Shorelines”. (As required under Section 9.5).**
- (a) Restoration of native primary vegetative buffer to county vegetative buffer standards shown in Section 7.2 (4 points);
 - (b) Engineer designed subsurface dispersal system, practice or structure that is approved by the Department and that is designed to contain the 5 year 24 hour rain fall event for all impervious areas greater than 30 percent for residential land uses (4 points)
 - (c) Engineer designed subsurface dispersal system, practice or structure that is approved by the Department and that is designed to contain 2 year 24 hour rainfall event for all impervious areas greater than 30 percent (3 points);
 - (d) Install a bio-retention system, rain garden, or other stormwater retention and dispersal system that is approved by the Department and that is designed to contain a 5 year 24 hour rain event for all impervious areas greater than 30 percent (4 points);
 - (e) Install a bio-retention system, rain gardens, or other stormwater retention and dispersal system that is approved by the Department and that is designed to contain a 2 year 24 hour rain fall event for all impervious areas greater than 30 percent (2 points);
 - (f) Install a bio-retention system, rain garden or other subsurface dispersal system that is designed to contain a 2 year 24 hour rainfall event for all new proposed additional impervious area above that which is allowed under section 9.2 of this ordinance (1 point).
 - (g) Removal of all seawalls, bulkheads and artificial beaches (1 point);

- (4) **Impervious Surface Area greater than 40 percent but not more than 60 percent for commercial, industrial or business land uses in areas approved as “Highly Developed Shorelines”. (As required under Section 9.5).**
- (a) Restoration of native primary vegetative buffer to county vegetative buffer standards shown in Section 7.2 (4 points);
 - (b) Engineer designed subsurface dispersal system, practice or structure that is approved by the Department and that is designed to contain the 5 year 24 hour rain fall event for all impervious areas greater than 40 percent for residential land uses (4 points)
 - (c) Engineer designed subsurface dispersal system, practice or structure that is approved by the Department and that is designed to contain 2 year 24 hour rainfall event for all impervious areas greater than 40 percent (3 points);
 - (d) Install a bio-retention system, rain garden, or other stormwater retention and dispersal system that is approved by the Department and that is designed to contain a 5 year 24 hour rain event for all impervious areas greater than 40 percent (4 points);
 - (e) Install a bio-retention system, rain gardens, or other stormwater retention and dispersal system that ~~are~~ is approved by the Department and that is designed to contain a 2 year 24 hour rain fall event for all impervious areas greater than 40 percent (2 points);
 - (f) Install a bio-retention system, rain garden or other subsurface dispersal system that is designed to contain a 2 year 24 hour rainfall event for all new proposed additional impervious area above that which is allowed under section 9.2 of this ordinance (1 point).
 - (g) Removal of all seawalls, bulkheads and artificial beaches (1 point);

13.4 MITIGATION SIZING REQUIREMENTS

- (1) **MITIGATION SURFACE DISPERSAL SYSTEM LIMITS.** Structures and or components designed for storm water infiltration which disperses collected stormwater on or near the ground surface (e.g. rain gardens, shallow bio-retention basins, filter basins, filter strips) shall require the following:

(a) Site Evaluation Requirements

Surface Dispersal Systems will require site evaluation per Wisconsin Department of Natural Resources Conservation Practices Standards “Site Evaluation for Stormwater Infiltration (1002)”.

(b) Plan Certification

A mitigation plan that includes a surface dispersal system shall include all computations and designs for the proposed surface dispersal system in accordance with the technical and design standards of Section 13.3.

- (2) **MITIGATION SUBSURFACE DISPERSAL SYSTEM LIMITS.** Systems (e.g., Drain fields, tree box filters, infiltration trenches, dry wells, and bio-retentions) designed for storm water infiltration into the subsoil shall require the following:

(a) Site Evaluation Requirements

Subsurface Dispersal Systems will require site evaluation per Wisconsin Department of Natural Resources Conservation Practices Standards “Site Evaluation for Stormwater Infiltration (1002)”.

(b) Plan Certification

A mitigation plan that includes an **engineer designed** subsurface dispersal system shall include certification from a professional engineer registered in the State of Wisconsin, that all computations and designs for the proposed subsurface dispersal system have been reviewed and approved by the engineer as being in accordance with the technical and design standards of this section.

13.5 **TECHNICAL STANDARDS FOR DISPERSAL SYSTEMS**

(1) RAINFALL MINIMUM SIZING

The current applicable rainfall estimates listed in the NOAA Atlas 14, Precipitation-Frequency Atlas of the United States for the Dodge County area. Dispersal systems shall be designed to handle the applicable 24-hour precipitation estimates based on these studies.

The NOAA Atlas 14 table can be found here:

http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=wi

(2) RUNOFF COEFFICIENT

For the purpose of this ordinance runoff coefficient is 1 for all impervious surfaces.

13.6 **INJECTION WELLS ARE PROHIBITED**

14 ADMINISTRATIVE PROVISIONS (NR 115.23)

14.1 REVIEW AND DECISION-MAKING BODIES

Where a Land Use Administrator, Planning Agency or a Board of Adjustment has already been appointed to administer a zoning ordinance adopted under ss. 59.69 Wisconsin State Statutes, these officials shall also administer this Ordinance.

(1) County Board of Supervisors - The powers and duties of the County Board of Supervisors under this Ordinance shall be as follows:

- (a) Amendments to this Ordinance** - The County Board of Supervisors shall be responsible for reviewing Shoreland Protection Ordinance amendment petitions and for taking the final action to approve or deny such petitions;
- (b) Rezoning** - The County Board of Supervisors shall be responsible for reviewing rezoning petitions and for taking the final action to approve or deny such petition;
- (c) Planned Unit Developments** - The County Board of Supervisors shall be responsible for reviewing Planned Unit Development (PUD) Concept Plans and PUD rezonings and for taking the final action to approve or deny such petitions.

(2) Planning and Development and Parks Committee - The powers and duties of the Committee under this Ordinance shall be as follows:

- (a) Amendments to the Ordinance** - The Committee shall be responsible for reviewing amendments to the Shoreland Protection Ordinance and for recommending that the County Board of Supervisors approve or deny such petitions. (See Section 13.3);
- (b) Rezoning** - The Committee shall be responsible for reviewing rezoning petitions and for recommending that the County Board of Supervisors approve or deny such petitions. (See Section 13.3);
- (c) Conditional Use Permits** - The Committee shall be responsible for reviewing applications for Conditional Use Permits and for taking the final action to approve, approve with conditions, or deny such permits. (See Section 13.22);
- (d) Planned Unit Developments** - The Committee shall be responsible for reviewing PUD Concept Plans and PUD rezoning and for recommending that the County Board of Supervisors approve or deny such petitions. (See Section 13.4)

(3) Board of Adjustment

- (a) Appointment** - The Chairman of the County Board of Supervisors shall appoint a Board of Adjustment with the approval of the County Board, consisting of five members and two alternates, each of whom shall be a resident of the unincorporated portion of the County, and not from the same town. The two alternates shall be appointed for staggered three year terms and the Chairman of the County Board of Supervisors shall annually designate one of the alternate members as the first alternate and the other as second alternate.

(b) Membership, Rules, and Procedures

1. A majority vote of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of any applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation from the requirements of this Ordinance;
2. The Board of Adjustment shall adopt bylaws which shall govern all matters pertaining to its membership, rules, and procedures, consistent with Wis. Stat. Section 59.694 (1995-96), as amended;

(c) Powers and Duties

The powers and duties of the Dodge County Board of Adjustment under this Ordinance shall be as follows:

1. Interpretations

The Board of Adjustment shall be responsible for interpreting the regulations and boundaries of the districts, upon referral by the Land Use Administrator.

2. Variances

The Board of Adjustment shall be responsible for hearing and authorizing variances from the terms of the ordinance that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

3. Appeals

The Board of Adjustment shall be responsible for hearing and deciding appeals of orders, requirements, decisions, and determinations made by the Land Use Administrator or the Committee.

4. Alternates

The first alternate shall act, with full power, only when a member of the Board of Adjustment refuses to vote because of a conflict of interest or when a member is absent. The second alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than one member of the Board of Adjustment refuses to vote because of a conflict of interest or is absent.

- (4) Land Use Administrator** The powers and duties of the Land Use Administrator under this Ordinance shall be as follows:

(a) Interpretations - The Land Use Administrator shall be responsible for interpreting the text of this Ordinance and boundaries of the shoreland districts.

(b) Land Use Permits - The Land Use Administrator shall be responsible for reviewing Land Use Permit applications and acting to approve or deny such permits.

(c) Conditional Use Permits and Rezoning Petitions - The Land Use Administrator shall be responsible for reviewing Conditional Use Permit applications and Rezoning Petitions and for preparing a report to the Committee recommending approval or denial of such applications and petitions.

(d) Planned Unit Developments - The Land Use Administrator shall be responsible for reviewing PUD Sketch Plans, for advising the petitioner on preparing the Concept Plan

application, for reviewing Concept Plan and PUD rezoning petitions, and for reviewing Final PUD Plans.

(e) Certificates of Zoning Compliance - The Land Use Administrator shall be responsible for final inspections of uses after the effective date of this Ordinance, for reviewing requests for Certificates of Zoning Compliance for such uses, and for acting to approve or disapprove such requests.

(f) Other Matters - The Land Use Administrator shall also have such duties as determined by the County Board of Supervisors, including the following:

1. Enforcement of the Ordinance, including the authority to conduct inspections related to enforcement.
2. Keeping copies of each application filed, each plat submitted, and each development permit issued, filed by parcel identification number (PIN) and legal description of the land to which the development permit applies;
3. Providing professional staff assistance to the Board of Adjustment, the Committee and the County Board of Supervisors;
4. Conducting short-term studies and analysis to aid in the orderly development of the County;
5. Engaging in activities designed to improve the development of the County including grant applications and administration; policy analysis and recommendation; and functional planning.

(g) Relaxation of standards for persons with disabilities: The Land Use Administrator shall have the authority to issue a land use permit to relax the standards of this Ordinance in order to provide reasonable accommodations as required by provisions of federal and state law. Such relaxation shall be the minimum necessary to be consistent with federal guidelines for accommodation of persons with disabilities and shall, where practicable, be terminated when the facility is no longer used by the disabled person. A person applying for a permit for construction under this section shall establish the nature and extent of the disability and that the relaxation is the minimum necessary to provide reasonable use of the facility. A deed restriction or affidavit for the reasonable accommodation shall be filed with the register of deeds.

