



GREEN LAKE COUNTY

571 County Road A, Green Lake, WI 54941

The following documents are included in the packet for the Land Use Planning & Zoning Committee meeting on **Wednesday, April 10, 2019**.

Packet Pages:

- 1-2 **AMENDED** Agenda
- 3-7 Draft meeting minutes from March 7, 2019
- 8-10 Financial reports for February
- 11-12 Permits issued in February
- 13 Land use violations
- 14 Notice of Budgetary Adjustment
- 15-47 Chapter 338 Shoreland Zoning Ordinance Amendments
- 48 Public Hearing Notice

49-71 **Item I: Owners/Applicants:** AEC Island, LLC – Paul Schwandt & Dan Timm **General legal description:** W1702 North Street, Town of Brooklyn, Parcel #004-00410-0502 (±5.72 acres); Part of the SE¼, Section 17, T16N, R13E **Request:** Conditional use permit request for a contractor’s yard, engine performance business, mini-warehousing, and 3 leased storage buildings.

72-83 **Item II: Owner/Applicant:** Manchester Rod & Gun Club, Dale Justmann **General legal description:** Parcel #012-00283-0100, Lot 1 CSM1659 (±1 acre), Part of the SW¼ of Section 15, T14N, R12E, Town of Manchester, and Parcel #012-00285-0000, Lot 2 CSM1659 (±18 acres), Part of the SW¼ of Section 15, T14N, R12E, Town of Manchester **Request:** Request to rezone ±19 acres from I-Industrial District and A-1 Farmland Preservation District to RC-Recreation District.

84-89 **Item III: Owner/Applicant:** Manchester Rod & Gun Club, Dale Justmann **General legal description:** Parcel #012-00283-0100, Lot 1 CSM1659 (±1 acre), Part of the SW¼ of Section 15, T14N, R12E, Town of Manchester, and Parcel #012-00285-0000, Lot 2 CSM1659 (±18 acres), Part of the SW¼ of Section 15, T14N, R12E, Town of Manchester **Request:** Conditional Use Permit request for a rod and gun club and related activities.

90-104 **Item IV: Owners/Applicants:** Charles Edwin Hutchinson, Holly Ann Sina, Donald John Hutchinson, III **General legal description:** County Road J, Parcels #004-00137-0000, #004-00142-0000, #004-00141-0000, ±120 acres, Part of the SW¼ and SE¼ of Section 7, T16N R13E, Town of Brooklyn **Request:** The owners are requesting a zoning change from A-1, Farmland Preservation District to R-4, Rural Residential District, in order to ultimately create three lots no larger than 5.9 acres by certified survey map.

Additional information as a result of the amended agenda:

105 Proposed Zoning Text Amendment

106-107 Department of Safety & Professional Services letter regarding Uniform Dwelling Code inspections

If you have questions or need additional information, please contact the Land Use Planning & Zoning Department at (920) 294-4156.



GREEN LAKE COUNTY
Land Use Planning & Zoning Committee
571 County Road A, Green Lake, WI 54941
Office: (920) 294-4156 FAX: (920) 294-4198

Land Use Planning & Zoning Committee Meeting Notice

Date: **Wednesday, 04/10/19 Time: 5:15 p.m.**
Green Lake County Government Center, Room #0902
571 County Road A, Green Lake, WI 54941

***AMENDED AGENDA 04/02/19 cd**

**Committee
Members:**

William Boutwell
Robert Lyon
Harley Reabe
Curt Talma
Peter Wallace
Alternate:
Keith Hess

Carole
DeCramer,
Secretary

1. Call to Order
2. Pledge of Allegiance
3. Certification of Open Meeting Law
4. Minutes: 03/07/19
5. Public comments: 3-minute limit
6. Public appearances
 - * Ben Moderow, Town of Green Lake – Dilapidated and uninhabitable buildings**
7. Correspondence
8. Department activity reports
 - a. Financial reports for February
 - b. Permits for February
 - c. Violation reports
9. Department/Committee activity
 - a. Notice of Budgetary Adjustment – Land Information
 - b. Staff update
 - c. Amendments to Chapter 338 Shoreland Zoning Ordinance
 - *d. Amendment to Chapter 350 Zoning Ordinance**
 - *1. Minimum acreage for Farmland Preservation Zoning District**
 - *e. Uniform Dwelling Code Inspections for the Towns of Princeton and St. Marie**
 - *1. Letter from the Department of Safety & Professional Services dated 03/27/19**
10. Future committee activities
 - a. Future agenda items
 - b. Meeting date:
May 2, 2019
Business meeting 5:15 p.m. - Public hearing 6:00 p.m.

Please note: Meeting area is accessible to the physically disabled. Anyone planning to attend, who needs visual or audio assistance, should contact the Land Use Planning & Zoning Dept. at 294-4156, no later than 3 days before the meeting.

6:00 p.m. Public Hearing

Item I: Owners/Applicants: AEC Island, LLC – Paul Schwandt & Dan Timm

General legal description: W1702 North Street, Town of Brooklyn, Parcel #004-00410-0502 (±5.72 acres); Part of the SE¼, Section 17, T16N, R13E **Request:** Conditional use permit request for a contractor’s yard, engine performance business, mini-warehousing, and 3 leased storage buildings.

- a. Committee Discussion & Deliberation
- b. Committee Decision
- c. Execute ordinance/determination form

Item II: Owner/Applicant: Manchester Rod & Gun Club, Dale Justmann **General legal**

description: Parcel #012-00283-0100, Lot 1 CSM1659 (±1 acre), Part of the SW¼ of Section 15, T14N, R12E, Town of Manchester, and Parcel #012-00285-0000, Lot 2 CSM1659 (±18 acres), Part of the SW¼ of Section 15, T14N, R12E, Town of Manchester **Request:** Request to rezone ±19 acres from I-Industrial District and A-1 Farmland Preservation District to RC-Recreation District.

- a. Committee Discussion & Deliberation
- b. Committee Decision
- c. Execute ordinance/determination form

Item III: Owner/Applicant: Manchester Rod & Gun Club, Dale Justmann **General legal**

description: Parcel #012-00283-0100, Lot 1 CSM1659 (±1 acre), Part of the SW¼ of Section 15, T14N, R12E, Town of Manchester, and Parcel #012-00285-0000, Lot 2 CSM1659 (±18 acres), Part of the SW¼ of Section 15, T14N, R12E, Town of Manchester **Request:** Conditional Use Permit request for a rod and gun club and related activities.

- a. Committee Discussion & Deliberation
- b. Committee Decision
- c. Execute ordinance/determination form

Item IV: Owners/Applicants: Charles Edwin Hutchinson, Holly Ann Sina, Donald John

Hutchinson, III **General legal description:** County Road J, Parcels #004-00137-0000, #004-00142-0000, #004-00141-0000, ±120 acres, Part of the SW¼ and SE¼ of Section 7, T16N R13E, Town of Brooklyn **Request:** The owners are requesting a zoning change from A-1, Farmland Preservation District to R-4, Rural Residential District, in order to ultimately create three lots no larger than 5.9 acres by certified survey map.

- a. Committee Discussion & Deliberation
- b. Committee Decision
- c. Execute ordinance/determination form

11. Adjourn

Please note: Meeting area is accessible to the physically disabled. Anyone planning to attend, who needs visual or audio assistance, should contact the Land Use Planning & Zoning Dept. at 294-4156, no later than 3 days before the meeting.

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING
COMMITTEE MEETING MINUTES
Thursday, March 7, 2019**

CALL TO ORDER

Chair Lyon called the meeting of the Land Use Planning and Zoning Committee to order at 5:15 p.m. in the Green Lake County Government Center, County Board Room, Green Lake, WI. The requirements of the open meeting law were certified as being met.

PLEDGE OF ALLEGIANCE

Present: **William Boutwell, Robert Lyon, Harley Reabe, Curt Talma, Peter Wallace**

Absent:

Also Present: **Matt Kirkman, Land Use Planning and Zoning Director
Carole DeCramer, Committee Secretary
Dawn N. Klockow, Corporation Counsel**

APPROVAL OF MINUTES

Motion by Reabe/Boutwell, unanimously carried, to approve the 01/03/19 minutes.

PUBLIC COMMENT - None

PUBLIC APPEARANCES - None

CORRESPONDENCE - None

DEPARTMENT ACTIVITY REPORTS

a. Financial reports

Kirkman discussed the monthly financial reports, land use permits, and sanitary permits reports.

b. Permits

Kirkman explained the list of issued land use and sanitary permits for the months of December and January.

c. Violations

The committee discussed the list of land use violations and septic violations.

DEPARTMENT/COMMITTEE ACTIVITY

a. Annual Report

Kirkman presented the annual report to the committee.

b. Notice of Budgetary Adjustment

Kirkman – Explained that the budgetary adjustment form is a tool to adjust for unanticipated revenue or expense increases or decreases. The amount of the adjustment is \$6,357.00 and includes underestimated public hearing revenue, for both the Planning and Zoning Committee and the Board of Adjustment, and using overage to offset extra expenses associated with additional public hearings; underestimated Wisconsin Fund expenses, and offset with actual

revenue from these grant applications. Also, County Surveyor expenses were over, and excess certified survey map revenue used to offset.

Motion by Boutwell/Wallace, unanimously carried, to approve the Notice of Budgetary Adjustment and forward to the county clerk for further action.

c. Staff update

Kirkman explained that one of the code enforcement officers is no longer with the county. The position has been advertised and interviews should begin soon.

d. Amendments to Chapter 334 Sewage Systems, Private

Since the department has a code enforcement officer vacancy, staff would like to wait until the position is filled before the Chapter 334 amendments are undertaken. This could be more toward the middle of the year.

e. Amendments to Chapter 338 Shoreland Zoning

Kirkman shared proposed amendments to Chapter 338 that staff would like to be codified before the building season begins. The committee reviewed the first two pages of the amendments and will place this on the April 10th agenda for further review.

6:00 p.m. Recessed the business meeting for the public hearing.

PUBLIC HEARING ITEMS

Item I: Owners/Applicants: Charles Edwin Hutchinson, Holly Ann Sina, Donald John Hutchinson, III **General legal description:** County Road J, Parcels #004-00137-0000, #004-00141-0000, #004-00142-0000 (±120 acres), Part of the SW¼ and SE¼ of Section 7, T16N R13E, Town of Brooklyn **Request:** Request to rezone ±17.22 acres from A-1 Farmland Preservation District to R-4 Rural Residential District. To be identified by certified survey map.

a. Public hearing

Holly Hutchinson Sina, W1130 Illinois Avenue, Green Lake – Spoke in favor of the request.

Attorney Steven Sorenson, 479 Golf Hill Court, Green Lake, representing Timothy Sands Thomson (neighbor to the west), W2438 Northwest Road, Green Lake – Spoke against the request noting that the public hearing notice was published in violation of the zoning ordinance. The notice should have included three separate rezone request notices rather than one single notice. Also noted that RC-Recreation District would be better suited for two of the lots rather than R4-Rural Residential District since the owners have stated that they don't plan on building at this time.

Pat Dobrinska, W1555 County Road J, Green Lake – Spoke against the request.

Holly Hutchinson Sina – Reiterated that they are not asking for anything more than what the surrounding neighbors have.

Public hearing closed.

b. Committee discussion and deliberation

Kirkman – Read the rezone criteria as presented in the staff report. The Town of Brooklyn approved the request.

Corporation Counsel Klockow – Agreed with Attorney Sorenson that the request was improperly noticed and needs to be properly noticed and brought back to this committee in April. Advised the committee to adjourn this request.

c. Committee decision

Motion by Lyon/Reabe, unanimously carried on roll call (5-eyes, 0-nays), to postpone the matter until it can be properly noticed per statute.

Item II: Applicant: Green Lake County Land Use Planning & Zoning Committee **Explanation:** The committee is requesting an amendment to the Code of Green Lake County, Chapter 350, Zoning Ordinance; more specifically, to amend various sections within to be consistent with 2017 Act 67 and 68 as well as other identified changes. For more detailed information regarding the amendments, please contact Land Use Planning & Zoning Director Matt Kirkman at (920) 294-4175. To view the proposed zoning ordinance amendments: Go to <http://www.co.green-lake.wi.us/uploads/forms/proposed-zoning-ordinance-amendments-by-article-3-7-2019.pdf>

a. Public hearing

Kim Michaelson, 6507 Renie Road, Bellville, Ohio, 44913 – Spoke in favor of the amendment related to event barns.

Public hearing closed.

b. Committee discussion and deliberation

Kirkman – Reviewed what the committee has done to get the proposed ordinance amendments to this point.

c. Committee decision

Motion by Wallace/Boutwell, unanimously carried on roll call (5-eyes, 0-nays), to approve the proposed ordinance amendments as presented and forward to the county board for final action.

Item III: Owners/Applicants: Barbara Meyer; Kim Michaelson, Power of Attorney **General legal description:** W514 Town Line Road, Parcel #002-00683-0100 (±10 acres), Lot 1 Certified Survey Map 3257, Part of the SE¼ of Section 35, T17N R13E, ±10 acres, Town of Berlin **Request:** Request to rezone from A-2 General Agriculture to A-1 Farmland Preservation (±3 acres) & R-4 Rural Residential (±7 acres). To be identified by certified survey map.

a. Public hearing

Kim Michaelson, 6507 Renie Road, Bellville, Ohio, 44813 – Spoke in favor of the request.

Public hearing closed.

b. Committee discussion and deliberation

Kirkman – Read the rezone criteria as presented in the staff report. The Town of Berlin approved the request.

c. Committee decision

Motion by Boutwell/Reabe, unanimously carried on roll call (5-ayes, 0-nays), to approve the rezone request as presented and forward to the county board for final action.

Item IV: Owners/Applicants: Diana A. Schoppenhorst; Richard F. Gustke, Personal Representative; Tom Wilson, Agent & First Weber Realtor **General legal description:** N9251 32nd Drive, Parcel #002-00132-0000 (±.66 acres), Located in the NW¼ of Section 8, T17N, R13E, Town of Berlin **Request:** Request to rezone from R-1 Single-Family Residence District to R-4 Rural Residential District. To be identified by certified survey map.

a. Public hearing

Tom Wilson, 24 South Adams Street, Berlin, Agent and First Weber Realtor – Spoke in favor of the request

Public hearing closed.

b. Committee discussion and deliberation

Kirkman – Read the rezone criteria as presented in the staff report. The Town of Berlin approved the request.

c. Committee decision

Motion by Reabe/Boutwell, unanimously carried on roll call (5-ayes, 0-nays), to approve the rezone request as presented and forward to the county board for final action.

Item V: Owner/Applicant: Kirk J. Schulz **Agent:** Chad Boelter **General legal description:** N445 State Road 73, Parcel #012-00693-0000 (±40 acres), Located in the NW¼ of Section 36, T14N, R12E, Town of Manchester **Request:** Request to rezone +3 acres from A-1 Farmland Preservation District to R-4 Rural Residential District. To be identified by certified survey map.

a. Public hearing

No one appeared.

Public hearing closed.

b. Committee discussion and deliberation

Kirkman – Read the rezone criteria as presented in the staff report. The Town of Manchester approved the request.

c. Committee decision

Motion by Wallace/Talma, unanimously carried on roll call (5-ayes, 0-nays), to approve the rezone request as presented and forward to the county board for final action.

FUTURE COMMITTEE ACTIVITIES

- a. Future agenda items**
- b. Next meeting date**

April 10, 2019
Business meeting – 5:15 p.m.
Public hearing – 6:00 p.m.

ADJOURN

7:18 p.m. Meeting adjourned.

RECORDED BY

Carole DeCramer
Committee Secretary

APPROVED ON:

DRAFT

**GREEN LAKE COUNTY
LAND USE PLANNING ZONING DEPARTMENT**

FEES RECEIVED		FEBRUARY				YEAR-TO-DATE				BUDGET	
		2018		2019		2018		2019		2019	
		NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT		
LAND USE PERMITS											
Residential	New	1	150	2	700	1	150	3	1,000	-	
	Alterations	-	-	2	450	2	300	2	450	-	
Commercial	New	-	-	-	-	-	-	-	-	-	
	Alterations	-	-	-	-	1	150	-	-	-	
Agricultural	New	1	400	2	300	1	400	2	300	-	
	Alterations	-	-	-	-	-	-	-	-	-	
Other	New	-	-	-	-	-	-	1	-	-	
	Alterations	-	-	-	-	-	-	-	-	-	
Other	New	-	-	-	-	-	-	-	-	-	
	Alterations	-	-	-	-	-	-	-	-	-	
Misc.	Denied/Refunded	-	-	-	-	-	-	-	-	-	
	Permit Renewals	-	-	-	-	-	-	-	-	-	
Total		2	\$ 550	6	\$ 1,450	5	\$ 1,000	8	\$ 1,750	\$ 34,800	5%
SANITARY PERMITS (POWTS)											
Residential	New	1	280	2	560	1	280	2	560	-	
	Replacement	1	280	3	1,065	4	1,120	7	2,055	-	
	Reconnect	-	-	-	-	-	-	1	280	-	
	Modify	-	-	-	-	-	-	-	-	-	
	Repairs	-	-	-	-	-	-	-	-	-	
	Additional Fees	-	-	-	-	-	-	-	-	-	
Commercial	New	-	-	-	-	-	-	-	-	-	
	Replacement	-	-	-	-	-	-	-	-	-	
	Reconnect	-	-	-	-	-	-	-	-	-	
	Modify	-	-	-	-	-	-	-	-	-	
	Additional Fees	-	-	-	-	-	-	-	-	-	
	Total	2	\$ 560	5	\$ 1,625	5	\$ 1,400	10	\$ 2,895	\$ 24,600	12%
NON-METALLIC MINING PERMITS											
Annual Permit Fees		7	5,600	3	1,500	18	15,300	18	15,300		
Total		7	\$ 5,600	3	\$ 1,500	18	\$ 15,300	18	\$ 15,300	\$ 15,300	100%
BOARD OF ADJUSTMENT											
Special Exception		-	-	-	-	-	-	-	-	-	
Variances		-	-	1	375	1	375	1	375	-	
Appeals		-	-	-	-	-	-	-	-	-	
Total		-	\$ -	1	\$ 375	1	\$ 375	1	\$ 375	\$ 1,500	25%
PLANNING & ZONING COMMITTEE											
Zoning Change		2	750	1	375	3	1,125	4	1,500	-	
Conditional Use Permits		-	-	1	375	-	-	2	750	-	
Variance		-	-	-	-	-	-	-	-	-	
Total		2	\$ 750	2	\$ 750	3	\$ 1,125	6	\$ 2,250	\$ 8,625	26%
MISC.											
Rental Weatherization		-	-	-	-	-	-	-	-	-	
Wisconsin Fund		-	-	-	-	-	-	-	-	-	
Applied Funds - Code Enforcement		-	-	-	-	-	-	-	-	-	
Fees & Forfeitures		-	-	1	700	-	-	1	700	-	
Total		-	\$ -	-	\$ 700	-	\$ -	-	\$ 700	\$ -	0%
SURVEYOR											
Certified Survey Maps		6	1,005	4	675	6	1,005	4	675	6,000	
Preliminary Plats		-	-	-	-	-	-	-	-	-	
Final Plats		-	-	-	-	-	-	-	-	-	
Applied Funds: County Surveyor		-	-	-	-	-	-	-	-	9,500	
Applied Funds: Special Survey Projects		-	-	-	-	-	-	-	-	15,000	
Total		6	\$ 1,005	4	\$ 675	6	\$ 1,005	4	\$ 675	\$ 30,500	2%
GIS (Geographic Information System)											
Map Sales		-	-	-	-	-	10	-	-	200	
Land Records Transfer		-	2,416	-	-	-	4,880	-	-	24,500	
Land Information Grant		-	-	-	-	-	-	-	-	9,080	
Total		-	\$ 2,416	-	\$ -	-	\$ 4,890	-	\$ -	\$ 33,780	0%
GRAND TOTAL		19	10,881	21	7,075	38	25,095	47	23,945	\$ 149,105	16%
Total										16%	

GREEN LAKE COUNTY

For 02/01/19 02/28/19

Revenue Summary Report

FJRES01A

Periods 02 02

Land Use & Zoning Month End Revenue

MER100-10-P&Z

<u>Account No/Description</u>	<u>Budget Amount</u>	<u>Period Amount</u>	<u>Y-T-D Amount</u>	<u>Balance</u>	<u>Percent Received</u>
10 Land Use Planning and Zoning					
19-100-10-44400-000-000 Land Use Permits	34,800.00	1,450.00	1,750.00	33,050.00	5.03
19-100-10-44400-001-000 BOA Public Hearing	1,500.00	375.00	375.00	1,125.00	25.00
19-100-10-44400-002-000 PZ Public Hearing	8,625.00	750.00	2,250.00	6,375.00	26.09
19-100-10-44409-000-000 Non-Metallic Mining	15,300.00	1,500.00	15,300.00	.00	100.00
19-100-10-44410-000-000 Sanitary Permits	24,600.00	1,625.00	2,895.00	21,705.00	11.77
19-100-10-45110-000-000 Fines & Forfeitures	.00	700.00	700.00	-700.00	.00
19-100-10-46131-001-000 GIS Map Sales	200.00	.00	.00	200.00	.00
19-100-10-46131-002-000 Strategic Fund	9,080.00	.00	.00	9,080.00	.00
19-100-10-46762-000-000 Certified Survey Maps	6,000.00	675.00	675.00	5,325.00	11.25
19-100-10-47411-000-000 Interdepartment transfer/Land Records	24,500.00	.00	.00	24,500.00	.00
19-100-10-49320-000-000 Applied Funds	24,500.00	.00	.00	24,500.00	.00
10 Land Use Planning and Zoning	149,105.00	7,075.00	23,945.00	125,160.00	16.06

GREEN LAKE COUNTY

For 02/01/19 02/28/19

Expenditure Summary Report

FJEXS01A

Periods 02 02

Land Use & Zoning Month End Expenses

MEE100-10-P&Z

Account No/Description	Adjusted Budget	Y-T-D Encumb	Period Expended	Y-T-D Expended	Available Balance	Percent Used
10 Land Use Planning and Zoning						
53610 Code Enforcement						
19-100-10-53610-110-000	Salaries	295,708.00	.00	19,507.68	33,932.48	261,775.52 11.47
19-100-10-53610-140-000	Meeting Payments	1,425.00	.00	.00	.00	1,425.00 .00
19-100-10-53610-151-000	Social Security	22,625.00	.00	1,419.71	3,877.23	18,747.77 17.14
19-100-10-53610-153-000	Ret. Employer Share	19,372.00	.00	1,277.77	3,458.17	15,913.83 17.85
19-100-10-53610-154-000	Health Insurance	61,985.00	.00	4,469.44	9,630.90	52,354.10 15.54
19-100-10-53610-155-000	Life Insurance	589.00	.00	44.73	93.78	495.22 15.92
19-100-10-53610-210-002	Professional Services-SRV	9,500.00	.00	1,150.00	1,150.00	8,350.00 12.11
19-100-10-53610-210-003	Miscellaneous Fees	300.00	.00	.00	.00	300.00 .00
19-100-10-53610-242-000	Print Management	500.00	.00	.00	.00	500.00 .00
19-100-10-53610-307-000	Training	225.00	.00	95.00	95.00	130.00 42.22
19-100-10-53610-310-000	Office Supplies	3,272.00	.00	.00	56.95	3,215.05 1.74
19-100-10-53610-312-000	Field Supplies	200.00	.00	.00	.00	200.00 .00
19-100-10-53610-320-000	Publications-BOA Public Hearing	750.00	.00	325.00	325.00	425.00 43.33
19-100-10-53610-320-001	Publications-PZ Public Hearing	3,000.00	.00	325.00	325.00	2,675.00 10.83
19-100-10-53610-321-000	Seminars	655.00	.00	.00	.00	655.00 .00
19-100-10-53610-324-000	Member Dues	100.00	.00	.00	70.00	30.00 70.00
19-100-10-53610-330-000	Travel	792.00	.00	.00	.00	792.00 .00
19-100-10-53610-352-000	Vehicle Maintenance	138.00	.00	46.78	46.78	91.22 33.90
53610 Code Enforcement		421,136.00	.00	28,661.11	53,061.29	368,074.71 12.60
10 Land Use Planning and Zoning		421,136.00	.00	28,661.11	53,061.29	368,074.71 12.60

Land Use Permits: 2/01/19 - 2/28/19



Parcel Number	Town	Site Address	Owner Name	Permit Fee	Estimated Cost	Project
004-00199-0000	Brooklyn	W995 Brooklyn J Rd	Danielle/Matthew Boerson	\$ 150.00	\$ 76,000.00	Unheated greenhouses, shipping container, shed/barn
004-00237-0000	Brooklyn	N6636 County Road PP	Coburn J Mulville	\$ 300.00	\$ 140,000.00	Single-family dwelling (post & beam home)
004-00640-0100	Brooklyn	W557 Badtke Ln	Pamela Maye Kluge	\$ 300.00	\$ 20,000.00	2 additions to principal structure
004-00950-0100	Brooklyn	W3047 Pheasant Run	Derrick/Agnes Jeziorowski	\$ 150.00	\$ 5,000.00	Barn/shed
006-01702-0200	Green Lake	N3062 N Kearley Rd	Williams Living Trust	\$ 150.00	\$ 2,500.00	Expand deck; swam framing for patio door w/window
006-02027-0000	Green Lake	W2629 Menominee Dr	John/Jackie Quade	\$ 400.00	\$ 259,000.00	Single-family dwelling w/garage, screen porch, covered porch
Totals				\$ 1,450.00	\$ 502,500.00	

Sanitary Permits: 2/01/19 - 2/28/19



Parcel #	Town	Site Address	Owners	Permit Fee	Permit Type
004-00237-0000	Brooklyn	N6636 County Road PP	Coburn J Mulville	\$ 280.00	New System
018-00157-0100	St. Marie	W4450 County Road J	Frank & Loni Sixt	\$ 280.00	New System
016-01100-0000	Princeton	No Address Available	James F/Elizabeth A Oeth	\$ 355.00	Replacement System
016-00470-0000	Princeton	N4497 Birch Ln	Greisch Revocable Trust	\$ 355.00	Replacement System
016-01105-0000	Princeton	N4709 Oak Rd	Marsha Minott/Michael Zelensek	\$ 355.00	Replacement System
Totals				\$ 1,625.00	