14.2 PERMITS AND APPROVALS

No structure, land or water, shall hereafter be used, no filling, grading, dredging, ditching or excavating shall be permitted and no structure, or part thereof shall hereafter be located, erected, moved, reconstructed, extended, converted or structurally altered except for normal repairs of existing structures without a County permit from the Department and without full compliance with the provisions of this Ordinance and all other applicable County, State and Federal Regulations unless otherwise expressly exempted or excluded by a provision of this Ordinance.

The use of all structures and land owned by the County or by County agencies, departments, districts, or utilities, shall comply with all requirements of this Ordinance, except that the County or County agency, department, district, or utility may be exempt from the provisions of this ordinance when an emergency exists such that it is impossible to submit to the normal procedures and requirements of this Ordinance and quick and instant action is necessary to secure the public health, safety, or welfare. The County Board of Supervisors shall ratify such exemption after-the-fact at its next regularly scheduled meeting, and shall base its ratification on specified findings of fact related to the emergency involved.

(1) Land Use Permits

All Land Use Permit applications shall be submitted to the Land Use Administrator upon forms provided by the Department.

(a) Submittal Requirements

Applications for a Land Use Permit shall include the following:

1. Names and addresses of the applicant, owner of the site, architect, professional engineer, and/or contractor;
2. Description of the subject site by parcel identification number (PIN), lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure, existing and proposed operation or use of the structure or site; number of occupants or employees of the structure; and the zoning district within which the subject site lies;
3. Scaled drawing showing dimensions of the lot and locations of all existing and proposed structures and impervious surfaces relative to the lot lines, center line of abutting highways and the ordinary highwater mark of any abutting water course; and
4. Location of any existing or proposed on-site sewage systems and any private or public water supply systems;
5. Plans for appropriate mitigation when required;
6. The appropriate application fee;
7. Additional information as may be required by the Committee or the Land Use Administrator.

(b) Review and Decision Procedure

The Land Use Administrator shall review each permit application and approve, withhold, or deny within 30 days based on the Approval Criteria of Section 14.2(1) (c). Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

(c) Approval Criteria

Upon receipt of a complete application, the Land Use Administrator shall issue a Land Use Permit unless he finds that the development, as proposed, will not comply with one or more provisions of this Ordinance, and other applicable County or State regulations.

(d) Effective Date of the Permit

Land Use Permits shall be effective beginning on the date of approval.

(e) Appeals

Appeals of Land Use Permit decisions shall be made to the Board of Adjustment.

(f) Expiration of Approval

All Land Use Permits shall expire within one year unless an alternative expiration date is specified under Section 12.0 of this ordinance.

(2) Conditional Use Permits

In this subsection:

“Conditional use” means a use allowed under a conditional use permit, special exception or other special zoning permission issued by a county, but does not include a variance.

“Substantial Evidence” means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

The Committee shall authorize the Land Use Administrator to issue a Conditional Use Permit (CUP) for conditional uses after review and a public hearing, provided that such conditional uses are in accordance with the purpose and intent of this Ordinance and the approval criteria provided in Section 14.2(2)(c) and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the area.

(a) Procedure

Applications for CUP's shall be made to the Land Use Administrator, upon forms provided by the Department, who shall forward them upon receipt to the Committee. The applicant must demonstrate that the application and all requirements established by the Department relating to the conditional use permit request are or will be satisfied and are supported by substantial evidence. Such applications shall include the following where applicable:

1. The names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all property owners of record within 300 feet of the subject property boundary;
2. A description of the subject site by parcel identification number (PIN), lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure;
3. A scaled drawing showing dimensions of the lot and locations of all existing and proposed structures and impervious surfaces relative to the lot lines, center line of abutting highways and the ordinary highwater mark of any abutting water course; and the location of any existing or proposed on-site sewage systems and any private or public water supply systems;
4. A scaled site plan with specifications for the proposed filling, grading, lagooning or dredging project being proposed including but not limited to the area to be disturbed, the extent of the proposed project, a cross section showing the depth and width of the filling project and showing the cross section of all culverts or bridges if applicable;
5. Erosion Control plans;
6. Plans for appropriate mitigation when required;
7. The appropriate application fee;
8. A detailed narrative of the proposed project;

9. Additional information as may be required by the Committee or the Land Use Administrator.

(b) Public hearings

Public hearings on complete applications shall be scheduled within 30 days and shall receive notice in accordance with the applicable Wisconsin State Statutes and pursuant to the general notice provisions of Section 14.5(5). In addition, the Land Use Administrator shall notify the Department of Natural Resources at least 10 prior to any public hearing, as required under NR115(4)(h) and all property owners within 300 feet of the subject property boundary as listed by the applicant in the original application of the time, date and subject matter of the hearing. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.

(c) General Approval Criteria for Conditional Use Permits

Conditional Use Permits shall be approved by the Committee if they find that all of the following criteria have been met and the applicant agrees to meet the conditions specified in the Code, and those imposed by the Committee:

1. The proposed use complies with all applicable provisions of this Ordinance;
2. Adequate assurances of continuing maintenance of safe and healthful conditions have been provided;
3. The project has been designed to prevent and control water pollution and sedimentation;
4. The project is in compliance with local floodplain zoning ordinance and the potential for damage to adjacent properties due to altered surface water drainage has been mitigated to the maximum extent possible, and to the satisfaction of the Wisconsin Department of Natural Resources;
5. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover has been considered and any significant adverse impacts will be mitigated to the maximum practical extent;
6. Public safety, transportation and utility facilities and services will be available to serve the subject property while maintaining sufficient levels of service for existing development;
7. The need of the proposed use for a shoreland location has been considered and the proposed use will not cause substantial diminution in value of other property in the neighborhood in which it is to be located;
8. The proposed use is compatible with uses on adjacent land and the use will not be significantly detrimental to the public health, safety and welfare unless the use is a public necessity;
9. The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems has been considered and any potential significant adverse impacts on the natural environment will be mitigated to the maximum practical extent;
10. The following general criteria has been considered:

- (i) Domestic uses shall be generally preferred;

(ii) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source;

(iii) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility. Additional standards such as parking, noise, may be referred to the applicable part of their ordinance.

(d) Conditions

The Committee may attach such conditions, in addition to those required elsewhere in this Ordinance, that it deems necessary in furthering the purpose of this Ordinance. Any condition imposed by the Committee must be related to the purpose of the Ordinance and be based on substantial evidence. The requirements and conditions must be reasonable and, to the extent practicable, measurable. Violation of any of these conditions shall be deemed a violation of this Ordinance. In granting a conditional use permit, the Committee may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to the extent of restriction, the Committee may impose any reasonable permit conditions to affect the purpose of this ordinance. Such conditions may include specifications for:

1. Type of shore cover;
2. Specific sewage disposal and water supply facilities;
3. Landscaping and planting screens;
4. Hours of operation;
5. Operational control;
6. Sureties;
7. Deed restrictions,
8. Locations of piers, docks, parking and signs; or
9. Type of construction or any other requirement necessary to fulfill the purpose and intent of this Ordinance.
10. Additional Information

In evaluating each application, the Committee may request assistance from other local, county, state or federal agencies. Also, in order to secure information upon which to base its determination, the Committee may require the applicant to furnish, in addition to the information required for a Conditional Use Permit, the following information:

(i) A plan of the area showing contours, soil types, highwater mark, groundwater conditions, bedrock, slope and vegetative covers;

(ii) Location of buildings, parking areas, traffic access, driveways, walkways, open space, landscaping, signs, and lighting;

(iii) Plans for buildings, sewage disposal facilities, water supply systems, and arrangement of operations;

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

11. The permits duration, transfer or renewal requirements;
12. Any other requirement necessary to fulfill the purpose and intent of this Ordinance.

(e) Expiration of Conditional Use Permits

Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, however, the County may impose conditions such as the permit's duration, transfer or renewal, in addition to any other conditions specified in the Code.

The decision of the Committee to approve or conditionally approve a Conditional Use Permit request shall expire one year after the decision is filed with the Department or at such alternative time specified in the approval unless at least one of the following criteria has been met:

1. Construction has been diligently pursued;
2. A Certificate of Zoning Compliance has been issued;
3. The use is established;
4. The Conditional Use Permit is renewed, for a period not to exceed one year;
5. A Conditional Use Permit also shall expire upon termination of a project or if the rights granted by the permit are discontinued for 180 consecutive days.

(f) Recording (NR 115.05(4)(g), (h), (hm))

When a conditional use permit is approved, an appropriate record shall be made of the land use and structures permitted. Such permit shall be applicable solely to the structures, use and property so described. A copy of any decision on a conditional use permit shall be provided to the appropriate office of the Department Natural Resource's regional office within 10 days after it is granted or denied.

(3) CERTIFICATES OF COMPLIANCE - No land or building may be occupied or used until a certificate of compliance is issued by the Land Use Administrator.

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

(b) Application for such certificate shall be concurrent with the application for a Land Use Permit.

(c) The certificate of compliance shall be issued within 30 days after notification of the completion of the work specified in the Land Use Permit, if the building or premises or proposed use thereof conforms with all the provisions of this ordinance.

(d) The Land Use Administrator may issue a temporary certificate of compliance for part of a building, pursuant to rules and regulations established by the County board.

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

(4) USE OF EXISTING REQUIREMENTS (s. 66.10015(2)(a) Wis. Stats.) Except as provided under (5), if a person has submitted an application for an approval, the Committee shall approve, deny or conditionally approve the application solely based on existing requirements, unless the applicant and the Committee agree otherwise. An application is filed under this subsection on the date that the Department receives the application.

(5) MULTIPLE APPROVALS (s. 66.10015(2)(b) Wis. Stats.) If a project requires more than one approval or approvals from one or more political subdivisions and the applicant identifies the full scope of the project at the time of filing the application for the first approval required for the project, the existing requirements applicable in each political subdivision at the time of filing the application for the first approval required for the project shall be applicable to all subsequent approvals required for the project unless the applicant and the political subdivision agree otherwise.

(6) Development Regulations (66.10015(2)(b) Wis. Stats.) - The treatment of subsections 14.2(4) and 14.2(5), the statutes first applies to an application for an approval that is filed on or after November 28, 2017.

14.3 REZONING AND TEXT AMENDMENTS

The County Board of Supervisors may from time to time, alter, supplement or change the regulations contained in this ordinance in accordance with the requirements of s. 59.69(5)(e), Wis. Stats, ch. NR 115, Wis. Adm. Code and this ordinance where applicable.

(1) Statutory Compliance

The procedures for rezoning and amendment petitions are adopted pursuant to the authority granted under Wis. Stat. Section 59.69(5)(e), and shall not be interpreted or enforced in any manner that violates that authority.

(2) Initiation

A petition for rezoning or text amendment may be made by any property owner in the area to be affected by the rezoning petition or text amendment, by the town board of any town wherein the Ordinance is in effect, by any member of the County Board, or by the Committee. The petition shall describe the premises to be rezoned or the provision of the Ordinance to be amended, list the reasons justifying the petition, specify the proposed use or amendment, and have attached the following:

- (a) Plot plan drawn to an appropriate scale showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts if applicable, and the location and existing use of all properties within 300 feet of the subject property boundary.
- (b) Owners names and addresses of all properties lying within 300 feet of the area proposed to be rezoned, or to the second tier of adjacent properties, whichever is greater.
- (c) Additional information as required by the Committee or the County Board of Supervisors.

(3) Filing and Referral of Petitions

The procedures for removing land from the Wetland District or amending the text of this Ordinance shall be subject to the following review and approval provisions:

- (a) Petitions for rezonings or for text amendments shall be filed with the Land Use Administrator, who shall immediately refer them to the County Clerk and the County Board Supervisor of any affected district. All petitions referred shall be reported to the County Board at its next succeeding meeting.
- (b) For all proposed text and map amendments to the shoreland-wetland or the provisions in the shoreland ordinance, the appropriate district office of the Department of Natural Resources shall be provided with the following:
 - (1) A copy of every petition for a text or map amendment to the wetland provisions of this Ordinance, within five (5) days of the filing of such petition with the County Clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this Ordinance describing any proposed rezoning of a wetland;
 - (2) Written notice of the public hearing to be held on a proposed amendment at least ten (10) days prior to such hearing;
 - (3) A copy of the committee's findings and recommendations on each proposed amendment within ten (10) days after the submission of those findings and recommendations to the County Board; and

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

(4) Land Use Administrator Review and Report

The Land Use Administrator shall review each petition in light of the Approval Criteria of Section 13.3(9) and shall provide a report to the Committee recommending approval or denial of the petition. Failure of the Land Use Administrator to schedule a public hearing within 30 days of receipt of a complete petition shall constitute a recommendation for approval of the petition unless the petitioner agrees to an extension of this period.

(5) Committee Review and Recommendation

The Committee shall hold a public hearing on the rezoning petition or text amendment and as soon as possible following the public hearing, but no later than 60 days, the Committee shall make a recommendation to the County Board of Supervisors to approve or disapprove the rezoning petition or text amendment based on the applicable approval criteria for the petition. If the Committee's action is favorable to approving the requested rezoning petition or text amendment or any modification thereof, it shall cause an ordinance to be drafted effectuating its determination and shall submit the proposed ordinance directly to the County Board of Supervisors at its next available meeting with its recommendation. If the Committee recommends disapproval of the rezoning petition or text amendment, it shall file a report with the County Board of Supervisors at its next available meeting stating the committee's findings and it shall file a resolution effectuating its recommendation to deny the rezoning petition or text amendment and shall submit the resolution to the Board for final action on the amendment. Failure of the Committee to hold a public hearing and to act on the petition within the time limits allowed under this section shall constitute a recommendation to the County Board for approval of the amendment.

(6) Notice of Public Hearings

Notice of public hearings on rezoning petitions shall be provided in accordance with applicable Wisconsin State Statutes and pursuant to the general notice provisions of Section 13.55.

(7) County Board of Supervisors Review and Decision

Upon receipt of the Committee's report, the County Board of Supervisors may enact the ordinance as drafted or with amendments, or it may deny the amendment based upon the applicable approval criteria for a rezoning petition or text amendment, or it may refuse to deny the amendment as recommended by the Committee in which case it shall refer the Committee's resolution to deny the amendment back to the Committee with directions to draft an ordinance to effectuate the approval of the amendment and to submit the ordinance back to the County Board of Supervisors which may then approve or reject the ordinance based on the applicable approval criteria.

(8) Protest Petitions

If a valid protest petition is filed against a proposed rezoning, the procedures of Section 13.56 shall apply.

(9) Approval Criteria – Rezoning Petition

In acting on a rezoning petition, the County Board of Supervisors shall consider the stated purpose of the Ordinance and shall approve the rezoning petition only if it finds that:

- (a) Adequate public facilities and services (including sewage and waste disposal, water, gas, electricity, schools, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development;

- (b) Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them;
- (c) The proposed development will not result in significant adverse impacts upon surrounding properties or the natural environment, including air, water, noise, stormwater management, soils, wildlife, and vegetation;
- (d) The land proposed for rezoning is suitable for development and will not cause unreasonable soil erosion or have an unreasonable adverse effect on rare or irreplaceable natural areas;
- (e) The proposed rezoning is consistent with the Dodge County Comprehensive Plan and the stated purposes of this Ordinance;
- (f) The proposed rezoning will not be used to legitimize, a nonconforming use or structure;
- (g) The proposed rezoning is the minimum action necessary to accomplish the intent of the petition, and a variance, or Conditional Use Permit could not be used to achieve the same result.
- (h) For all proposed rezoning petitions that will remove land from the wetland district the wetland or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant 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) Wetland both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04 which can be accessed at the following web site:
<http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.

(10) Approval Criteria – Text Amendment

In acting on a text amendment, the County Board of Supervisors shall consider the stated purpose of the Ordinance and the decision shall be based on consideration of the following criteria:

- (a) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact;
- (b) Whether the proposed amendment is consistent with the Dodge County Comprehensive Plan and the stated purposes of this Ordinance;

- (c) Whether the proposed amendment will protect the health, safety, or general welfare of the general public; and
- (d) Whether the proposed amendment will result in significant adverse impacts on the natural environment, including air, water, stormwater management, wildlife and vegetation.
- (e) Whether the proposed amendment meets the minimum standards of NR 115 and applicable statutes.

(11) DNR Notice

If the Department of Natural Resources notifies the Committee that a proposed text or map amendment to the shoreland-wetland overlay district provisions of this Ordinance may have a significant adverse impact upon any of the criteria listed in this ordinance, the rezoning petition or amendment, if approved by the County Board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed after written notice of the County Board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the County under s. 59.692(6), Wis. Stats. If the Department of Natural Resources does so notify the County Board, the effect of this amendment shall be stayed until the adoption procedure is completed or otherwise terminated."

14.4 PLANNED UNIT DEVELOPMENT

Planned Unit Development (PUD) review provides a process for reviewing self-contained development applications within the shoreland area. The procedure for establishing a Planned Residential Unit Development district shall be as follows:

(1) Review Procedures

PUDs are approved in two steps. The first step involves review and approval of a rezoning application to the PUD district and an accompanying Concept Plan. The second step involves review and approval of a Final PUD Plan for the development.

(a) Sketch Plan and Pre-application Meeting

Petitioners shall attend a pre-application meeting and present a Sketch Plan of the proposed PUD in a format established by the Land Use Administrator. The Land Use Administrator and other County administrative staff will meet with the petitioner, review the Sketch Plan, and discuss the goals and policies of the County's Comprehensive Plan, the requirements of this Ordinance, and any other matters that will assist the petitioner in preparing the PUD Concept Plan.

(b) Concept Plan and PUD Rezoning

A Concept Plan is a generalized land use plan and development envelope for the area proposed to be included within a PUD district. It is required as a means of allowing early review of a proposed PUD before substantial planning work has been undertaken and before substantial expenses have been incurred. A Concept Plan must be processed and approved concurrently with a rezoning to a PUD district.

(c) Application Filling

The Concept Plan and the PUD rezoning petition shall be submitted to the Land Use Administrator.

(d) Contents

A Concept Plan must cover all of the land area to be included in the PUD and identify the type, total amount, and location of all development to occur within the PUD (dwelling units and nonresidential floor area); a proposed plan for pedestrian and vehicular circulation within and leading to the PUD; the proposed densities of population in residential areas; a public utility plan if public utilities are proposed or required; a stormwater management plan; and a plan showing the location of recreation spaces, parks, schools and other public or community uses.

(2) Land Use Administrator Referral, Review, and Recommendation

The Land Use Administrator may request review and comments from other County staff and Departments. Copies of the petition and notice of hearing shall be sent to the appropriate office of the Department of Natural Resources. The Land Use Administrator shall review the Concept Plan and PUD rezoning petition, along with written comments provided by administrative staff and reviewing departments, and prepare a Staff Report to the Planning and Development Committee.

(3) Committee Review and Decision

After receiving the staff report, the Committee shall hold a public hearing on the proposed Concept Plan and PUD rezoning petition. The hearing shall receive notice in accordance with Wisconsin State Statutes and pursuant to the general notice provisions of Section 13.55. Following the public hearing, the Committee shall recommend that the County Board of Supervisors approve or deny the rezoning and PUD Concept Plan, based on the Approval Criteria in Section 13.49. The report to the County Board shall reflect the recommendations of any federal, state or local agency with which the County zoning agency consults.

(4) County Board of Supervisors Review and Decision

After receiving and reviewing the Committee's recommendation, the County Board shall vote to approve or deny the proposed Concept Plan and PUD rezoning petition, based on the Approval Criteria in Section 13.55. The County Board shall make written findings as to the compliance or noncompliance of the proposed Planned Residential Unit Development District with each of the applicable criteria set forth in Section 13.49. If the petition is granted in whole or part, the County board shall attach such written conditions to the approval as are required by this ordinance. The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks, dimensions of vegetative buffer zone and open space requirements.

(5) Final PUD Plans

Final PUD Plan approval shall be required before the issuance of any permit for construction within the PUD district.

(a) Petitions for Final PUD Plan approval shall be submitted to the Land Use Administrator.

(b) Final PUD Plans shall include the following materials:

1. A map showing the layout of all major and local thoroughfares and local streets, the location of all buildings, parking areas, pedestrian ways, utility easements, lot lines, open spaces, parks, recreation areas, school sites, playgrounds, the proposed use of all buildings, soil erosion control plan, stormwater management plan, and the metes and bounds description of all dedicated areas and lots.
2. A proposed deed of dedication including restrictions safeguarding the use of open spaces and preventing encroachment upon open spaces between buildings.

3. A proposed deed or deeds to land determined by the County to be needed for public elementary and intermediate school purposes.

(6) Land Use Administrator Referral, Review, and Recommendation

The Land Use Administrator shall review the petition to determine whether the petition meets all of the applicable requirements of this Ordinance and the approved Concept Plan, and prepare a Staff Report to the Committee with his determination.