Land Use Violation Report 04-10-19



Status	Town	Site Address	Owner Name	Vio Type	Violation Description	Vio Date	# of Vios
NOV sent	Berlin	N8230 County Road F	THIEL, TAMARA L	Junk	350-14 D & 350-21 C & D: Junk & 12 unregistered vehicles present. HHS working on cleaning up p	11/14/2018	1
NOV sent	Brooklyn	N5736 Spaulding Hill Rd	THRESHER, MICHAEL P	Junk	350-14 D.-Appliances & furniture sitting in yard; Working on inventory of items remaining to pair wit	5/24/2018	1
NOV sent	Brooklyn	N5434 Shore Dr	JOHNSON, RANDALL R/ARLENE Z	Shoreland	338-63 & 338-32 A-no permit obtained for a structure w/in the 75ft setback. Update 2-7-19: decomp	1/31/2019	1
FNOV sent	Brooklyn	N Lawson St	EGBERT EXCAVATING INC	Zoning	Expansion of a use which requires new conditional use permit; Has started application for CUP and	4/5/2018	3
FNOV sent	Brooklyn	W575 State Road 23 49	PRIEBE, ROGER JR/DENISE	Zoning	350-43 B & I - setbacks from highway ROW & setbacks between advertising signs are not met by a	12/18/2018	1
FNOV sent	Green Lake	W2220 Spring Lake Rd	HARDER, JAMES A/JANET K	Zoning	350-38 D (2) Survey recorded combining lots shed does not meet rear setback.	11/29/2018	1
CC	Marquette	W6853 Puckaway Rd	HUTTON-OKPALAEKE, MATTHEW U	Zoning	Violation resolved; CC pursuing forfeiture (1/17/19).	8/13/2018	1

NOV = Notice of Violation
FNOV = Final Notice of Violation
CC = Corporation Counsel

GREEN LAKE COUNTY

Notice of Budgetary Adjustment

Unanticipated Revenue or Expense Increase or Decrease Not Budgeted

Date: March 12, 2019
 Department: Land Use Planning & Zoning
 Amount: \$37,500.00
 Budget Year Amended: 2019

Source of Increase / Decrease and affect on Program:

(If needed attached separate brief explanation.)

2018 grant project extended into 2019. The funds are half state grant and half federal grant.

This is for the planned 10 year update to the elevation map of the entire county used for hydrological analysis, flood mapping, water & soil erosion conservation, etc.

Revenue Budget Lines Amended:

Account #	Account Name	Current Budget	Budget Adjustment	Final Budget
19-101-20-49320-000-000	Applied Funds - Land Info	\$ 5,000.00	\$ 33,000.00	\$ 38,000.00
19-100-20-43691-580-000	3DEP LIDAR grant		\$ 4,500.00	\$ 4,500.00
				\$ -
				\$ -
Total Adjustment			\$ 37,500.00	

Expenditure Budget Lines Amended:

Account #	Account Name	Current Budget	Budget Adjustment	Final Budget
19-100-20-51711-580-000	3DEP LIDAR grant	\$ -	\$ 37,500.00	\$ 37,500.00
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
Total Adjustment			\$ 37,500.00	

Department Head Approval: _____

Date Approved by Committee of Jurisdiction: _____

Following this approval please forward to the County Clerk's Office.

Date Approved by Finance Committee: _____

Date Approved by County Board: _____

Per WI Stats 65.90(5)(a) must be authorized by a vote of two-thirds of the entire membership of the governing body.

Date of publication of Class 1 notice of budget amendment: _____

Chapter 338

Shoreland Zoning

[HISTORY: Adopted by the Board of Supervisors of Green Lake County 9-20-2016 by Ord. No. 20-2016. Amendments noted where applicable.]

GENERAL REFERENCES

Comprehensive Plan — See Ch. **280**.

Construction site erosion control and stormwater management — See Ch. **284**.

Floodplain zoning — See Ch. **300**.

Land division and subdivision — See Ch. **315**.

Private sewage systems — See Ch. **334**.

Zoning — See Ch. **350**.

Commented [1]: Editor's Note: This ordinance also repealed former Ch. 338, Shoreland Zoning, adopted 9-18-2012 by Ord. 1034-2012.

Article I

Introduction

§ 338-1 **Statutory authorization.**

This chapter is adopted pursuant to the authorization in § 59.692, Wis. Stats., to implement §§ 59.692 and 281.31, Wis. Stats.

§ 338-2 **Finding of fact.**

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

§ 338-3 **Purpose and intent.**

For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters, this chapter has been established to:

- A. Further the maintenance of safe and healthful conditions and prevent and control water pollution through:
- (1) Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
 - (2) Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.
 - (3) Controlling filling and grading to prevent soil erosion problems.
 - (4) Limiting impervious surfaces to control runoff which carries pollutants.
- B. Protect spawning grounds, fish, and aquatic life through:
- (1) Preserving wetlands and other fish and aquatic habitat.

- (2) Regulating pollution sources.
- (3) Controlling shoreline alterations, dredging, and lagooning.
- C. Control building sites, placement of structures and land uses through:
 - (1) Prohibiting certain uses detrimental to the shoreland-wetlands.
 - (2) Setting minimum lot sizes and widths.
 - (3) Setting minimum building setbacks from property boundary lines and waterways.
 - (4) Setting the maximum height of near shore structures.
- D. Preserve and restore shoreland vegetation and natural scenic beauty through:
 - (1) Restricting the removal of natural shoreland cover.
 - (2) Preventing shoreline encroachment by structures.
 - (3) Controlling shoreland excavation and other earth-moving activities.
 - (4) Regulating the use and placement of boathouses and other structures.

§ 338-4 Title.

This chapter shall be known, cited, and referred to as the "Shoreland Zoning Ordinance for Green Lake County, Wisconsin."

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§ 338-5 When effective; repealer.

- A. This chapter shall be effective upon final adoption by the Green Lake County Board and publication as provided for in the Wisconsin Statutes. Prior to final adoption of this chapter, the County must receive a certificate of compliance from the Department.
- B. Any previously adopted versions of Chapter **338** shall be replaced with this chapter in its entirety upon the effective date of this chapter.

**Article II
General Provisions**

§ 338-6 Areas to be regulated.

Areas regulated by this chapter shall include all the lands, referred to herein as "shorelands," in the unincorporated areas of Green Lake County which are:

- A. Within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds, or flowages. Navigability of lakes, ponds, or flowages in Green Lake County shall be determined based on criteria established in Appendix A of this chapter and revisions thereto.
- B. Within 300 feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Navigability of rivers and streams in Green Lake County shall be determined based on criteria established in Appendix A of this chapter and revisions thereto.
- C. 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 § 13.48(13), Wis. Stats., applies, state agencies are required to comply with, and obtain all necessary permits under, this chapter. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation are not subject to this chapter if § 30.2022(1), Wis. Stats., applies. Shoreland zoning requirements in annexed or incorporated areas are provided in §§ 61.353 and 62.233, Wis.

Commented [2]: Editor's Note: Appendix A is included as an attachment to this chapter.

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Stats.

- D. Determinations of navigability and ordinary high-water mark location shall initially be made by the Land Use Planning and Zoning Department. When questions arise, the Land Use Planning and Zoning Department shall contact the appropriate office of the Department for a final determination of navigability or ordinary high-water mark. The County may work with surveyors in regard to § 59.692(1h), Wis. Stats.
- E. Under § 281.31(2m), Wis. Stats., notwithstanding, any other provision of law or administrative rule promulgated thereunder, this chapter does not apply to:
 - (1) Lands adjacent to farm drainage ditches if:
 - (a) Such lands are not adjacent to a natural navigable stream or river;
 - (b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - (2) Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

§ 338-7 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 chapter. These maps may be viewed at: <http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>. These maps may also be viewed from the GIS Viewer at the County's website: <http://gis.co.green-lake.wi.us/>.

§ 338-8 Compliance.

The use of any land, the size, shape, and placement of lots and parcels, the use, size, type, and location of structures on lots and parcels, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation, the subdivision of lots and parcels, shall be in full compliance with the terms of this chapter and other applicable local, state, or federal regulations. Buildings and other structures shall require a permit unless otherwise expressly excluded by a provision of this chapter. The property owner(s), or the contractor(s), under the direction of the property owner(s), are responsible for compliance with the terms of this chapter.

§ 338-9 Municipalities and state agencies regulated.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply when § 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 § 30.2022(1), Wis. Stats., applies.

§ 338-10 Abrogation and greater restrictions.

When more restrictive, the provisions of this chapter supersede any provisions in a County zoning ordinance that solely relate to shorelands. Therefore, if a zoning standard of another ordinance only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this chapter supersedes those provisions. However, where another ordinance adopted under a statute other than § 59.692, Wis. Stats., does not solely relate to shorelands and is more restrictive than this chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions.

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

- C. This chapter is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.
- D. This chapter may establish standards to regulate matters that are not regulated in Ch. NR 115, Wis. Adm. Code, but that further the purposes of shoreland zoning as described in § 338-3 of this chapter.
- E. Counties may not establish shoreland zoning standards in a shoreland zoning ordinance that requires any of the following:
 - (1) 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 prohibit or regulate outdoor lighting in shorelands, if the lighting is designed or intended for residential use.
 - (2) Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.
- F. The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if:
 - (1) The Department issued all required permits or approvals authorizing the construction or maintenance under Ch. 30, 31, 281 or 283, Wis. Stats.
 - (a) Note: A "facility" means any property or equipment of a public utility, as defined in § 196.01(5), Wis. Stats., or a cooperative association organized under Ch. 185, Wis. Stats., 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.

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§ 338-11 Interpretation.

In their interpretation and application, the provisions of this chapter 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 chapter is required by statute and a standard in Ch. NR 115, Wis. Adm. Code, and where the chapter provision is unclear, the provision shall be interpreted in light of the statute and Chapter NR 115 standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter.

§ 338-12 Severability.

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

§ 338-13 through § 338-15. (Reserved)

**Article III
Shoreland-Wetland District**

§ 338-16 Designation.

This district shall include all shorelands within the jurisdiction of this chapter which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as referenced in § 338-7.

- A. Locating Shoreland-Wetland boundaries. 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 to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the County shall have the authority to immediately grant or deny a shoreland land use permit in accordance with the applicable regulations based on the Department determination as to whether the area is wetland. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time.

§ 338-17 **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.

§ 338-18 **Permitted Uses.**

The following uses shall be allowed subject to general shoreland protection regulations contained in this chapter, the provisions of Chapters 30 and 31, and § 281.36, Wis. Stats., and the provisions of other applicable local, state, and federal laws:

- A. Activities and uses which do not require the issuance of a land use permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling, or excavating except as allowed under Subsections A or B:
 - (1) Hiking, fishing, trapping, hunting, swimming, and boating;
 - (2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - (3) The pasturing of livestock;
 - (4) The cultivation of agricultural crops;
 - (5) The practice of silviculture, including the planting, thinning, and harvesting of timber; and
 - (6) The construction or maintenance of hunting blinds.
- B. Uses which do not require the issuance of a land use permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
 - (1) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
 - (2) The cultivation of cranberries including flooding, dike, and dam construction or ditching necessary for the growing and harvesting of cranberries;
 - (3) The maintenance and repair of existing agricultural drainage systems, 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;
 - (4) The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - (5) The construction or maintenance of piers, docks, or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
 - (6) The maintenance, repair, replacement, or reconstruction of existing town and County highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- C. Uses which require the issuance of a land use permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating, but only to the extent specifically provided below:
 - (1) The construction and maintenance of roads which are necessary to conduct silvicultural activities or

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agricultural cultivation, provided that:

- (a) The road cannot as a practical matter be located outside the wetland;
 - (b) The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in § 338-20B;
 - (c) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - (d) Road construction activities are carried out in the immediate area of the roadbed only.
- (2) The construction or maintenance of nonresidential buildings, provided that:
- (a) The building is essential for and used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals; or some other use permitted in the Shoreland-Wetland District;
 - (b) The building cannot, as a practical matter, be located outside the wetland;
 - (c) Such building is not designed for human habitation and does not exceed 500 square feet in floor area; and
 - (d) Only limited filling or excavating necessary to provide structural support for the building is authorized.
- (3) The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
- (a) Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Ch. 29, Wis. Stats., where applicable;
 - (b) Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in § 338-18C(1)(a) through (d) and;
 - (c) Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
 - (4) The construction or maintenance of electric, gas, telephone, water and sewer transmission, and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power, or water to their members and the construction or maintenance of railroad lines provided that:
 - (a) The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 - (b) Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in § 338-20B.

§ 338-19 **Prohibited uses.**

Any use not listed in § 338-18A, B or C is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this chapter in accordance with § 338-20 of this chapter and § 59.69(5)(e), Wis. Stats.