(7) Committee Review and Decision

After receiving the staff report, the Committee shall hold a public hearing on the Final PUD Plan. Following the public hearing, the Committee shall approve the Final PUD Plan if the Final PUD Plan meets all of the applicable requirements of this Ordinance and the approved Concept Plan.

(8) Recording

When the Final PUD Plan and deed of dedication have been approved by the Committee as being in conformity with this section and with any changes or requirements of the Committee, and it has been determined that the petitioner has complied with the requirements of this section whether or not it is a subdivision, the Final PUD Plan shall be approved for recordation and recorded. Thereafter, no modification may be made to the plan except by an amended plan submitted as an original plan under the requirements of this section.

(9) Approval Criteria

PUD Concept Plans, Rezoning, and Final Plans may be approved by the Board only if they find that all of the following criteria have been met:

- (a) The proposed PUD is consistent with the County's Comprehensive Plan.
- (b) The PUD is necessary to address a unique situation or represents a substantial benefit to the County, compared to what could have been accomplished through strict application of otherwise applicable base zoning district standards.
- (c) The proposal is not significantly different from surrounding land uses in terms of density, intensity and impacts, and it mitigates any potential adverse impacts to the maximum extent practical.
- (d) The facilities and services (including sewage and waste disposal, domestic and irrigation water, gas, electricity, police and fire protection, roads and transportation, and schools, as applicable) will be available to serve the subject project while maintaining adequate levels of service to existing development.
- (e) The same development could not be accomplished through the use of other techniques, such as rezoning to a non-PUD district, or variances.
- (f) The total number of dwelling units per acre does not exceed the maximum number of units which would be allowed by the underlying base zoning for the land included within the PUD.
- (g) The uses on a Final PUD Plan are as shown on the approved Concept Plan.
- (h) A soil erosion control plan and a stormwater management plan have been approved.
- (i) The location of all structures and designated building envelopes on a Final PUD Plan are as shown on the approved Concept Plan. Building envelopes will be protected by adequate covenants, running with the land, conveyances, or dedications. The proposed location and arrangement of structures will not be detrimental to existing or prospective

adjacent dwellings or to the existing or prospective development of the neighborhood. Open spaces between structures will be protected where necessary by adequate covenants, running with the land, conveyances, or dedications. There shall be no minimum lot size, no minimum setback lines, no maximum percentage of lot coverage and no minimum lot width in a PUD for non-riparian lots, except where the PUD abuts another zoning district, in which case the standards pertaining to the abutting zoning district shall apply. Increased shoreland setbacks can be a condition of approval for the PUD. However, every dwelling shall have access to a public street, court, walkway or other area dedicated to a public use and no single family dwelling (except a town house or semi-detached dwelling) and no addition to any single family dwelling shall be erected within a distance of less than 16 feet from any other single family dwelling.

(j) The owner will bond himself and his contractors to make the required improvements within a reasonable length of time.

(10) Effect of Concept Plan Approval

A Concept Plan setting forth specific uses, densities, and locations shall be approved concurrently with a PUD rezoning. No Concept Plan may be approved without a PUD rezoning, and no PUD rezoning petition may be approved until a Concept Plan for the development has been approved. Approval of a Concept Plan shall constitute acceptance of the uses, development intensities and general layout proposed for the PUD development. The Concept Plan shall govern the preparation of the required Final PUD Plans.

(11) Additions to a PUD

Additional land area may be added to an existing PUD if it is adjacent or forms a logical addition to an existing PUD. The procedure for an addition shall be the same as if an original application was filed and all of the requirements of this section shall apply except the minimum acreage requirement of 40 acres.

(12) Expiration of PUD Plans

(a) Concept Plan

All provisions of a PUD Concept Plan that differ from the previous zoning district (prior to the PUD rezoning) shall expire and be of no further force and effect if a complete Final PUD Plan application for the PUD or a phase of the PUD has not been submitted within one year of the date of the Concept Plan approval by the Board. If the PUD is to be developed in phases, a phasing plan with expiration dates shall be approved as part of the Concept Plan approval. Once any applicable expiration dates pass without approval of a Final PUD Plan, the Concept Plan shall be deemed to include only the uses, dimensional standards, and other provisions of this Ordinance applicable to the prior zoning district. In the event of an expiration, the Land Use Administrator shall record an expiration of approval affidavit with the Dodge County Register of Deeds and initiate action to rezone the property to a zoning classification that is consistent with the County's Comprehensive Plan.

(b) Final PUD Plan

The right to develop in accordance with an approved Final PUD Plan shall expire and be of no further effect if all development shown on the approved Final Plan is not completed within three years of the date of Final PUD Plan approval or within any deadline set forth in the Final PUD Plan, whichever is greater. Once such date has passed, the Final PUD Plan shall be deemed to include only the uses, dimensional standards, and other provisions of this Ordinance applicable to the property under the prior zoning district. If approval expires, the Land Use Administrator shall record an expiration of approval affidavit with the Dodge County Register of Deeds and shall initiate action to rezone the property to a zoning classification that is consistent with the County's Comprehensive Plan.

14.5 COMMON REVIEW AND APPROVAL PROCEDURES

The general provisions of this section apply to all development applications and procedures under this Ordinance unless otherwise stated.

(1) Authority to File Applications

Applications under this Ordinance may be initiated by (a) all the owners of the property that is the subject of the application; (b) the owners' authorized agents; or (c) any review or Decision-Making Body that does not have final decision-making authority on the matter. When a review or Decision-Making Body initiates action under this Ordinance, it does so without prejudice toward the outcome.

(2) Application Completeness

An application will be considered complete if it is submitted in the required number and form, includes all mandatory information, and is accompanied by the applicable fee. The Land Use Administrator shall make a determination of application completeness within 10 days of application filing. If an application is determined to be incomplete, the Land Use Administrator shall notify the applicant of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected. If the deficiencies are not corrected by the applicant within 60 days of receiving notice of the deficiencies, the application shall be considered withdrawn.

(3) Form of Application

Applications required under this Ordinance must be submitted in a form and in such numbers as required by the Land Use Administrator.

(4) Land Use Administrator and Agency Review/Referrals

In conducting required reviews, the Land Use Administrator shall comply with those referral requirements set forth in Wis. Stat. Section 236.12, and shall be authorized to distribute the application and other submittals to other County departments and state and local agencies for the purpose of soliciting comments and ensuring that the proposal complies with all applicable standards and requirements. Comments received from reviewers shall be included in any required report.

(5) Notices

All notices required under this Ordinance shall comply with the applicable Class I or Class II notice requirements of Wis. Stat. Chapter 985.

(a) Content

All notices required under this Ordinance must:

- 1) Indicate the time and place of the public hearing or action;
- 2) Describe the property involved by street address or by legal description and nearest cross road;

- 3) Describe the nature, scope and purpose of the application or proposal being advertised; and
- 4) Indicate where additional information can be obtained.

(b) Written (Mailed) Notice

When the provisions of this Ordinance require that written or mailed notice be provided, the County shall be responsible for preparing and mailing the written notice. The County shall mail notice to all property owners within 300 feet of the subject property boundary, unless otherwise specified in this Ordinance. Ownership information shall be provided by the applicant and obtained from the County Property Description Unit.

(c) Published Notice

When the provisions of this Ordinance require that notice be published, the County shall be responsible for preparing the content of the notice and publishing the notice in the newspaper of general circulation that has been selected by the County.

(d) Posted Notice

When the provisions of this Ordinance require that notice be posted on the subject property, the applicant shall:

1. Post the notice on weatherproof signs;
2. Place the signs on the property that is the subject of the application; and
3. Ensure that the signs remain in place during the period leading up to the public hearing. Signs shall be placed along each abutting street in a manner that makes them clearly visible to neighboring residents and passers-by. At least one sign shall be posted on each adjacent street. Signs may be purchased from the Department.

(e) Timing of Notices

Unless otherwise expressly provided in state statutes or this Ordinance, notice, when required, shall be mailed or published at least 8 days prior to the hearing or action for changes or amendments to the Ordinance, rezonings, conditional use permit or appeals to the Board of Adjustment in accordance with Class II notice requirements. For all other actions requiring notice, notice shall be mailed or published at least 7 days prior to the hearing or action in accordance with Class I notice requirements.

(f) Constructive Notice

Minor defects in a notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Failure of a party to receive written notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date and place of a hearing and the location of the subject property shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall make a formal finding regarding whether there was substantial compliance with the notice requirements of this Ordinance before proceeding with the hearing.

(g) Continuation of Public Hearings

A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Ordinance, provided that the continuance is set for a date within 60 days and the date and time of the continued hearing is announced at the time of the continuance.

(h) Burden of Proof or Persuasion

The burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant. The burden is not on the County or other parties to show that the criteria have not been met.

(i) Conditions of Approval

In approving development applications, the decision-making body shall be authorized to impose such conditions upon the premises benefited by the approval as may be necessary to reduce or minimize any potential adverse impact upon other property in the area, or to carry out the general purpose and intent of the Dodge County Comprehensive Plan or this Ordinance, so long as the condition relates to a situation created or aggravated by the proposed use or development and is roughly proportional to its impact.

(6) Protest Petitions

If a valid protest petition is filed against a proposed rezoning or amendment to this Ordinance, the procedures of this section shall apply.

(a) If a valid protest petition against a proposed rezoning or amendment is filed with the County Clerk at least 24 hours prior to the date of the meeting of the County Board at which the report of the Committee is to be considered, action on such amendment may be deferred until the Committee has had a reasonable opportunity to ascertain the authenticity of the ownership statements contained in the protest petition and report to the County Board on its findings. If such ownership statements are found to be true, the rezoning or amendment shall not be approved except by the affirmative vote of 75 percent of the members of the County Board present and voting. If such statements are found to be untrue with regard to the required frontage or area ownership, the protest petition may be disregarded.

(b) For purposes of this section, valid protest petitions are those petitions duly signed and acknowledged by the owners of 50 percent or more of the area proposed to be altered, or by abutting owners of over 50 percent of the total perimeter of the area proposed to be altered included within 300 feet of the parcels proposed to be rezoned. Each signer shall state the amount of area or frontage owned by him and shall include a description of the lands owned by him.

(c) If a proposed rezoning or amendment would make any change in an airport-affected area, as defined under Wis. Stat. Section 62.23(6)(am)1.b., and the owner or operator of the airport bordered by the airport affected area files a protest against the proposed amendment with the clerk at least 24 hours prior to the date of the meeting of the Board at which the amendment is to be considered, the amendment shall not be approved except by the affirmative vote of 66 percent of the members of the Board present and voting.

(7) Findings of Fact

Final decisions of all review and decision-making bodies shall be accompanied by written findings of fact based upon the applicable standards and criteria. The findings shall be filed with the Land Resources and Parks Department. In the event of denial, the written findings shall specify the provisions of the County's adopted regulations that the proposal failed to satisfy.

(8) Processing Cycles

The Land Use Administrator shall be responsible for timetables for reviewing each type of development application under this Ordinance. Processing timetables will be advisory, and failure to meet processing goals will not result in deemed approvals. Timetables may be revised from time-to-time and may include:

- (a) Dates of regular meetings of review bodies and decision-makers;
- (b) Deadlines for receipt of a complete application for consideration of such application at a particular meeting; and
- (c) Schedule and routing of staff and agency reviews.

(9) Coordination with Towns, Cities, and Villages

Coordination of policies and/or procedural requirements between the County and towns, cities, and villages is encouraged whenever possible in order to further the purposes of this Ordinance. However, no specific actions are required to achieve this coordination unless specified in this Ordinance.

14.6 APPLICATION FILING FEES

(1) FEES. (ss. 59.69, 59.694, 59.696, 59.697, Wis. Stats.) The County Board may, by resolution, adopt fees for the following:

- (a) Zoning permits
- (b) Certificates of compliance.
- (c) Planned Unit Development reviews.
- (d) Public hearings.
- (e) Legal notice publications.
- (f) Variances.
- (g) Administrative appeals.
- (h) Other duties as determined by the board.

(2) Applications must be accompanied by the fee that has been established by the County Board of Supervisors. Fees are not required with applications initiated by a review or decision-making body. Application fees are non-refundable, except that refunds shall be made to applicants who provide written notification to the Land Use Administrator of a withdrawal of an application prior to publication of legal notice and its initial consideration by any decision-making body.

(3) For applications of a non-routine nature for which the Land Use Administrator expects that the County decision-maker will need to engage paid expertise relating to legal, planning, surveying and/or engineering, design, economic, environmental, tax impact or other issues relevant to the application in order to review decisions, and the costs of legal counsel and court reporting, transcription services for cases deemed to warrant such recording and transcriptions of hearings and meetings shall require an additional deposit. For these applications, the base application fee of shall be supplemented by the required payment by the applicant of a deposit equal to 125% of an estimate established by the County decision-maker of the costs of necessary services. The deposit shall be used to pay all reasonable County review expenses and shall be replenished when the initial deposit is exhausted. Any excess in the deposit account shall be returned to the applicant when the County actions on the application are complete and all bills have been paid.

(4) The decision-makers decision on whether deposits must be made under (a) shall be based upon the experience of the Committee with the complexity and potential controversy of similar cases in this County or elsewhere, on the history of the current proposal, if any, and the judgment of the Committee. Applicants wishing to question the necessity of or the amount of the required deposit shall be provided an opportunity to do so at a meeting with the decision-maker. The decision on the necessity of the amount of a deposit shall be an interim decision appeal able to the Circuit Court only after the County has completed its review and made a decision on the application. If the applicant intends to challenge the deposit, the deposit may be made "under protest" to reserve appeal rights.

14.7 VARIANCES

In this subsection, an "Area Variance" means a modification to a dimensional, physical, or locational requirements such as the setback, frontage, height, bulk, or density restriction for a structure that is granted by the Board of Adjustment under this subsection.

(s. 59.694(7), Wis. Stats.) The Board of Adjustment may grant upon appeal a variance from the standards of this ordinance in according with the following provisions:

(1) Use Variances Prohibited

No variance shall be approved that has the effect of allowing a use that is not allowed in the subject zoning district.

(2) Application Filing

Applications for variances shall be submitted to the Land Use Administrator.

(3) Public Hearing Notice

Notice of the public hearing shall be published and mailed pursuant to the general notice provisions of Section 14.55.

(4) Notice to the Department of Natural Resources

Written notice shall be given to the appropriate office of the Department of Natural Resources at least 10 days prior to hearings on proposed shoreland variances.

(5) Review and Action The Board of Adjustment shall hold a public hearing on each variance application and, following the public hearing, act to approve, approve with conditions, or deny the variance based on the Approval Criteria of Section 14.7(6).

(a) A decision regarding the variance request shall be made as soon as practical. Copies of all decisions on shoreland variances shall be submitted to the appropriate office of the Department of Natural Resources within 10 days after they are granted or denied.

(b) The final disposition of a variance application to the Board of Adjustment shall be in the form of a written resolution or order signed by the chairman and secretary of the board. Such resolution shall state the specific facts which are the basis of the board's determination and shall either deny the variance request in whole or in part, dismiss the variance request for lack of jurisdiction or prosecution or grant the application.

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

(d) A Board of Adjustment decision regarding a variance application for a development located within the Floodplain Overlay District shall be in accord with the provisions of the Dodge County Floodplain Ordinance.

(6) Approval Criteria

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

- 1) Literal enforcement of the provisions of the ordinance will result in unnecessary hardship on the applicant.
 - a. Unnecessary hardship for an "Area Variance" is when strict compliance with the provisions of this Code would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the Code unnecessarily burdensome.
- 2) The hardship is due to special conditions that are unique to the property, and
- 3) The variance is not contrary to the public interest.

(7) Burden of Proof

In all circumstances, a property owner bears the burden of proving that the "unnecessary hardship" as it is used in subsections 14.7(6) is present and is based on conditions that are unique to the property, rather than considerations personal to the property owner and that the unnecessary hardship was not created by the property owner.

(8) Conditions

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

(9) Expiration of Approval

Any decision or order issued by the Board of Adjustment requiring the Land Use Administrator to issue a permit shall expire one year after the decision is filed with the Department or at such alternative time specified in the approval process unless:

- (a) The applicant or appellant has filed a land use permit application with the Department for the applicable project within such time, provided, that the time may be extended when so specified by the Board of Adjustment.
- (b) Construction has been diligently pursued;
- (c) The land use permit is renewed, for a period not to exceed one year; or
- (d) A Certificate of Zoning Compliance has been issued;

(10) A variance granted under this subsection runs with the land.

14.8 APPEALS

Appeals from the decision of any review and decision-making body may be made by any person aggrieved or their agent, or by an officer, department, board, or bureau of the County, or by any affected town board.

(1) Timing

Such appeals shall be filed with the Land Resources and Parks Department or the review and decision-making body from whom the appeal is taken within 30 days after the date of written notice of the decision or order of the review and decision-making body.

(2) Format of Appeal

All appeals shall be in writing and on such forms as shall be prescribed by the decision-making body and accompanied by the appropriate filing fee. Every appeal shall state, at a minimum, what provision(s) of the Ordinance is/are involved, what relief from the provision(s) is being sought, and the grounds on which the relief should be granted to the appellant.

(3) Appeals from Land Use Administrator's or Committee's Decision

Appeals of decisions of the Land Use Administrator or Planning and Development Committee shall be made to the Board of Adjustment, unless otherwise provided for in this Ordinance.

(4) Notice to the Department of Natural Resources

Written notice shall be given to the appropriate office of the Department of Natural Resources at least 10 days prior to hearings on appeals for map or text interpretations.

(5) Review and Action

The Board of Adjustment shall hold a public hearing on each appeal and, following the public hearing, act to approve or deny the appeal. Written and published notice for public hearings on appeals shall be provided pursuant to the general notice requirements of Section 14.55. The concurring vote of a majority of the Board shall be necessary to reverse any order, requirement, decision or determination of the Land Use Administrator or the Committee, or to decide in favor of the appellant on any matter upon which it is required to pass under this Ordinance. Upon reaching a decision in an appeal, the Board of Adjustment shall notify the appellant(s) and the Committee within 10 working days after taking final action on an appeal.

- (a) Copies of all decisions on appeals for map or text interpretations shall be submitted to the appropriate office of the Department of Natural Resources within 10 days after they are granted or denied.
- (b) The final disposition of an appeal or application to the board of adjustment shall be in the form of a written resolution or order signed by the chairman and secretary of the board. Such resolution shall state the specific facts which are the basis of the board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.
- (c) At the public hearing, any party may appear in person or by agent or by attorney.

(6) Appeals of Board of Adjustment's Decisions

Any further appeal of decisions made by the Board of Adjustment shall be made to the courts, as provided by law, unless otherwise provided for in the Ordinance.

(7) Appeals of County Board of Supervisors' Decisions

Appeals of decisions of the County Board of Supervisors shall be made to the courts, as provided by law.

(8) Appeals of a Conditional Use Permit Decision by the Land Resources and Parks Committee (2017 Wisconsin Act 67) - If the Committee denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in s. 59.694(10) Wis. Stats.

15.0 ENFORCEMENT AND PENALTIES

The Land Use Administrator shall have primary responsibility for enforcing all provisions of this Ordinance, pursuant to the policies and procedures set forth in this chapter. The Land Use Administrator is hereby empowered to cause any building, other structure, or tract of land to be inspected and examined for suspected or potential violations of this Ordinance after proper notification. If permission to enter the property is withheld, the Land Use Administrator may seek a court order to require inspection of the property.

15.1 (1) VIOLATIONS

Any violation of this Ordinance shall be subject to the remedies and penalties provided for in this Ordinance. Violations shall include:

(a) Use, or Structure Without Permit or Approval

To place any use or structure upon land that is subject to this Ordinance without all of the permits required by this Ordinance;

(b) Development or Subdivision Without Permit or Approval

To engage in any subdividing, development, construction, or other activity of any nature upon land that is subject to this Ordinance without all of the permits or approvals required by this Ordinance;

(c) Development, Subdivision, or Use Inconsistent with Permit

To engage in any development, use, construction, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, or other form of authorization required in order to engage in such activity;

(d) Development, Subdivision or Use Inconsistent with Conditions of Approval

To violate, by act or omission, any term, condition, or qualification placed by a Decision-Making Body upon any permit or other form of authorization;

(e) Development or Subdivision, Inconsistent with this Ordinance.

To erect, construct, reconstruct, alter, maintain, move, or use any building, structure or to engage in development or subdivision of any land in violation of any zoning, subdivision or other regulation of this Ordinance;

(f) Making Lots or Setbacks Nonconforming

To reduce or diminish any lot area so that the lot size, width, setbacks, or open spaces shall be smaller than prescribed by this Ordinance;

(g) Increasing Intensity or Density of Use

To increase the intensity or density of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this Ordinance;

(h) Removing or Defacing Required Notice

To remove, deface, obscure, or otherwise interfere with any notice required by this Ordinance;

(i) All Other Violations

To establish or operate other activities, structures, or land uses in violation of any specific provisions, or the general purpose and intent, of this Ordinance.