§ 338-20 **Rezoning of lands in the Shoreland-Wetland District.**

- A. For all proposed text and map amendments to the shoreland-wetland provisions of this chapter, the appropriate office with the Department shall be provided with the following:
- (1) A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this chapter, within five 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 chapter describing any proposed rezoning of a shoreland-wetland;
 - (2) Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;
 - (3) A copy of the Land Use Planning and Zoning Committee's findings and recommendations on each proposed amendment within 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 10 days after it is issued.
- B. A wetland, or a portion thereof in the Shoreland-Wetland District, shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
- (1) Storm and flood water storage capacity;
 - (2) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
 - (3) Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;
 - (4) Shoreline protection against soil erosion;
 - (5) Fish spawning, breeding, nursery, or feeding grounds;
 - (6) Wildlife habitat; or
 - (7) 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, Wis. Adm. Code, which can be accessed at the following website: <http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.
- C. If the Department notifies the Land Use Planning and Zoning Committee that a proposed text or map amendment to the shoreland-wetland provisions of this chapter may have a significant adverse impact upon any of the criteria listed in § 338-20B of this chapter, that amendment, if approved by the County Board, shall contain the following provision: "This amendment shall not take effect until more than 30 days have elapsed after written notice of the County Board's approval of this amendment is mailed to the Department of Natural Resources. During that thirty-day period the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the County under § 59.692(6), Wis. Stats. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the § 59.692(6) adoption procedure is completed or otherwise terminated."

§ 338-21 (Reserved)

Article IV
Land Division and Sanitary Regulations

§ 338-22 **Land division review.**

The County shall review, pursuant to § 236.45, Wis. Stats., all land divisions in shoreland areas which

create three or more lots or parcels or building sites of five acres each or less within a five-year period. In such review all of the following factors shall be considered:

- A. Hazards to the health, safety, or welfare of future residents.
- B. Proper relationship to adjoining areas.
- C. Public access to navigable waters, as required by law.
- D. Adequate stormwater drainage facilities.
- E. Conformity to state law and administrative code provisions.

§ 338-23 **Planned unit development (PUD).**

- A. Purpose. The planned unit development is intended to permit smaller nonriparian lots and parcels where the physical layout of the lots and parcels is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots and parcels 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 Residential Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.
- B. 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:
 - (1) Area. The area proposed for the planned unit development shall be at least two acres in size or have a minimum of 200 feet of frontage on a navigable water.
 - (2) Lots and parcels. Any proposed lot or parcel in the planned unit development that does not meet the minimum size standards of §§ **338-27** and **338-28** shall be a nonriparian lot or parcel.
 - (3) Lot sizes, widths, setbacks, and vegetation removal. When considering approval of a planned unit development the governing body shall consider whether proposed lot or parcel 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. Vegetative shore cover provisions in § **338-37** 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.
 - (4) Note: Counties should be aware that the planned unit development standards, as written, grant back lot access (key holing) without applying frontage requirement standards to determine overall density. This comports to NR 115.05(1)(a)4. Counties may optionally include requirements to limit overall density based upon minimum frontage standards as well. These types of developments may also be known as conservation subdivisions or planned residential development. The provisions of NR 115.05(1)(a)4 apply to these types of developments where there may be a combination of a density bonus, smaller lot size, and preservation of open space.
- C. The procedure for establishing a Planned Residential Unit Development district shall be as follows:
 - (1) Petition. A petition setting forth all of the facts required in § **338-23B** shall be submitted to the County Clerk with sufficient copies to provide for distribution by the County Clerk as required by § **338-62H**.
 - (2) Review and Hearing: The petition shall be submitted to the County Land Use Planning and Zoning Committee established as required by § 59.69(3)(d), Wis. Stats., which shall hold a public hearing and report to the County Board as required by law. Copies of the petition and notice of the hearing shall also be sent to the appropriate office of the Department as described in § **338-65A**, of this chapter. The Land Use Planning and Zoning Committee's report to the County Board shall reflect the

recommendations of any federal, state, or local agency with which the Land Use Planning and Zoning Committee consults.

- (3) Findings and Conditions of Approval. The County Board shall make written findings as to the compliance or noncompliance of the proposed overlay district with each of the applicable requirements set forth in § 338-23B. If the petition is granted in whole or part, the County Board shall attach such written conditions to the approval as are required by and consistent with § 338-23B. 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.
- (4) Planning studies. A landowner or petitioner may, at his own expense, develop the facts required to establish compliance with the provisions of § 338-23B or may be required to contribute funds to the County to defray all or part of the cost of such studies being undertaken by the County or any agency or person with whom the County contracts for such work.

§ 338-24 **Sanitary regulations.**

Each County shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.

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

§ 338-25 **(Reserved)**

Article V
Lot and Parcel Size

§ 338-26 **Purpose.**

Minimum lot and parcel sizes in the shoreland area are established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water.

- A. In calculating the minimum area or width of a lot or parcel, the beds of navigable waters shall not be included.

§ 338-27 **Sewered lots and parcels.**

Minimum area and width for each lot or parcel.

- A. The minimum area shall be 10,000 square feet and the minimum average width shall be 65 feet.
 - (1) The width shall be calculated by averaging the shortest horizontal measurements at the following locations:
 - (a) The landward distance at the ordinary high-water mark between the side boundary lines.
 - (b) Distances at any angle point along the side boundary line.
 - (c) The street/access boundary line.
 - (d) The rear boundary line, where applicable.

§ 338-28 **Unsewered lots and parcels.**

Minimum area and width for each lot or parcel.

- A. The minimum area shall be 20,000 square feet and the minimum average width shall be 100 feet.
 - (1) The width shall be calculated by averaging the shortest horizontal measurements at the following locations:
 - (a) The landward distance at the ordinary high-water mark between the side boundary lines.
 - (b) Distances at any angle point along the side boundary line.
 - (c) The street/access boundary line.
 - (d) The rear boundary line, where applicable.

§ 338-29 Substandard lots and parcels.

- A. A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current size requirements, may be used as a building site if all of the following apply:
 - (1) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
 - (2) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
 - (3) The substandard lot or parcel is developed to comply with all other requirements of this chapter.
- B. Notes: The intent of this provision is to allow lots and parcels that were legally created that currently do not meet the minimum width and area requirements to be considered a building site provided all ordinance requirements can be met. Substandard lots and parcels that have been reconfigured by a certified survey map or consolidated into one legal description with the Register of Deeds, which result in a larger (closer to conforming) lot or parcel, should be allowed to be utilized as a building site. Additionally, lots that have a legal description for each substandard lot on record with the Register of Deeds but have one tax parcel number assigned by the Real Property Lister or Assessor for taxing/assessing purposes, should be considered separate building sites and should not be considered consolidated. Lots or parcels that have had development over the lot lines should be combined with a legal description and recorded with a new deed prior to new development occurring.

§ 338-30 Other substandard lots and parcels.

Except for lots which meet the requirements of § 338-29, a land use permit for the improvement of a lot or parcel having lesser dimensions than those stated in §§ 338-27 and 338-28 shall be issued only if a variance is granted by the Board of Adjustment.

§ 338-31 (Reserved)

Article VI
Building Setbacks

§ 338-32 Building setbacks.

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

- A. Shoreland setbacks. Unless exempt under § 338-32A(1), or reduced under § 338-32. B, a setback of 75 feet from the ordinary high-water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures.
 - (1) Exempt structures. Per § 59.692(1k)(a)(6), Wis. Stats., all of the following structures are exempt from the shoreland setback standards in § 338-32A:

Commented [3]: Wrong reference in current ordinance, does not direct to reduced setbacks standards, currently directs to floodplain development standards.

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(a) Boathouses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation. All boathouses shall adhere to the following conditions:

[1] The construction or placement of boathouses below the ordinary high-water mark of any navigable waters shall be prohibited.

[2] Boathouses shall be designed and constructed solely for the storage of watercraft and related equipment.

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[3] One boathouse is permitted on a lot or parcel as an accessory structure.

[4] Boathouses shall be designed to not destabilize the existing slope. Final grades must be at a slope that is naturally stable, depending on soil type.

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[5] Boathouses shall be constructed in conformity with local floodplain zoning standards. Fill, elevation surveys, or other documentation may be required within 180 days of permit issuance, per 300-38B.(4).

[6] Boathouses shall be one story with sidewalls not exceeding 10 feet in height and a footprint entirely within the access and viewing corridor of the vegetative buffer. The footprint is not to exceed 16 feet in width by 24 feet in depth, with the width running parallel to the shore.

[7] Boathouse roofs shall be designed with a pitched roof having a minimum slope of 2/12, a maximum slope of 4/12, and in no case shall be designed for use as a deck, observation platform, or for other similar uses.

[8] Earth-toned color shall be required for all exterior surfaces of a boathouse.

[9] The main door shall face the water.

[10] Any features the Department considers inconsistent with the use of the structure exclusively as a boathouse are not permitted. Examples may include but not be limited to patio doors, fireplaces, decks, and living quarters.

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[11] Per § 59.692(1o) Wis. Stats., the roof of an existing boathouse may be used as a deck, provided that the boathouse has a flat roof, has no side walls or screened walls, and has a railing that meets Department of Safety and Professional Services standards.

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[12] No boathouse shall have any wall, door, or access opening be more than 1/3 transparent.

(b) Open-sided and screened structures such as gazebos, decks, patios, and screen houses in the shoreland setback area that satisfy the following requirements in § 59.692(1v), Wis. Stats.

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

[2] The floor area of all the structures in the shoreland setback area will not exceed 200 square feet. In calculating this square footage, boathouse footprints shall be excluded.

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[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 setback area that is nearest to the water. Note: The statutory requirements under § 59.692(1v), Wis. Stats., which require the establishment of a vegetative buffer for the construction of open-sided structures is not

superseded by § 59.692(1f)(a).

- [5] The structure must be free-standing and more than five 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) Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are two meters or less in diameter.
- (d) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pump house covers, private on-site wastewater treatment systems that comply with Ch. SPS Comm 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 stormwater runoff from the structure.

(e) A walkway, stairway, or rail system is permitted, provided:

- [1] The structure shall be located so as to minimize earth disturbing activities and shoreline vegetation removal during construction.
- [2] The structure shall not exceed a maximum of 60 inches in width.
- [3] Railings are permitted only where required by safety concerns, state statutes, or state regulations.
- [4] Canopies and/or roofs on such structures are prohibited.
- [5] The structure shall be limited to a maximum of 60 inches in width, including railings. Landings as part of the shoreline access system shall be limited to a maximum of 40 square feet and no more than 60 inches wide.
- [6] Standards for removal of shoreline vegetation shall be complied with, per Article VII.
- [7] In cases of steep slopes, a rail system (i.e., tram or lift) in addition to a stairway, shall be permitted as long as the rail system is mounted to or immediately adjacent to the existing stairway and can be located entirely within the viewing access corridor per § 338-37B.

- (f) Devices or systems used to treat runoff from impervious surfaces.
- (2) Existing Exempt Structures. Per § 59.692(1k)(a)2m, Wis. Stats., existing exempt structure 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. The expansion of a structure beyond the existing footprint may be permitted if the expansion is necessary to comply with applicable state and federal requirements. Note: Section 59.692(1k)(a)2m, Wis. Stats., prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in § 338-32A(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.
- B. Reduced principal structure setback (§ 59.692(1n), Wis. Stats.). A setback less than the seventy-five-foot 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 that all of the following are met:

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- (a) Both of the existing principal structures are located on an adjacent lot to the proposed principal structure.
- (b) Both of the existing principal structures are located within 250 feet of the proposed principal structure and are the closest structure.
- (c) Both of the existing principal structures are located less than 75 feet from the ordinary high-water mark.
- (d) The average setback shall not be reduced to less than 35 feet from the ordinary high-water mark of any navigable water.
- (e) Note: § 59.692(1d)(a), Wis. Stats., requires counties to adopt the standards consistent with § 338-32B(1) for reducing the shoreland setback.

(2) Functional appurtenances that are accessory structures such as open porches or decks, that are attached to the proposed principal structure and proposed at time of permit application, must comply with the reduced principal structure setback but shall not be used in the calculation of the reduced principal structure setback.

C. In addition to the shoreland setback standards in Subsections A and B above, buildings and structures shall comply with the following setback standards.

- (1) Side yard: twelve-foot minimum for lots at least 85 feet wide.
- (2) Side yard: ten-foot minimum for lots less than 85 feet wide.
- (3) Street yard: twenty-five-foot minimum.

(4) Walkways no more than 36 inches wide and driveways shall be exempt from 338-32.C. (1) through (3). This does not exempt these structures from 338-32 A. or B., or other standards of this chapter.

D. In addition to the shoreland setback standard in Subsections A and B above, fences shall comply with the following:

- (1) All fences, no greater than eight feet in height, may be allowed along any lot line excluding the street right-of-way line and the side lot lines within the street-yard setback.
- (2) Open style fences (greater than 50% open space), no greater than four feet in height, may be allowed along the street right-of-way line and alongside lot lines within the street-yard setback.

E. In addition to the shoreland setback standard in Subsections A and B above, retaining walls shall comply with the following:

(1) Retaining and decorative/landscape walls may be allowed in the street-yard, side-yard and rear-yard with a minimum zero setback.

§ 338-33 Floodplain structures.

Buildings and structures to be constructed or placed in a floodplain shall be required to comply with any applicable floodplain zoning ordinance.

§ 338-34 through § 338-35. (Reserved)

Article VII Vegetation

§ 338-36 **Purpose.**

To protect natural scenic beauty, fish and wildlife habitat, and water quality, this article shall regulate

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removal of vegetation in shoreland areas, consistent with the following: The standards of this chapter shall 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.