15.2 CONTINUING VIOLATIONS

Each day that a violation remains uncorrected after receiving notice of the violation from the County by certified or registered mail shall constitute a separate violation of this Ordinance.

15.3 REMEDIES AND ENFORCEMENT POWERS

In case of any violation, Dodge County, the County Board of Supervisors, the Board of Adjustment, the Land Use Administrator, the Committee, or any owner of property affected by any violation may institute appropriate action or proceeding for relief pursuant to the procedures set forth in this chapter.

(1) Types of Remedies and Enforcement Powers

The County shall have the following remedies and enforcement powers:

(a) Revoke Permits

Any development permit or other form of authorization required under this Ordinance may be revoked when the Land Use Administrator and the Committee determine that:

1. There is departure from the plans, specifications, or conditions as required under terms of the permit;
2. The development permit was procured by false representation or was issued in error; or
3. Any of the provisions of this Ordinance are being violated.

(b) Injunctive Relief

The County may seek an injunction or other equitable relief in court to stop any violation of this Ordinance or of a permit, certificate, or other form of authorization granted hereunder.

(c) Abatement

The County may seek a court order in the nature of mandamus, abatement, injunction, or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

(d) Penalties

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$50 nor more than \$500 dollars and costs of prosecution for each violation. In default of payment of such forfeiture and costs, violators shall be imprisoned in the County Jail until payment thereof, for a period not to exceed 6 months.

(e) Other Remedies

The County shall have such other remedies as are and as may be from time to time provided by Wisconsin law for the violation of any of these Ordinance provisions.

(f) Other Powers

In addition to the enforcement powers specified in this Chapter, the County may exercise any and all enforcement powers granted by Wisconsin law.

(g) Continuation

Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions, undertaken by the County pursuant to previous and valid ordinances and laws.

(2) Remedies Cumulative

The remedies and enforcement powers established in this chapter shall be cumulative, and the County may exercise them in any order.

15.4 ENFORCEMENT PROCEDURES

(1) Non-Emergency Matters

In the case of violations of this Ordinance that do not constitute an emergency or require immediate attention, the Land Use Administrator shall give notice of the nature of the violation to the property owner or to any other person who is party to the agreement or to any applicant for any relevant permit in the manner hereafter stated, after which the persons receiving notice shall have 30 days to correct the violation before further enforcement action shall be taken. Notice shall be given in person, by United States Registered or Certified Mail, or by posting notice on the premises. Notices of violation shall state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.

(2) Emergency Matters

In the case of violations of this Ordinance that constitute an emergency as a result of safety or public concerns or violations that will create increased problems or costs if not remedied immediately, the County may use the enforcement powers available under this chapter without prior notice, but the Land Use Administrator shall attempt to give notice simultaneously with beginning enforcement action. Notice may be provided to the property owner, to any other person who is party to the agreement, and to applicants for any relevant permit.

(3) Revocation

(a) Duties of Land Use Administrator

The revocation process shall be initiated by the Land Use Administrator upon a determination that there are reasonable grounds for revocation of the subject permit or development approval.

(b) Authority to Revoke

The Decision-Making Body that approved the permit or development approval shall be authorized to revoke the permit or development approval.

(c) Notices and Public Hearing

1. Notice

Notice of a revocation hearing shall be given in the same manner as required for the public hearing at which approval was granted. If no notice was required for approval, none shall be required for the revocation hearing, provided that notice shall be sent or delivered to the owner of the use or structure for which the permit was granted at least 7 days prior to the hearing. Failure to receive notice within the specified time limit shall not constitute grounds for dismissal of the hearing.

2. Hearing

At the public hearing, the Decision-Making Body shall hear testimony of County staff, the owner of the use or structure for which the permit was granted, if present, and any other interested person.

(d) Required Findings

The Decision-Making Body shall revoke the permit upon making one or more of the following findings:

- (a) That the permit was issued on the basis of erroneous or misleading information or misrepresentation;

(b) That the terms or conditions of approval of the permit have been violated or that other laws or regulations have been violated; or

(c) That there has been a discontinuance of the exercise of the entitlement granted by the permit for 180 consecutive days.

(e) Decision and Notice

1. Matters Subject to Public Hearing

Following the hearing, the Decision-Making Body shall render a decision, and shall mail notice of the decision to the owner of the use or structure for which the permit was revoked and to any other person who has filed a written request for such notice.

2. Matters Not Subject to Public Hearing

For decisions on a revocation matter that is not the subject of a public hearing, the Decision-Making Body shall mail notice of the decision to the owner of the use or structure for which the permit was revoked and to any other person who has filed a written request for such notice.

(4) ENFORCEMENT OF VIOLATIONS IN PLACE FOR MORE THAN TEN YEARS (s. 9.692(1t))

Wis. Stats. A county may not commence an enforcement action against a person who owns a building or structure that is in violation of a shoreland zoning standard or an ordinance enacted under s. 59.692 Wis. Stats. if the building or structure has been in place for more than 10 years.

16.0 DEFINITIONS

16.1 WORD CONSTRUCTION

(1) Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “for example,” “including,” and “such as,” or similar language are intended to provide examples; not to be exhaustive lists of all possibilities.

(2) Technical and Nontechnical Terms

Words and phrases not otherwise defined in this ordinance shall be construed according to the common and approved usage of the language, but technical words and phrases not otherwise defined in this ordinance that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(3) Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of Dodge County, unless otherwise indicated.

(4) Mandatory and Discretionary Terms

The words “shall,” “will,” and “must” are always mandatory. The words “may” and “should” are discretionary terms.

(5) Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

(a) “and” indicates that all connected items, conditions, provisions or events apply; and

(b) “or” indicates that one or more of the connected items, conditions, provisions or events apply.

(6) Tenses and Plurals

Words used in the past, present, or future tense include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

(7) Gender

The masculine shall include the feminine.

16.2 The following terms used in this ordinance mean:

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

Bioretention Stormwater retention technique that uses soil, plants and microbes to treat stormwater before it is infiltrated or discharged.

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

Buffer, Primary Native Vegetative Buffer area located from OHWM to a distance 35 feet landward and consisting of 3 vegetation layers; Tree, shrub and groundcover.

Buffer, Secondary Native Vegetative Buffer area located greater than 35 foot from OHWM to a distance 75 foot landward and consisting of 3 vegetation layers; Tree, shrub and groundcover.

Building: See **Structure**

Building envelope (NR 115.03(1p)) The three dimensional space within which a structure is built.

Committee The Dodge County **Land Resources** and Parks Committee or any successor committee duly charged by the Dodge County Board of Supervisors with general planning responsibilities under Wisconsin Statute 59.97.

Conditional use A use which is allowed only if reviewed and approved in accordance with the conditional use review procedures in Section 13.22.

Contiguous

Land that is abutting or touching at any point of which no part is separated by intervening land in other ownership, by a public road, street, or highway or by a navigable body of water.

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

DSPS Wisconsin Department of Safety and Professional Services

Department Dodge County Land Resources and Parks Department.

Development Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Development Regulations

Development regulations means the part of the Shoreland Protection Ordinance that applies to elements including setback, height, lot coverage, and side yard.

Drainage System One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge

Dry well, storm water A subsurface storage facility that receives and temporarily stores stormwater runoff from roofs of structures only. Discharge of this stored runoff from a dry well occurs through infiltration into the surrounding soils. A dry well may be either a structural chamber and/or an excavated pit filled with aggregate. *(For example see Appendix A)*

Dwelling A structure, or that part of a structure, which is used or intended to be used as a home, a residence or a sleeping place by one or more persons. The term “dwelling” for purposes of this Ordinance does not include boarding or lodging houses, motels, hotels, tents, cabins, or manufactured homes that are not attached to or fastened to a permanent foundation.

Engineer designed A design that has been certified by a Wisconsin Certified Professional Engineer, Certified Professional Architect or Certified Designer of Engineered Systems to meet the minimum standards required in the ordinance for that design.

Engineer designed stormwater practices/structure a device used to filter, infiltrate or percolate storm water into a subsoil layer and that has been certified by an engineer to meet the minimum standards required in the ordinance for that device.

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

Existing Requirements - Regulations, ordinances, rules, or other properly adopted requirements of a political subdivision that are in effect at the time the application for an approval is submitted to the political subdivision.

Emergency Matters a situation in which air, water, soil may be contaminated and cause bodily harm to an individual or detrimental to the environment.

Fence A enclosure or barrier, such as wooden posts, wire, iron, masonry, stone, etc. used as a boundary, means of protection, confinement, concealment or privacy screening, but not including hedges, shrubs, trees, or other natural growth.

Fence, Open A fence, including any gates in said fence, that does not have privacy slats, pickets or other solid coverings blocking view and in which openings between the materials of which the fence is constructed represent not less than fifty (50) percent of the total surface of the fence when viewed perpendicular to the face of the fence.

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

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

Foundation The underlying constructed base of a building or structure, including pillars, footings, timber posts, concrete slabs and concrete and masonry walls.

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

Ground water Any of the waters of the state, as defined under s.281.01(18) occurring in a saturated subsurface geological formation of rock or subsoil.

Ground water, High Zones of soil saturation which include perched water tables, shallow regional groundwater tables or aquifers, or zones that are seasonally, periodically permanently saturated.

Habitable Rooms Any room or portion thereof used or designed for living, sleeping, eating or cooking or combinations thereof. Bathrooms, toilet compartments, closets, halls, storage rooms, laundry and utility spaces, basement recreation rooms, and similar areas are not considered habitable rooms.

Habitable Structure Any structure or portion thereof used or designed for human habitation.

Human Habitation The use of a structure for living for any period of time, for activities such as sleeping, eating or cooking, or combinations thereof.

Impervious surface (NR 115.03(4g)) An area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes roof tops, private road surfaces, sidewalks, driveways, parking lots and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54) or sidewalks as defined in s. 340.01(58) are not considered impervious surfaces.

Note: 340.01(54) "Roadway" means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term roadway refers to each roadway separately but not to all such roadways collectively 340.01(58) "Sidewalk" means that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, constructed for use of pedestrians.

Infiltration Trench A subsurface rock-filled trench with no outlet that receives stormwater runoff and allows the captured rainfall to percolate into the subsoil. (See Appendix A for an example).

Injection well A device, component, structure, which provides a direct conduit to high ground water.

Land Use Administrator The administrative officer or their designee, designated to administer this Ordinance and other related Code Administration programs of the Department.

Land Use Permit A permit granting authorization to locate, erect, move, reconstruct, extend, convert, or structurally alter a use, sign, structure, land, or water, pursuant to the requirements of this Ordinance. Receipt of such a permit demonstrates compliance with all applicable Ordinance requirements.

Land Use/Sanitation Specialist A person employed by the County and under the general direction of the Land Use Administrator which is responsible for assisting in the enforcement of this Ordinance and other related Code Administration programs of the Department.

Lot A contiguous and continuous quantity of land in possession of, owned by, or recorded as property of the same claimant, person, persons, or company and having frontage on a public street, occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other space provisions of this ordinance. For zoning and subdivision purposes, tax parcel identification numbers shall not be used in defining a lot.

Lot Area The area contained within the exterior boundaries of a lot excluding public streets and land under navigable bodies of water.

Lot or Property Line, Front (or Street) The lot line describing the edge of the lot abutting the street, road or highway right-of-way. A corner lot shall have two front (or street) property lines.

Lot or Property Line, Rear A lot line, not a front or street lot line, which is parallel or approximately parallel to the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line for the purpose of measuring rear yard depth. A corner lot shall have two side lot or property lines and no rear lot or property line.

Lot or Property Line, Side Any lot or property line other than a front (street) or rear lot line. A corner lot shall have two side property or lot lines and no rear property or lot line.

Lot Depth The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

Lot Width The horizontal distance between side lot lines. Lot width shall be measured at right angles to the lot depth at points 20 feet from the front lot line and 20 feet from the rear lot line, at the Ordinary Highwater Mark, at the Highway Setback line and at the rearmost point of the lot depth in cases where there is no rear lot line.

Maintenance and repair (NR 115.05(1)(g)4.) Includes such activities as interior remodeling, exterior remodeling, painting, decorating, paneling, plumbing, insulation, and replacement of windows, doors, wiring, siding, roof and other nonstructural components; and the repair of cracks in foundations, sidewalks, walkways and the application of waterproof coatings to foundations.

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

Navigable waters (NR 115.03(5)) Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under s. 281.31(2)(d), Wis. Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.692, Wis. Stats, and ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to:

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

Natural Earth Tones Those colors which have a Munsell Color grade Hue, Value, Chroma= Gley 1 with a value of 2.5-8 and a hue of N-5G, Gley 2 with a value of 2.5-8/ and a hue of 0-20, 10R with a value of 2.5-8 and a chroma 1-8, 2.5YR with a value of 2.5- 8 and a chroma 1-8, 5YR with a value of 2.5- 8 and a chroma 1-8, 7.5YR with a value of 2.5- 8 and a chroma 1-8, 10YR with a value of 2.5- 8 and a chroma 1-8, 2.5Y with a value of 2.5- 8 and a chroma 1-8, 5Y with a value of 2.5- 8 and a chroma 1-8.

Nonconforming Structure A dwelling, or other building that existed lawfully before the current Ordinance was enacted or amended, but that does not conform with one or more of the development regulations in the current Ordinance.

Nonconforming Structure – Legal Any structure lawfully used, occupied, or erected before the adoption or amendment of this Ordinance, conforming in respect to use but not in respect to the frontage, width, height, area, yard, parking, loading, or distance requirements in this Ordinance. A legal-nonconforming structure differs from an illegal-nonconforming structure in that the reason for the nonconformance is caused by a change to the Shoreland Protection Ordinance. The structure location or dimensions have not changed, but due to the Ordinance change, the existing structure no longer conforms to the policies and standards of the applicable Ordinance requirements.

Nonconforming Use Any land or water, lawfully used, occupied, or erected before the effective date of this Ordinance or amendments thereto, which does not conform to the use regulations of this Ordinance or amendments thereto.

Non-Emergency Matters All situations that do not require immediate attention.

Ordinary high-water mark (OHWM) (NR 115.03(6)) The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

Parcel A tract or plot of land of any size that may or may not be subdivided or improved. A parcel shall not be considered a separate lot for purposes of this ordinance unless it meets the definition of a lot.

Parcel Identification Number A number that is assigned to a parcel by the Dodge County Property Description Unit for the purpose of identifying a tax parcel in a tax roll or assessment roll. A parcel identification number (PIN) is assigned to uniquely identify that parcel from any other parcel within a given taxing jurisdiction. Also known as tax key numbers. Land with separate parcel identification numbers shall not be considered separate lots unless they meet the definition of a lot.

Pervious Pavers System An engineer designed system which is designed and constructed to Wisconsin Department of Natural Resources Conservation Practice Standards "Permeable Pavement (1008) (i.e. pervious interlocking concrete paving blocks, concrete grid pavers, perforated brick layers).

Point Source A definable source from which a substance is generated.

Political Subdivision Political Subdivision means a city, village, town or county.

Project Project means a specific and identifiable land development that occurs on defined and adjacent parcels of land, which includes lands separated by roads, waterways and easements.

Rainfall event, 24 hour The amount of rain which falls in a 24 hour period.

Note: The current applicable rainfall estimates listed in the NOAA Atlas 14, Precipitation-Frequency Atlas of the United States for the Dodge County area shall be used to define a 24-hour rainfall event for purposes of this Ordinance.

The NOAA Atlas 14 table can be found here:

http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=wi

Rain garden Small bio-retention area, or small shallow depression that is planted with a variety of native or ornamental plants that can treat small amounts of run off to improve water quality. *(For an example see Appendix A)*

Reasonable Accommodation Allowing a disabled person to deviate from the strict requirements of the County's land use code if an accommodation is necessary and reasonable, in order not to unlawfully discriminate against the disabled person and to allow them equal housing opportunity. An accommodation shall be considered reasonable if it does not cause any undue hardship or fiscal or administrative burdens on the municipality, or does not undermine the basic purpose that the land use code seeks to achieve.

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

Replacement Construction in which an existing structure or building or portion thereof is torn down and replaced by a new structure or building or portion thereof.

Riparian Lot/Parcel A lot which abuts a navigable body of water.

Riprap Riprap is a permanent cover of rock, fitted to the slope and shape of the shoreline that is used to stabilize shorelines.

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

SPS Safety and Professional Services

Setback Lines Lines established along road right-of-ways and waterbodies at specified distances from the centerline, encroachment line, or right-of-way line, which prohibited buildings or structures within the setback area between the setback line and the road right-of-way or waterbody encroachment line.

Shoreland (NR 115.03(8)) Lands within the following distances from the ordinary highwater mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

Shoreland setback also known as the "Shoreland setback area" in s. 59.692(1)(bn) An area in a shoreland that is within a certain distance of the OHWM in which the construction or placement of buildings or structures has been limited or prohibited under an ordinance enacted under section 59.692, Wis. Stats.

Shoreland-wetland district (NR 115.03(9)) The zoning district, created as a part of this shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made a part of this ordinance.

Slope, Percent The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.

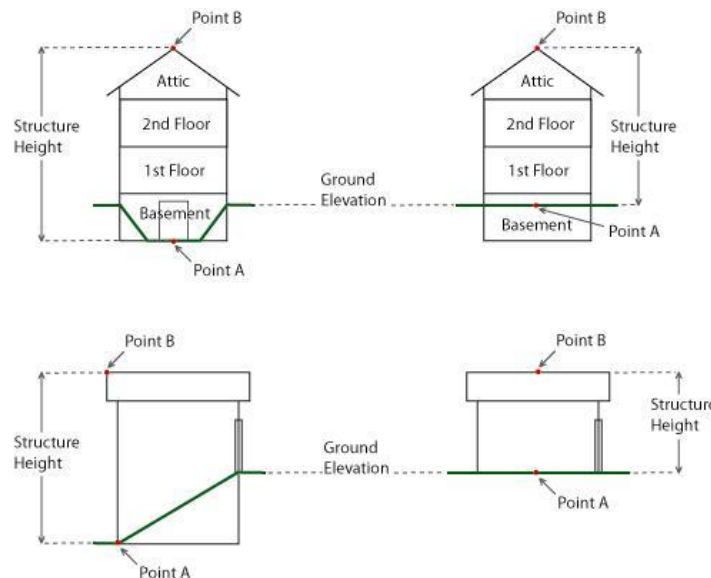
Structure (s.59.692(1)(e), Stats) means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or fire pit.

Structure, Accessory A structure including private garages, pole sheds, swimming pools, and other such structures subordinate to the principal structure and located on the same lot and serving a purpose customarily incidental to the principal structure.

Structural Alterations Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

Structure – Attached Any structure that shares a common roof, wall or floor where the width of the common roof, wall or floor is a minimum of 10 feet.

Structure, Height The measurement of the vertical line segment starting at the lowest point of any exposed wall and it's intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this ordinance.



Structure – Illegal Any structure which was constructed or created after the adoption or amendment of this Ordinance, which was constructed without all of the required Department permits and approvals. An illegal structure remains an illegal structure until the structure has been brought into compliance with all of the applicable codes and the owner has received all of the required Department permits and approvals that are necessary to bring the illegal structure into compliance with this Ordinance.

Structure, Principal The main structure on a lot and intended for primary use of said lot. For the purpose of this ordinance, boathouses shall not be considered principal structures.

Structure, Temporary Any piece of work that is readily movable and used or intended to be used for a short time period, not to exceed 90 days.

Substandard lot

Substandard lot means a legally created lot or parcel that met any applicable lot size requirements when it was created, but does not meet current lot size requirements.

Substantial Completion The point in time of construction, in which a project complies with or meets the minimum requirements of the Dodge County Shoreland Protection Ordinance as determined by the Department and the structure can be occupied or utilized for its intended use regardless of the completion of the installation of the utilities including interior plumbing, water and electrical work, interior finishing items such as trim, dry walling, painting and installation of flooring, and the completion of exterior items such as siding, shingles and painting.

Subsurface dispersal systems An infiltration system that is designed to discharge stormwater through piping 12 inches below the ground surface but greater than 18 inches above the seasonal high groundwater table.

Surface dispersal systems An infiltration system that is designed to discharge stormwater on the ground surface or within the first 18 inches of the ground surface, but above the seasonal high groundwater.

Tree box filters Mini bioretention areas that are installed beneath trees that are designed to receive stormwater runoff which is allowed to percolate into the subsoil or is transferred to a water retention area. *(For and example, see Appendix A)*

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

Use, Accessory Any use that is secondary to the principal use.

Use, Illegal – Any use of land or water which was established after the adoption or amendment of this Ordinance, which was established without all of the required Department permits and approvals. An illegal use remains an illegal use until the use has been brought into compliance with all of the applicable codes and the owner has received all of the required Department permits and approvals that are necessary to bring the illegal use into compliance with this Ordinance.