§ 338-37 **Vegetative buffer zone.**

To protect water quality, fish and wildlife habitat, and natural scenic beauty, and to promote preservation and restoration of native vegetation, there shall be designated land that extends from the ordinary high-water mark 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:

- A. Routine maintenance of vegetation.
- B. Removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Per § 59.692(1f)(b), Wis. 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 of shoreline frontage owned.
- C. 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 § NR 1.25(2)(b), Wis. Adm. Code, and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR-226), provided that vegetation removal be consistent with these practices.
- D. 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. not to exceed 6 months from date of vegetation removal.
- (1) A site visit by the Department or photos of the site provided by an owner or agent must be received by the Department prior to vegetation removal. A site visit or photos from an owner or agent must be provided after the vegetation has been replanted, within the timeframe specified above.
- E. Additional vegetation management activities in the vegetative buffer zone may be allowed by permit. 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. as evidenced by an instrument recorded in the Office of the Register of Deeds prior to land use permit issuance.
- F. Note: § 59.692(1f)(a), Wis. Stats., 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, the establishment or expansion of the vegetative buffer may remain an option.

§ 338-38 through § 338-39. (Reserved)

Article VIII
Land Disturbing Activity

§ 338-40 **Land disturbing activity.**

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

- A. Shoreline protection activities authorized by a state permit are allowed without a land use permit.

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§ 338-41 **General standards.**

The filling, grading, lagooning, dredging, ditching, or excavating of any lands in the shoreland area requires a land use permit. If the project does not require a permit under § 338-42, it may be permitted in the shoreland area provided that:

- A. It is done in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat.
- B. Filling, grading, lagooning, dredging, ditching, or excavating in a Shoreland-Wetland District meets the requirements of § 338-18B and C of this chapter.
- C. All applicable federal, state, and local authority is obtained in addition to a permit under this chapter.
- D. Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover, or a bulkhead.

E. Land disturbing activities in the shoreland area where the slope is equal to or greater than 100% (1:1) are prohibited.

F. All land disturbing activities within the vegetative buffer zone are prohibited, except:

(1) Permitted projects to be located within the viewing and access corridor as specified in Article VI,

(2) Earthen projects approved by County Land Conservation Department to remedy significant existing erosion problems.

§ 338-42 **Permit required.**

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

- (1) Any filling or grading on slopes of more than 20%.
- (2) Filling or grading of more than 1,000 square feet on slopes of 12%-20%.
- (3) Filling or grading of more than 2,000 square feet on slopes less than 12%.

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

(1) Where a DNR permit has been issued which meets the substantial concerns of this article, no land use permit will be required, unless this article is more restrictive.

§ 338-43 **Permit conditions.**

In granting a permit under § 338-42, the County shall attach the following conditions, where appropriate, in addition to those provisions specified in § 338-63 or 338-64.

- A. The smallest amount of bare ground shall be exposed for as short a time as feasible.
- B. Temporary ground cover (such as mulch or jute netting) shall be used continually until permanent vegetative cover shall be established.
- C. Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to trap soil and sediment, preventing it from leaving the project site.

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- D. Lagoons shall be constructed to avoid fish trap conditions.
- E. Fill and excavations shall be stabilized according to soil type and accepted non-engineered and engineering standards as required by the Land Use Planning and Zoning Department.
- F. Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.
- G. Channels or artificial watercourses shall be constructed with side slopes of two units horizontal distance to one unit vertical or flatter. The side slopes shall be promptly vegetated, unless bulkheads or riprap are provided.

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H. Onsite inspections may be required prior to excavation, during construction, and upon project completion.

I. Any other conditions intended to protect shorelines and minimize erosion, sedimentation, and the impairment of fish and wildlife habitat.

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§ 338-44 (Reserved)

Article IX Impervious Surfaces

§ 338-45 **Purpose.**

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

§ 338-46 **Impervious surface calculation.**

- A. Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in § 338-49 shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high-water mark 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.
- B. Note: § NR 115.05(1)(e)1m, Wis. Adm. Code, 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 the 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, 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 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 have condominium ownership, the impervious surface calculations apply to the entire property. The property is still under one legal description and the proposed expansion to a unit is not the only impervious surface calculated since the regulation states lot or parcel and not a unit. It will be important to remember also that mitigation applies to the property as a whole and not just to the portion of the frontage that might be in front of the unit impacted.

§ 338-47 **Impervious surface standard.**

[Amended 4-18-2017 by Ord. No. 8-2017]

Except as allowed in §§ **338-48** and **338-49**, allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.

§ 338-48 Maximum impervious surface.
[Amended 4-18-2017 by Ord. No. 8-2017]

A property may exceed the impervious surface standard under § **338-47**, provided the following standards are met:

- A. For properties where the general impervious surface standard applies under § **338-47**, 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.
- B. For properties that exceed the standard under § **338-47** but do not exceed the maximum standard under § **338-48A**, a permit can be issued for development with a mitigation plan that meets the standards found in Article **XII**.

§ 338-49 Treated impervious surfaces.

A. Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under § **338-46**.

- (1) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bioswales, or other engineered systems.
- (2) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

B. Note: The provisions in § **338-49** 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 a sufficient (appropriately sized) treatment system, treatment device, or internally drained. Property owners that can demonstrate that the runoff from an impervious surface is being treated consistent with § **338-49** 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 § **338-49**.

C. To qualify for the statutory exemption, property owners shall submit a complete land use permit application that is reviewed and approved by the Land Use Planning and Zoning Department. The application shall include the following:

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

§ 338-50 Existing impervious surfaces.

For existing impervious surfaces that were lawfully placed when constructed but do not comply with the impervious surface standard in § **338-47** or the maximum impervious surface standard in § **338-48**, the property owner may do any of the following:

- A. Maintain and repair the existing impervious surfaces;

- B. Replace existing impervious surfaces with similar surfaces within the existing building envelope;
- C. 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 the County Shoreland Zoning Ordinance, and the impervious surface meets the applicable setback requirements in this chapter.
- D. Note: The impervious surface standards in this section (changed to reflect Ch. NR 115, Wis. Adm. Code) shall not be construed to supersede other provisions in the County Shoreland Zoning Ordinance.

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All of the provisions of the County Shoreland Zoning Ordinance still apply to new or existing development.

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§ 338-51 (Reserved)

Article X
Height

§ 338-52 **Height.**

To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, a land use permit may not be granted for any construction that results in a structure taller than 35 feet within 75 feet of the ordinary high-water mark of any navigable waters.

- A. The structure height for structures at or greater than 75 feet from the ordinary high-water mark shall comply with the provisions of other applicable ordinance standards, if any.
- B. Structure height within 75 feet of the ordinary high-water mark of any navigable water 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 diagram below) to a line horizontal to the highest point of a structure excluding items attached to a structure such as, but not limited to, chimneys, ornamental towers, vents, television towers, and mechanical appurtenances (Point B in the diagram below), unless specified under other sections of this chapter.

[\[Image\]](#)

§ 338-53 (Reserved)

Article XI
Nonconforming Uses and Structures

§ 338-54 **Discontinued nonconforming use.**

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

§ 338-55 **Maintenance, repair, replacement, or vertical expansion of nonconforming structures.**

- A. An existing structure that was lawfully placed when constructed but does not comply with the required setbacks, per §§ **338-32** and **338-33**, may be maintained, repaired, replaced, restored, rebuilt, or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but 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, as provided in § **338-52B**. Expansion of a structure may be allowed beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

- B. Note:

- (1) Section 59.692(1k), Wis. Stats., prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in § 338-55. 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.
- (2) Section NR 115.05(1)(b)1m, Wis. Adm. Code, 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.

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§ 338-56 Lateral expansion of nonconforming principal structure within the setback.

An existing principal structure that was lawfully placed when constructed but does not comply with the required building setback per §§ 338-32A and 338-33 may expand laterally, provided that all of the following requirements are met:

- A. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
- B. The existing principal structure is at least 35 feet from the ordinary high-water mark.
- C. 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.
- D. The Land Use Planning and Zoning Department shall issue a permit that requires a mitigation plan that shall be approved by the Land Use Planning and Zoning Department and implemented by the property owner by the date specified in the land use permit. The mitigation plan shall meet the standards found in Article XII.
- E. All other provisions of this chapter shall be met.

§ 338-57 Expansion of a nonconforming principal structure beyond setback.

An existing principal structure that was lawfully placed when constructed but does not comply with the required building setback under §§ 338-32 and 338-33, may be expanded horizontally, landward, or vertically provided that the expanded area meets the building setback requirements per § 338-32 or 338-33 and that all other provisions of this chapter are met. A mitigation plan is not required solely for expansion under this section, but may be required per Article IX.

§ 338-58 Relocation of nonconforming principal structure.

An existing principal structure that was lawfully placed when constructed but does not comply with the required building setback per §§ 338-32A and 338-33, may be relocated on the property provided all of the following requirements are met:

- A. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
- B. The existing principal structure is at least 35 feet from the ordinary high-water mark.
- C. 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.
- D. The Land Use Planning and Zoning Department 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 requirement per § 338-32A.
- E. The Land Use Planning and Zoning Department shall issue a permit that requires a mitigation plan that shall be approved by the Land Use Planning and Zoning Department and implemented by the

property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Article **XII** and include enforceable obligations of the property owner to establish or maintain measures that the Land Use Planning and Zoning Department determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.

F. All other provisions of this chapter shall be met.

§ 338-59 Maintenance, repair, replacement or vertical expansion of structures authorized by variance.

- A. 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 existing footprint if the expansion is necessary to comply with applicable state or federal requirements.
- B. Note: § 59.692(1k)(a)2, Wis. Stats., prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in § **338-59**. 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.

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Article XII Mitigation

§ 338-60 Mitigation.

When a land use permit, issued under this chapter, requires mitigation according to § **338-32A(2)** and §§ **338-48** and **338-58**, the property owner must submit a complete permit application that includes a mitigation plan.

- A. The application shall be reviewed and approved by the County Land Use Planning and Zoning Department. The application shall include the following:
- (1) A scaled site plan that describes with images and notations the proposed mitigation measures:
 - (a) The mitigation site plan shall be designed and implemented to restore natural functions lost through development and human activities.
 - (b) The mitigation measures of the plan shall be proportional in scope to the impacts of development on water quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic beauty.
 - (2) An implementation schedule stating the completion date of the mitigation measures. Also, there shall be an enforceable obligation on the property owner to establish and maintain the mitigation measures.
 - (a) The enforceable obligations shall be evidenced by an instrument, shoreland mitigation agreement, recorded in the office of the Register of Deeds, prior to issuance of a land use permit.
- B. The various types of development projects that require mitigation measures based on this chapter shall have options to mitigate the impacts of those development projects as provided herein. In cases where a development project impacts more than one type of development requiring mitigation, mitigation measures shall provide the total points for all affected types of development. The mitigation measures with corresponding mitigation points applicable to development projects requiring mitigation are as follows:

(1) Three points: Creation or restoration of the primary shoreland vegetative buffer zone, which is the area from the Ordinary High Water Mark to 35 feet landward. The mitigation points and buffer depth may be modified if a lesser buffer depth is approved by the Land Use Planning and Zoning Department, based on the scope of the development project.

(2) One point: Each additional 500 square feet of native secondary vegetative shoreland buffer; after the shoreland vegetative buffer zone has been created or restored.

(3) Removal of building structures: Removal area(s) landward of the shoreland vegetative buffer zone shall be restored and vegetated. Removal area(s) within the shoreland vegetative buffer zone shall be in accordance with Subsection D below.

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Commented [KK18]: Previous configuration was confusing and misleading. This change standardizes how building structure removal qualifies for mitigation points makes it enforceable.

(a) Two points: Removal of each building structure having 200 square feet or more of impervious surface within the seventy-five-foot shoreland setback area.

(b) One point: Removal of each building structure having less than 200 square feet of impervious surface within the seventy-five-foot shoreland setback area.

(4) One point: Removal of each 200 square feet of impervious surface within 300 feet of the ordinary high-water mark of navigable waters. Removal area(s) landward of the shoreland vegetative buffer zone shall be restored and vegetated. Removal area(s) within the shoreland vegetative buffer zone shall be in accordance with Subsection **D** below.

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Deleted: Removal area(s) landward of the shoreland vegetative buffer zone shall be restored and vegetated. Removal area(s) within the shoreland vegetative buffer zone shall be in accordance with Subsection **D** below.

(5) One point: Removal of seawalls/bulkheads.

(6) One point: Relocate access and viewing corridor to include boathouse. Vacated area(s) landward of the shoreland vegetative buffer zone shall be restored and vegetated. Vacated area(s) within the shoreland vegetative buffer zone shall be vegetated in accordance with Subsection **D** below.

(7) Stormwater management that will infiltrate the peak flow discharge of stormwater runoff on a lot or parcel, for a two-year rainfall event, into a rain garden(s) for conditions stated below. Other infiltration methods may be used as approved by the Land Use Planning and Zoning Department.

(a) Two points: Stormwater management practice that will infiltrate all the stormwater runoff from the impervious surface of principal building structure(s).

(b) Three points: Stormwater management practice that will infiltrate all the stormwater runoff from the impervious surface of principal building structure(s) and any accessory building structure(s).

(c) Four points: Stormwater management practice that will infiltrate the stormwater runoff from all the impervious surface(s).

C. Types of development requiring mitigation measures are as follows:

(1) Impervious surface development. Any of the following levels of impervious surface area, based on the standards of Article **IX**, shall provide mitigation measures having the following number of mitigation points.

(a) Three mitigation measure points shall be included in a mitigation plan on a lot or parcel where the percentage of impervious surface is greater than 15% and up to and including 20%.

(b) Four mitigation measure points shall be included in a mitigation plan on a lot or parcel where the percentage of impervious surface is greater than 20% and up to and including 25%.

(c) Five mitigation measure points shall be included in a mitigation plan on a lot or parcel where the percentage of impervious surface is greater than 25% and up to and including 30%.

Commented [KK19]: To encourage the restoration and preservation of the near-shore areas, point values have been decreased. Activities that earn mitigation points are the better solution for the purposes of this ordinance, but less beneficial treatment of stormwater was more economical property owners than meeting these high point values. This change will level that playing field.

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- (2) Lateral expansion of a nonconforming principal structure per § 338-56 shall require a mitigation plan that includes any mitigation measures listed in § 338-60B having a minimum of one point.
- (3) Replacement or relocation of a nonconforming principal structure per § 338-58 shall require a mitigation plan that includes any mitigation measures listed in § 338-60B having a minimum of two points.
- D. Where reference is made to a shoreland vegetative buffer zone, the buffer shall be designed in accordance with NRCS Interim Standard No. 643A and NRCS Wisconsin Biology Technical Note 1: Shoreland Habitat. In cases where these standards provide options, the Land Use Planning and Zoning Department shall make the determination which option is most appropriate in the design and execution of the project.
- E. Where reference is made to a rain garden, the rain garden shall be designed, installed, and maintained in accordance with Wisconsin DNR Publication, PUB-WT-776 2018, "Rain Gardens: A how-to manual for homeowners."
- F. Where the Land Use Planning and Zoning Department determines a lot or parcel has excessive navigable water frontage for the purpose of a shoreland vegetative buffer installation, the Land Use Planning and Zoning Department may reduce the width of the shoreland vegetative buffer to no less than 100 feet.
- G. All development projects requiring mitigation measures on a lot or parcel having a POWTS (private onsite wastewater treatment system) shall be required to have the POWTS evaluated by a licensed plumber to determine condition and sizing compliance; and, if needed, the POWTS shall be upgraded to comply with current applicable standards.

Commented [KK20]: An update was published in 2018
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§ 338-61 (Reserved)

Article XIII Administration

§ 338-62 **Administrative provisions.**

Given the County has created a Land Use Planning and Zoning Department, and Land Use Planning and Zoning Committee, and Board of Adjustment to administer and enforce land use ordinances, these same officials shall also administer and enforce this chapter. These officials, for the purpose of this shoreland zoning ordinance, shall be responsible for all of the following:

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- A. A system of permits for all new construction, development, reconstruction, structural alteration, or moving of buildings and structures. A copy of applications shall be required to be filed in the Land Use Planning and Zoning Department, unless prohibited by § 59.692(1k), Wis. Stats.
- B. Perform regular inspection of permitted work in progress to insure conformity of the finished structures with the terms of this chapter.
- C. Establish a variance procedure which authorizes the Board of Adjustment to grant such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland zoning ordinance, a literal enforcement of the provisions of this chapter will result in unnecessary hardship as long as the granting of a variance does not have the effect of granting or increasing any use of property which is prohibited in that zoning district by the shoreland zoning ordinance.
- D. Establish a special exception (conditional use permit) procedure for uses presenting special problems.
- E. The County shall keep a complete record of all proceedings before the Board of Adjustment, and Land Use Planning and Zoning Committee.
- F. Written notice to the appropriate office of the Department at least 10 days prior to any hearing on a

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proposed variance, special exception, or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the County for review under Article IV.

- G. Submission to the appropriate office of the Department, within 10 days after grant or denial, copies of any decision on a variance, special exception, or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of this chapter.
- H. Mapped zoning districts and the recording, on an official copy of such map, of all district boundary amendments.
- I. The establishment of appropriate penalties for violations of various provisions of this chapter, including forfeitures. Compliance with this chapter shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in § 59.69 (11), Wis. Stats.
- J. Investigate and report violations of this chapter for enforcement and/or prosecution.

§ 338-63 Permits.

A. When required. Except where another section of this chapter specifically exempts certain types of development from this requirement, a land use permit shall be obtained from the Land Use Planning and Zoning Department, or Board of Adjustment, or Land Use Planning and Zoning Committee before any new development.

B. Application. An application for a land use permit shall be made to the Land Use Planning and Zoning Department upon forms furnished by the Land Use Planning and Zoning Department and shall include for the purpose of proper enforcement of these regulations, the following information:

- (1) Name and address of applicant and property owner.
- (2) Legal description of the property and type of proposed use.
- (3) A "to scale" drawing of the dimensions of the lot and location of all existing and proposed structures and impervious surfaces relative to the lot lines, center line of abutting highways, and the ordinary high-water mark of any abutting waterways.
- (4) Location and description of any existing private water supply or sewage system or notification of plans for any such installation.
- (5) Plans for appropriate mitigation when required.
- (6) Payment of the appropriate fee.
- (7) Additional information required by the Land Use Planning and Zoning Department.

C. Expiration of permit. A land use permit shall expire 12 months from date issued.

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D. Certificates of compliance. Upon written request from the owner, the Land Use Planning and Zoning Department shall issue a certificate of compliance at a fee as provided in Article XVI for any building or premises existing at the time of the adoption of this chapter, 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 chapter.

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§ 338-64 Special exception permits (conditional use permits).

A. Application for a special exception permit. Any use listed as a special exception in this chapter shall be permitted only after an application has been submitted to the Land Use Planning and Zoning Department and a special exception permit has been granted by the Board of Adjustment. To secure information upon which to base its determination, the Board of Adjustment may require the applicant to furnish, in addition to the information required for a land use permit, the following

information:

- (1) A plan of the area showing surface contours, soil types, ordinary high-water marks, ground water conditions, subsurface geology, and vegetative cover.
 - (2) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space, and landscaping.
 - (3) Plans of buildings, sewage disposal facilities, water supply systems, and arrangement of operations.
 - (4) Specifications for areas of proposed filling, grading, lagooning or dredging.
 - (5) Other pertinent information necessary to determine if the proposed use meets the requirements of this chapter.
 - (6) Rationale for why the proposed special exception meets all of the special exception criteria listed in this chapter.
- B. Notice, public hearing and decision. Before deciding whether to grant or deny an application for a special exception permit, the Board of Adjustment shall hold a public hearing. Notice of such public hearing, specifying the time, place and matters to come before the Board of Adjustment, shall be given as a Class 2 notice under Ch. 985, Wis. Stats. Such notice shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. The Board of Adjustment shall state in writing the grounds for granting or denying a special exception permit.
- C. Standards applicable to all special exceptions. In deciding a special exception application, the Board of Adjustment shall evaluate the effect of the proposed use upon:
- (1) The maintenance of safe and healthful conditions.
 - (2) The prevention and control of water pollution including sedimentation.
 - (3) Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.
 - (4) The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
 - (5) The location of the site with respect to existing or future access roads.
 - (6) The need of the proposed use for a shoreland location.
 - (7) Its compatibility with uses on adjacent land.
 - (8) The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
 - (9) Location factors under which:
 - (a) Domestic uses shall be generally preferred;
 - (b) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source;
 - (c) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility. Additional standards, such as parking, noise, etc., may be referred to the applicable part of their ordinance.
- D. Conditions attached to special exception. Such conditions may include specifications for, without

limitation because of specific enumeration: type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking, and signs; and type of construction.

- (1) Upon consideration of the factors listed above, the Board of Adjustment shall attach such conditions, in addition to those required elsewhere in this chapter, as are necessary to further the purposes of this chapter. Violations of any of these conditions shall be deemed a violation of this chapter.
 - (2) In granting a special exception permit, the Board of Adjustment may not impose conditions which are more restrictive than any of the specific standards in this chapter. Where this chapter is silent as to the extent of restriction, the Board of Adjustment may impose any reasonable permit conditions to affect the purpose of this chapter.
- E. Recording. When a special exception 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 special exception permit shall be provided to the appropriate office of the Department within 10 days after it is granted or denied.
- F. Revocation. Where the conditions of a special exception permit are violated, the special exception permit may be revoked.

§ 338-65 Variances.

- A. The Board of Adjustment may grant upon appeal a variance from the standards of this chapter where an applicant convincingly demonstrates that:
- (1) Literal enforcement of the provisions of this chapter will result in unnecessary hardship on the applicant; and
 - (2) The hardship is due to special conditions unique to the property; and
 - (3) Is not contrary to the public interest.
- B. Notice, hearing, and decision. Before deciding on an application for a variance, the Board of Adjustment shall hold a public hearing. Notice of such hearing specifying the time, place, and matters of concern, shall be given a Class 2 notice under Ch. 985, Wis. Stats. Such notice shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. The Board of Adjustment shall state in writing the reasons for granting or refusing a variance and shall provide a copy of such decision to the appropriate Department office within 10 days of the decision.

§ 338-66 Board of Adjustment.

The chair of the County Board shall appoint a Board of Adjustment consisting of three members and two alternate members under § 59.694, Wis. Stats. The County Board shall adopt such rules for the conduct of the business of the Board of Adjustment as required by § 59.694(3), Wis. Stats.

A. Powers and duties (§ 59.694 Wis. Stats.).

- (1) The Board of Adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by § 59.694, Wis. Stats.
- (2) It shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this chapter.
- (3) It shall hear and decide applications for special exception permits pursuant to Section **338-64**.
- (4) It may grant a variance from the standards of this chapter pursuant to Section **338-65**.
- (5) In granting a variance, the board may not impose conditions which are more restrictive than any of

the specific standards in this chapter. Where this chapter is silent as to the extent of restriction, the board may impose any reasonable permit conditions to affect the purpose of this chapter.

- B. Appeals to the Board. Appeals to the Board of Adjustment may be made by any person aggrieved of by an officer, department, board, or bureau of the County affected by any decision of the Land Use Planning and Zoning Department or other administrative officer. Such appeal shall be made within 30 days, as provided by the rules of the County Board, by filing with the officer whose decision is in question, and with the Board of Adjustment, a notice of appeal specifying the reasons for the appeal. The Land Use Planning and Zoning Department, or other officer whose decision is in question, shall promptly transmit to the Board of Adjustment all the papers constituting the record concerning the matter appealed.
- C. Hearing Appeals and Applications for Variances and Special Exception Permits. (§ 59.694(6), Wis. Stats.)
 - (1) The Board of Adjustment shall fix a reasonable time for a hearing on the appeal or application. The Board of Adjustment shall give public notice thereof by publishing a Class 2 notice under Chapter 985, Wis. Stats, specifying the date, time, and place of the hearing and the matters to come before the Board of Adjustment. Notice shall be mailed to the parties in interest. Written notice shall be given to the appropriate office of the Department at least 10 days prior to hearings on proposed shoreland variances, special exceptions (conditional uses), and appeals for map or text interpretations.
 - (2) A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on shoreland variances, special exceptions (conditional uses), and appeals for map or text interpretations shall be submitted to the appropriate office of the Department within 10 days after they are granted or denied.
 - (3) The final disposition of an appeal or application to the Board of Adjustment shall be in the form of a written resolution or order signed by the chairman and secretary of the Board of Adjustment. Such resolution shall state the specific facts which are the basis of the Board of Adjustment determination and shall either affirm, reverse, vary, or modify the order, requirement, decision, or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.
 - (4) At the public hearing, any party may appear in person or by agent or by attorney.

§ 338-67 (Reserved)

Article XIV Amendments

§ 338-68 **Changes and amendments.**

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

- A. Amendments. Amendments to this chapter may be made on petition of any interested party as provided in § 59.69(5), Wis. Stats.
- B. Shoreland-Wetland map amendments. Every petition for a Shoreland-Wetland map amendment filed with the County Clerk shall be referred to the Land Use Planning and Zoning Committee. A copy of each petition shall be provided to the appropriate office of the Department within five days of the filing of the petition with the County Clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate office of the Department at least 10 days prior to the hearing.
 - (1) A copy of the County Board's decision on each proposed amendment shall be forwarded to the

appropriate office of the Department within 10 days after the decision is issued.

§ 338-69 (Reserved)

Article XV
Enforcement

§ 338-70 Investigation of alleged violations.

Any violation of the provisions of this chapter shall be deemed unlawful. When necessary, to determine compliance with this chapter, the Land Use Planning and Zoning Department shall investigate alleged violations. After confirmation that a violation exists, the Land Use Planning and Zoning Department shall pursue compliance of the violation and enforce the provisions of this chapter.

§ 338-71 Violations and penalties; citations.

A. Any violation of the provisions of this chapter by or under the direction of the landowner shall be brought into compliance upon notification by the Land Use Planning and Zoning Department or the Land Use Planning and Zoning Committee or the County Corporation Counsel.

B. The County Corporation Counsel shall have the authority to use all legal remedies necessary to enforce the provisions of this chapter. After consultation with the Land Use Planning and Zoning Department and/or the Land Use Planning and Zoning Committee, the Corporation Counsel shall determine which legal remedy or legal remedies are in order to enforce the provisions of this chapter.