Use, Principal The main use to which the premises is devoted, and the principal purpose for which the premises exists.

Variance An authorization granted by the Board of Adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.

Vegetative Buffer Zone Land that extends from the OHWM to a minimum of 35 feet inland and generally contains three layers of native vegetation: trees, shrubs and ground cover.

Wetlands (NR 115.03(13)) Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and which have soils indicative of wet conditions.

Wetlands Constructed (also referred to as treatment storm water wetlands) Artificially constructed shallow wetland systems that are designed to capture, control and treat surface water runoff.

Appendix A

Bioretention Bioretention “cells” are shallow depressions filled with sandy soil, topped with a thick layer of mulch, and planted with dense vegetation. Stormwater runoff flows into the cell and slowly percolates through the soil (which acts as a filter) and into the groundwater; some of the water is also taken up by the plants. Bioretention areas are usually designed to allow ponded water 6-8 inches deep, with an overflow outlet to prevent flooding during heavy storms. Where soils are tight or fast drainage is desired, designers may use a perforated underdrain, connected to the storm drain system.

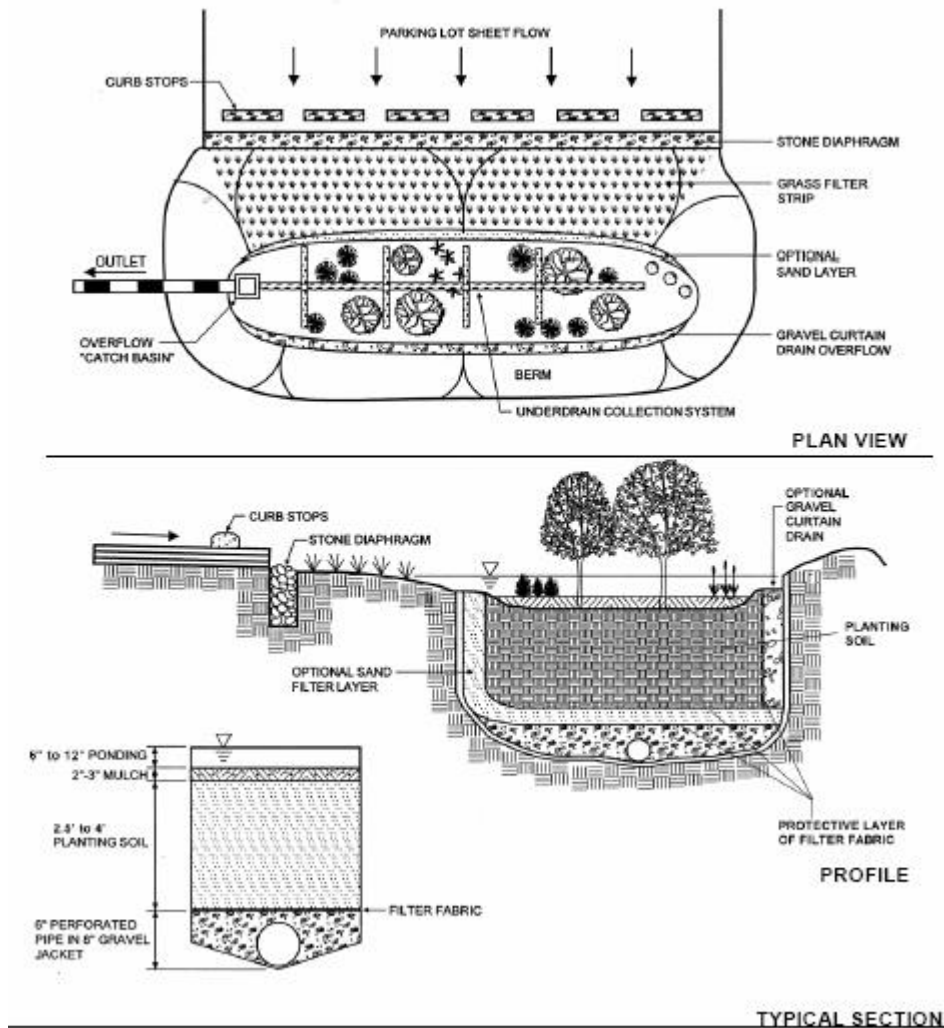


Image from www.stormwatercenter.net

Dry well, storm water A dry well is a subsurface storage facility that receives and temporarily stores stormwater runoff from roofs of structures only. Discharge of this stored runoff from a dry well occurs through infiltration into the surrounding soils. A dry well may be either a structural chamber and/or an excavated pit filled with aggregate.

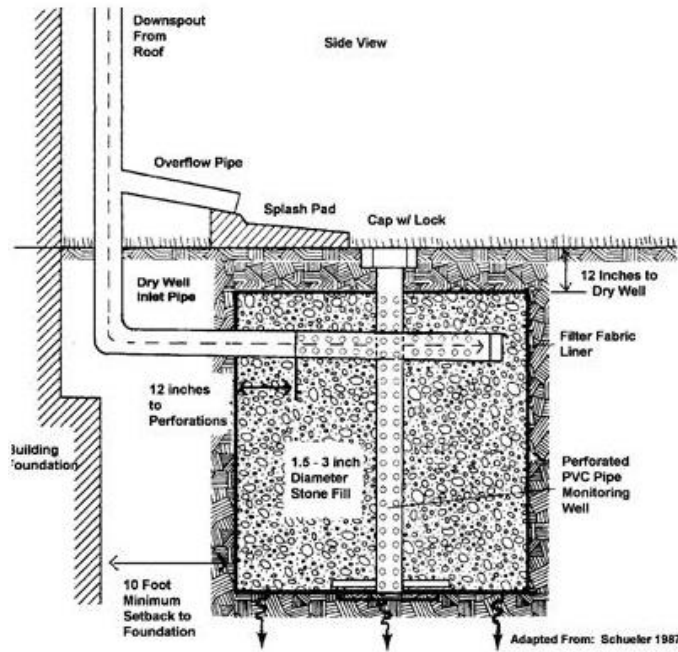


Image from www.brighthub.com

Rain garden Rain gardens are generally small collections of water loving plants planted on a low site area that naturally collects rainfall. In some cases the gardens are designed expressly to collect the rain fall and the water plants have been added because they grow so well in saturated ground. These small micro-retentions are often small circular depression less than twenty (20) feet in diameter and not more than twelve (12) inches deep. In many rain gardens they are only six (6) to eight (8) inches deep. They consist of several parts including a grass buffer strip, a ponding area, a rich thick organic mulch layer and a prepared sub base with improved drainage media.

The criteria contained within the Wisconsin Department of Natural Resources Conservation Practice Standard for Rain Garden 1009 may be used to meet the County's mitigation practice requirements for rain gardens.

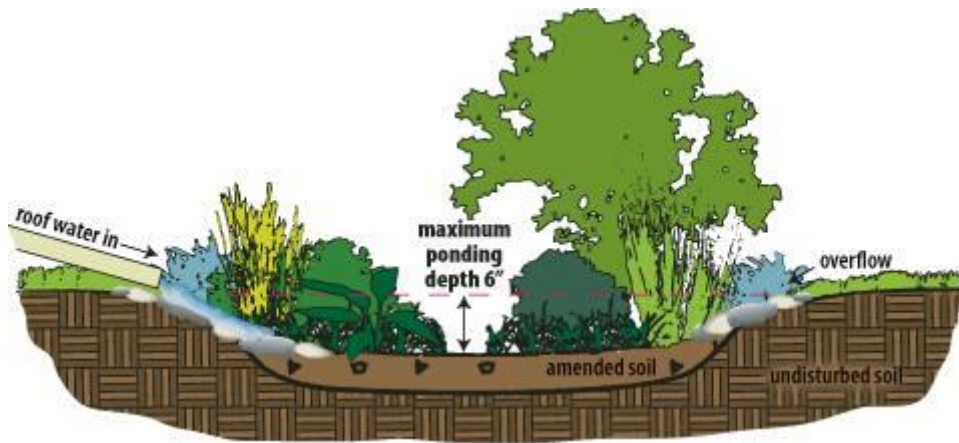


Image drafted by www.oeconline.org

Tree box filters Runoff is directed to the tree box, where it is cleaned by vegetation and soil before entering a catch basin. The runoff collected in the tree-boxes helps irrigate the trees. A 6 foot x 6 foot tree box retains 14,374 sqft. of water shed area, a 3 foot x 3 foot tree box retains 3,484 sqft. of water shed area.

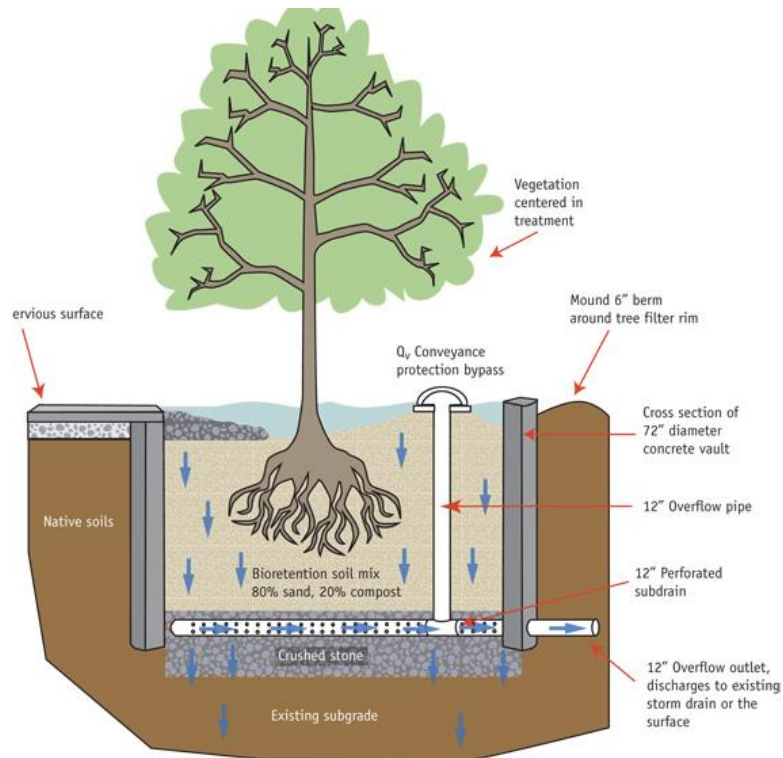


Image from www.unh.edu

Open-side Structure Requirements Per 6.1(2)