C. Each day that the violation exists, after receiving notice of the violation from the Land Use Planning & Zoning Department by certified or registered mail, or personal service per Ch. 801.11 Wis. Stats., shall constitute a separate offense.

(1) Any landowner who violates or refuses to comply with any of the provisions of this chapter shall be subject to a forfeiture of not less than \$50 nor more than \$500 per offense, together with the taxable costs of action.

(2) A landowner may request an extension to a deadline for compliance as set by the Department. The request for extension must be made in writing and include the following information: parcel number, address, current owner information, reference within the ordinance(s) of existing violations, number of days the extension is being requested for, enforceable compliance schedule / time frame, if any other existing violations on the property have been resolved, and other pertinent information.

D. In addition to the Corporation Counsel having the authority to enforce the provisions of this chapter per Subsection B above, the designated staff of the Land Use Planning and Zoning Department shall have the authority to and may prepare, sign, and issue citations in order to commence action to achieve compliance with the provisions of this chapter.

§ 338-72 Stop-work orders.

A. No land use permit obtained. When the Land Use Planning and Zoning Department is notified or becomes aware of any activity in violation of the provisions of this chapter by or under the direction of the landowner that requires issuance of a land use permit pursuant to this chapter, and such a permit has not been obtained, the Land Use Planning and Zoning Department may issue a stop-work order requiring any such activity to be immediately stopped and enjoined.

B. Land use permit obtained. When the Land Use Planning and Zoning Department is notified or becomes aware of any activity in violation of the provisions of this chapter by or under the direction of the landowner for which a land use permit was issued and the actual activity deviates from that land use permit, the Land Use Planning and Zoning Department may issue a stop-work order requiring the activity to be immediately stopped and enjoined.

C. The stop-work order shall be mailed to the subject landowner's property tax bill mailing address or the mailing address as stated on the land use permit application and/or to any person signing the land

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use permit application.

- D. The stop-work order card issued and posted by the Land Use Planning and Zoning Department shall be posted at the subject site in plain view from a non-trespass location off the subject property. A stop-work order card shall remain posted until compliance of the violation occurs. In the event that a stop-work order has been removed from its posted location by persons other than Department staff, the property owner(s) and/or other agents, upon conviction, shall be subject to a \$300 fine plus court costs. The fine shall increase by \$300 after each offense and be cumulative. For example: \$300 first offense, \$600 for second offense, \$900 for third offense, and so on. If a property owner removes a stop work order sign three times they shall be subject to \$1800 (\$300 + \$600 + \$900) in fines plus court costs.
- E. An action filed pursuant to the Board of Adjustment or to any court shall stop work during and until the final outcome of the action has been reached or until so ordered by a Court of appropriate jurisdiction.

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§ 338-73 Injunctions.

Every violation of this chapter is a public nuisance, and the creation thereof may be enjoined and the maintenance thereof abated pursuant to § 59.69(11), Wis. Stats.

§ 338-74 Emergency conditions.

Whenever the Land Use Planning and Zoning Department finds that an emergency exists such as sudden, unexpected occurrences, or combinations thereof, unforeseen conditions or circumstances at the time beyond a landowner's control, adverse weather conditions, meeting a timetable which requires immediate action to protect the public health, safety, and welfare, the Land Use Planning and Zoning Department may, without notice or hearing, issue an order citing the existence of such emergency and may require that such action be taken as may be deemed necessary to meet the emergency. The Land Use Planning and Zoning Department shall notify the Chairperson of the Land Use Planning and Zoning Committee within 24 hours of such situations. Notwithstanding any other provisions of this chapter, such order shall become effective immediately. Any person to whom such order is directed shall comply therewith immediately. Appeals or challenges to emergency orders may be brought to the Board of Adjustment after emergency conditions have ceased.

§ 338-75 (Reserved)

**Article XVI
Fees**

§ 338-76 Fees.

- A. The following fees shall be paid to Green Lake County at the Land Use Planning and Zoning Department at the time of application for each service requested as listed below to defray the cost of administration, investigation, advertising, and processing. Land use permit fee is based on construction value of project:

- (1) Fee.

Value of Project	Fee
\$0 to \$999	\$50
\$1,000 to \$99,999	\$150
\$100,000 to \$199,999	\$300
\$200,000 to \$299,999	\$400

\$300,000 to \$399,999	\$500
\$400,000 to \$499,999	\$600
\$500,000 to \$599,999	\$700
\$600,000 to \$699,999	\$800
\$700,000 to \$799,999	\$900
\$800,000 to \$899,999	\$1,000
\$900,000 or more	\$1,250

- (2) Permit renewals are the same as the original fee.
- (3) After-the-fact permit is double the above-stated fee.
- (4) Permit fees may be waived in cases where the Land Use Planning and Zoning Department determines the project(s) to be funded or conducted by federal, state, or local governmental bodies.
- B. All public hearing items such as a variance, rezone, appeal, conditional use permit, ordinance amendment, planned unit development, or special exception permit: \$375.
- C. All public hearing items listed above, postponed at the request of the applicant prior to public hearing: \$250.

§ 338-77 (Reserved)

**Article XVII
Definitions**

§ 338-78 **Definitions.**

- A. For the purpose of administering and enforcing this chapter, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.
- B. The following terms or words used in this chapter mean:

ACCESS AND VIEWING CORRIDOR

A strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

AFTER-THE-FACT PERMIT

A land use permit that was issued for a development on a date after the development had already commenced, was under construction, or was completed. The fee for an after-the-fact permit is double the standard land use permit fee (see 338-76.A.(1)).

BOATHOUSE

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

BUILDING ENVELOPE

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

COUNTY ZONING AGENCY

That committee or commission created or designated by the County Board under § 59.69(2)(a), Wis. Stats, to act in all matters pertaining to County planning and zoning. In Green Lake County, this body shall be known as the Land Use Planning and Zoning Committee.

DEER STAND

Open or enclosed platforms used by hunters. The platforms are secured to trees (or free standing) in order to elevate the hunter and give him (or her) a better vantage point.

DEPARTMENT

The Department of Natural Resources.

DEVELOPMENT

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

DRAINAGE SYSTEM

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

EXISTING DEVELOPMENT PATTERN

That principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

FLOODPLAIN

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

FOOTPRINT

The land covered by a structure at ground level measured on a horizontal plane. The footprint of a structure includes the horizontal plane bounded by the furthest exterior wall. For structures without walls (decks, stairways, patios, carports) having a single-horizontal plane, the footprint is bounded by the furthest portion of the structure projected to natural grade.

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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 Ch. NR 115, Wis. Adm. Code, and would need to follow Ch. NR 115.05(1)(g)5, Wis. Adm. Code.

GENERALLY ACCEPTED FORESTRY MANAGEMENT PRACTICES

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

HUNTING BLIND

A hunting blind (or hide) is an easily portable, cover device for hunters, designed to reduce the chance of detection. Not including deer stands.

IMPERVIOUS SURFACE

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

LOT

An area of land that is part of a recorded subdivision plat, certified survey map, or other document using the platting process, that is identified by an assigned number or letter.

LOT OR PARCEL AREA

The total square footage lying within the peripheral boundaries of a recorded lot or parcel boundary description, including the land over which easements have been granted. The area of a lot or parcel does not include the area of any land below the ordinary high-water mark of navigable waters.

LOT OR PARCEL OF RECORD

An area of land, the description of which is properly recorded with the County Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations. The act of recording is the time at which a lot or parcel is created.

LOT OR PARCEL, SUBSTANDARD

A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements for a new lot or parcel.

MITIGATION

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

NAVIGABLE WATERS

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 § 281.31(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under § 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; and
- (2) Artificially constructed drainage ditches, ponds, or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

ORDINARY HIGH-WATER MARK

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

An area of contiguous land having a boundary description duly recorded in the Register of Deeds office that identifies the boundaries of that specific parcel.

REGIONAL FLOOD

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

ROUTINE MAINTENANCE OF VEGETATION

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

SETBACK

The horizontal distance between a structure and an established lot line.

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SETBACK, SHORELAND

See "shoreland area".

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SETBACK, SIDE

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The open land area between the adjacent side lot line and the nearest point of the structure and extending from the street yard to the rear or shore yard.

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SETBACK, STREET

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The open land area across the full width of the property between the street lot line and the nearest point of the structure

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SHORELAND

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

SHORELAND AREA / SHORELAND SETBACK

Also known as the "shoreland setback area" in § 59.692(1)(bn), Wis. Stats., means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under § 59.692, Wis. Stats.

SHORELAND-WETLAND DISTRICT

A zoning district, created as a part of a County zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the Department.

SPECIAL EXCEPTION (CONDITIONAL USE)

A use which is permitted by this chapter provided that certain conditions specified in this chapter are met and that a permit is granted by the Board of Adjustment or, where appropriate, the Land Use Planning and Zoning Committee or County Board.

STRUCTURE

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 subordinate structure on the same property as the principal structure which is devoted to a use incidental to the principal use of the property. Accessory structures include, but are not limited to, detached garages, sheds, barns, gazebos, patios, decks, swimming pools, hot tubs, fences, retaining walls, driveways, parking lots, sidewalks, detached stairways, and lifts.

UNNECESSARY HARDSHIP

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

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 chapter.

VEGETATED BUFFER ZONE, SHORELAND

That nearshore area that extends 35 feet landward from the OHWM of navigable waters. This area contains a diverse mixture of native species that can include grasses, grass-like species, forbs, shrubs, and trees. It is either natural or is constructed in accordance with §338-60. D., and functions to attenuate, absorb and filter stormwater runoff prior to being introduced into navigable waters.

WETLANDS

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

Attachments:

[Attachment 1 - Appendix A](#)

NOTICE OF PUBLIC HEARING

The Land Use Planning and Zoning Committee of *Green Lake County* will hold a public hearing in County Board Room #0902 of the Government Center, 571 County Road A, Green Lake, WI, on *Wednesday, April 10, 2019, at 6:00 p.m.* to consider the following items:

Item I: Owners/Applicants: AEC Island, LLC – Paul Schwandt & Dan Timm **General legal description:** W1702 North Street, Town of Brooklyn, Parcel #004-00410-0502 (±5.72 acres); Part of the SE¼, Section 17, T16N, R13E **Request:** Conditional use permit request for a contractor’s yard, engine performance business, mini-warehousing, and 3 leased storage buildings.

Item II: Owner/Applicant: Manchester Rod & Gun Club, Dale Justmann **General legal description:** Parcel #012-00283-0100, Lot 1 CSM1659 (±1 acre), Part of the SW¼ of Section 15, T14N, R12E, Town of Manchester, and Parcel #012-00285-0000, Lot 2 CSM1659 (±18 acres), Part of the SW¼ of Section 15, T14N, R12E, Town of Manchester **Request:** Request to rezone ±19 acres from I-Industrial District and A-1 Farmland Preservation District to RC-Recreation District.

Item III: Owner/Applicant: Manchester Rod & Gun Club, Dale Justmann **General legal description:** Parcel #012-00283-0100, Lot 1 CSM1659 (±1 acre), Part of the SW¼ of Section 15, T14N, R12E, Town of Manchester, and Parcel #012-00285-0000, Lot 2 CSM1659 (±18 acres), Part of the SW¼ of Section 15, T14N, R12E, Town of Manchester **Request:** Conditional Use Permit request for a rod and gun club and related activities.

Item IV: Owners/Applicants: Charles Edwin Hutchinson, Holly Ann Sina, Donald John Hutchinson, III **General legal description:** County Road J, Parcels #004-00137-0000, #004-00142-0000, #004-00141-0000, ±120 acres, Part of the SW¼ and SE¼ of Section 7, T16N R13E, Town of Brooklyn **Request:** The owners are requesting a zoning change from A-1, Farmland Preservation District to R-4, Rural Residential District, in order to ultimately create three lots no larger than 5.9 acres by certified survey map.

All interested persons wishing to be heard at the public hearing are invited to attend. For further detailed information concerning this notice and for information related to the outcome of public hearing items, contact the Green Lake County **Land Use Planning and Zoning Department** at (920) 294-4156. Including proposed rezoning maps.

Publish: March 21 & March 28, 2019

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING

April 10, 2019

ITEM I: CONDITIONAL USE PERMIT (CUP)

OWNER:

AEC Island, LLC

APPLICANT:

Paul Schwandt as owner

REQUEST: The owner is requesting to update his conditional use permit for proposed outside storage/contractor's yard use of previously vacant portions of the property.

PARCEL NUMBER / LOCATION: The request affects parcel 004-00410-0502, located in the SE¼ of Section 17, T16N, R13E, Town of Brooklyn. The subject site is W1702 North Street and is 5.76 acres according to COS2610.

EXISTING ZONING AND USES OF ADJACENT AREA: The subject site is located between State Road 23 and North Street. The site is zoned industrial and was granted a conditional use permit in 2000. To the west is property that is also zoned industrial and was the subject of a Conditional Use Permit request in August 2018; that request was granted for a storage building consisting of three storage units. The subject site is used mainly as a high performance engine rebuilding and testing facility, along with rented storage units and a separately leased cold storage building. Immediately south of this property are C-2 (Extensive Commercial) zoned lands that harbor several businesses as well as private storage units. Southwest are C-2 zoned lands that are mainly utilized to store boat lifts in the winter months. Southeast are lands that are zoned R-3 (multiple-family residence) and maintain eight residential condominium-style dwellings.

ADDITIONAL INFORMATION / ANALYSIS: AEC Island, LLC is a storage and property leasing business. The largest lessee, being AEC Island, is Advanced Engine Concepts which is a business specializing in racing engines and components at a semi-professional and hobby race team level. As stated above, the subject site contains rented storage units as well as a leased cold storage building. This CUP application is intended to include all existing and proposed (here in) uses on the subject site. The site plan shows the two areas of **proposed** new development and use: first, the area north of the storage units and west of the leased buildings, **proposed** for use as a contractor's yard leased to a local contractor, and second, an area **proposed** for open storage (not covered or enclosed) that may be rented out. This may include boats, lifts, vehicles, etc.

A screen of coniferous trees exists between the condo units and this property, to shield line of sight and dampen noise and light emanating from the leased buildings. Although not easily distinguishable on the site plan, the state highway right-of-way to the north is a steep hill that shields passing traffic from seeing much of this property, limiting distractions to drivers.

It is important that the Committee maintain the purpose and intent of the County Zoning Ordinance when reviewing and approving a request of this nature. The following criteria are to be used by the Committee when making CUP decisions:

GENERAL CRITERIA FOR REVIEW OF CONDITIONAL USE REQUESTS:

- a) Will not have a negative effect upon the health, safety, and general welfare of occupants of surrounding lands; and
- b) Will be designed, constructed, operated, and maintained so as to be harmonious, be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area; and
- c) Will not be hazardous or disturbing to existing or future neighboring uses; and
- d) Will not be detrimental to property in the immediate vicinity or to the community as a whole; and
- e) Will be served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, and schools; the persons or agencies responsible for the establishment of the proposed use shall be able to provide, adequately, any such service; and
- f) Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public or private streets or roads.

COUNTY STAFF COMMENTS: This request should be reviewed by the Committee to determine if it meets the general criteria for review as listed above. If the Committee wishes to approve this request, the following conditions may be appropriate:

- 1. No additional expansion or addition of structures and/or uses relating to this conditional use permit shall occur without review and approval through future conditional use permit(s).
- 2. If on-site lighting is proposed, only the subject site shall be illuminated, and the lighting shall occur with no direct glare affecting adjoining properties or adjacent traffic (low-wattage and low-to-the-ground path style).
- 3. Outside storage of materials and other items must be limited to the designated area on the CUP site plan.
- 4. Storage of materials must comply with standards listed in Chapter 350, Zoning Ordinance, of the Code of Green Lake County. *This implies that no vehicles without proper registration may be stored on the property, unless fully enclosed in a structure. Similarly, no materials or equipment shall be stacked or stored in a manner that shall be of such character as to adversely affect the property values and general desirability of the neighborhood.*

TOWN OF BROOKLYN: An Action Form requesting the Town's input related to this conditional use permit request was mailed to the Town Clerk on February 7, 2019.

Please type or use black ink

Return to: Green Lake County
Planning & Zoning Department
571 County Road A
Green Lake, WI 54941

GENERAL APPLICATION

Fee \$375 (not refundable)

Date 1/31/19

Zone Change from NA to _____

Conditional Use Permit for contractor yard, mini warehousing, leased buildings (3)

~~Other~~ _____

PROPERTY OWNER / APPLICANT

Name AEC Island LLC

Mailing Address W1702 North Street

Phone Number 920 294 0474

Signature [Signature] Date 1-27-19

AGENT IF OTHER THAN OWNER

Name _____

Mailing Address _____

Phone Number _____

Signature _____ Date _____

PROPERTY INFORMATION

Town of Brooklyn Affected Parcel Number(s) 004-00410-0502 Affected Acres 5.72

Lot _____ Block _____ Subdivision (or CSM) _____

Section 17 Town 16 North Range 13 East

Location / Address of Property W1702 North St.

Legal Description See attached

Current Zoning Classification Industrial Current Use of Property _____

Detailed Description of Proposed Use _____

PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION

Fees: Zone Change \$375
Conditional Use Permit \$375.00
Variance \$375.00
Special Exception \$375.00



PZP-010 (04/09)

FOR INTERNAL USE ONLY - REGISTER OF DEEDS OFFICE

VOL. 842 PAGE 891

ADDENDUM

Green Lake Bank – AEC Island, LLC RET

Legal Description:

Lot One (1) of Certified Survey Map #904, as recorded in Volume 4 of Certified Survey Maps for Green Lake County in the Office of the Register of Deeds on Page 904. ALSO A parcel of land being part of Lot 2 of Certified Survey Map 2216 as recorded in Volume 10 of the Green Lake County Certified Survey Maps on Pages 2216 and 2216A, located in the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 17, Town 16 North, Range 13 East, Town of Brooklyn, Green Lake County, Wisconsin; being more particularly described as follows:

Beginning at the Southwest Corner of said Lot 2 of Certified Survey Map No. 2216; thence N01°-08'-00"W along the west line of said Lot 2 279.71 ft. to the Northwest Corner of said Lot 2, thence East along the north line of Lot 2 25.00 ft.; thence S01°-08'-00"E 279.69 ft. to the south line of said Lot 2; thence S89°-56'-50"W along said south line 25.00 ft. to the Point of Beginning. EXCEPT A parcel of land, being part of Lot 1 of Certified Survey Map No. 904 as recorded in Volume 4 of the Green Lake County Certified Survey Maps on Page 904, located in the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 17, Town 16 North, Range 13 East, Town of Brooklyn, Green Lake County, Wisconsin, being more particularly described as follows: Beginning at the Southeast Corner of Lot 1 of Certified Survey Map No. 904 as recoded in Volume 4 of the Green Lake County Certified Survey Maps on Page 904 (also being the Northeast Corner of Lot 2 of C.S.M. No. 2216); thence West along the south line of said Lot 1 (also being the north line of Lot 2 of C.S.M. No. 2216) 305.00 ft.; thence N01°-08'-00"W 25.00 ft.; thence East 305 ft. to a point on the east line of said Lot 1 of C.S.M. No. 904; thence S01°-08'-00"E along said east line 25.00 ft. to the Point of Beginning. END OF DESCRIPTION.

Who-AEC Island is property owner of w1702 North street. AEC Island is a storage and property leasing business. Currently leasing to approx 22 various businesses and individuals. The largest leaser begin Advanced Engine Concepts. See attached mission statement from 2011.

Why-It has been noted that our CUP for this property has not been updated since 2000. Since purchasing the property in 2011 we have done clean up and heavy maintenance to provide our customers with there needs. All customers are under signed lease agreements and held to high standards for cleanliness.

What-All that we are looking for is the committees approval for the following

1-updated Cup to follow along with our needs

2-approval of storing boats, trailers, campers, etc by rear buildings clear from view of highway

3-extension of a contractor yard on north west corner to provide a service to local businesses.

Note-just want to comply within our rules. Conversations with Mr. Kirkman have led me to Krista within his department. She has been excellent and helpful to work with along the way thus far. She has been courteous and willing to help. We can only hope that our fourth coming and willingness to comply will be considered helpful to help our business.

Respectfully submitted,

Paul K. Schwandt

Attachment "B" Dan Timm

Advanced Engineering Inc.

920-291-5326

Mission statement:

W1702 North St

"We think outside the box to put you in Victory Circle" (Lakeway Building)

Want to be able to open

Business Philosophy:

Business by 4/1/11 Engine
Machine Shop

The emphasis of AEI is to provide innovative racing engines and components along with unprecedented service to our customers at prices as competitive as the engines. Our goal is to educate our customers to the fact that a quality engine is not a "consumable good" as many would lead them to believe but rather when properly built, maintained regularly and updated when necessary it becomes an investment. Also by having AEI as a part of their team they not only have a quality engine but a qualified group of professionals in their corner to recommend the correct support components and systems to produce maximum results.

When presented with a challenge the role of AEI is to apply analytical skills to unravel the technical mysteries and mitigate the consequences of failures. We will utilize our state of the art facility, the thirty years of experience of owner Dan Timm and a vast list of associates to accomplish any and all goals set before us.

AEI will focus on semiprofessional and hobby race teams as our primary customers but won't rule out the possibilities of working with a professional team in the correct situation. With this primary focus we will not be impacted financially by the decisions of a single customer. In addition to complete engines we will offer engine parts, balanced assemblies, short blocks, head and manifold packages, custom machine work, flow bench time, dynamometer testing and consulting services.

AEI will be owned and managed by Daniel Timm a thirty year veteran of the engine building business with many championships to his credit and will employ an experienced staff of engine technicians, machinists and office staff. Over the years we have gained the trust and respect of our customers and we intend to continue that by giving them a great product and the support it takes to reach their goals.

AEI will utilize the latest technology and up to date data acquisition equipment along with cutting edge procedures to build and maintain engines capable of winning. We will be committed to working with only the most reputable suppliers and will develop personal relationships with them with respect to exchanging of ideas and promoting the evolution of their products to be the best.

Market Analysis:

Since AEI will supply race engines to lower-series NASCAR, our results are tied to the popularity and attendance level of NASCAR racing events. NASCAR continues to be very popular throughout the US, Canada, and worldwide. However, it has suffered with the down economy, with a first-time decrease in sponsorship of 9 percent in 2009, and some decrease in television ratings and race attendance in the past 5 years. In 2011, sponsorship is projected to rise 4.2 percent over 2010, signaling confidence that racing continues to be strong. The lower series of NASCAR may not have suffered as much with the economy because ticket prices are more reasonable than the average \$90-\$100 ticket for Sprint Cup Series NASCAR events. Actual attendance statistics are not made public. There is no doubt that the NASCAR growth curve has become less steep and will probably not see the same levels of growth seen in the 1990s.

Suppliers of racing engines tend to be small and regional. They focus on a certain racing series, and may also specialize in engines for a particular kind of car. Many suppliers have a specialty part of the engine for which they are known. Some shops will also build engines for street use.

One of the larger racing suppliers, World Products, liquidated their engine machine shop and is teaming up with engine builders to service customers. This may be a trend that larger suppliers are acting as middlemen for engine builders, which would provide good access to customers but reduced profit. It also indicates that engine building is a business that does not benefit from economies of scale due to the customized nature of the work. There are 41 engine builders listed on World Products' website, and only one is in Wisconsin. In general, it seems that there are many engine builders on the east and west coasts, and a few scattered in the Midwest.

AEI's market will compete in the lower-tier NASCAR series, primarily in short track racing in the Midwest, providing racing engines, rebuilds and parts. AEI is interested in expanding our presence in drag racing as well. Street engines will not be a priority, as they are considered to be less profitable.

The desired customer is a semiprofessional racing team looking for high quality and craftsmanship at a reasonable price. We want customers who not only have the resources, but also the skills to successfully compete and win races, because this enhances our reputation.

The customer wants an engine that will perform and be reliable. Racers only take with them the engine in the car and one extra just in case. If there is trouble with an engine, it dramatically increases the risk that they cannot effectively compete, and will therefore lose a significant investment in money and time that cannot be recovered. Race teams want an engine provider who can provide the edge they need to win, will listen to their concerns and ideas, and have an overall collaborative relationship where both parties can benefit. Customers will stay with a provider that they can trust and get along with. They do not like to change, but like any trust relationship, if there are too many problems or disagreements, they will go to another engine builder rather quickly because the stakes are high and time is short.

Competitive Analysis

Building racing engines is a science and an art, requiring expertise that is developed over years of working on racing engines. The business of engine building is a customized specialty business that does not lend itself to massive growth or aggressive trade practices. The most likely threat to any engine builder's business would be loss of reputation resulting from unreliable, non-performing, or defective engines. However, there is competition and AEI will need to gain business not only from former customers, but from other engine builders and growth within the racing industry.

Competitor	Location	Specialty	Selling Points
CNC Motorsports	Brookings, SD	Short blocks, crate engines, and competition engines	State-of-the-art performance machine shop; quality parts
Midstate Machine	Des Moines, IA	Engine rebuilding, cylinder head repair, block boring, crankshaft grinding and engine balancing	Experience, dynamometer testing, friendly service, professional one-stop service
Full Boar Enterprises	Dodgeville, WI	Engine Rebuilding	Dynamometer testing
Bad Attitude High Performance & Racing Engines	Morrison, FL	Custom V8s from GM Ford or Mopar; gas, turbo and nitrous	Development (power pump gas engines); providing detailed build sheets and costs of parts with each engine rebuild
Doug Herbert Performance Engines	Lincolnton, NC	Building racing engines, machining	Racing celebrities: Doug Herbert, Ron Neal, and Earl Ramey

AEI can compete with just about everything that is offered by these other engine builders. We will have a state-of-the-art machine shop with dynamometer testing services. Customer service and developing a trusting relationship with the customer has been and will continue to be a focus of Dan Timm and his staff. Our location in the Midwest will draw in Midwestern racing teams looking for a shop they can easily visit and get professional work done at a reasonable price.

Association with winners is important for an engine builder, and Dan Timm has worked with many famous drivers, as follows: Bobby Allison, Donnie Allison, Davey Allison, Joe Nemechek, Ernie Irvin, Adam Petty, Rusty Wallace, Kenny Wallace, Greg Biffle, Dale Earnhardt, Sr., Terry Labonte, Bobby Labonte, David Green, Mike Miller, Mike Eddy, Dick Trickle, Jamie Aube, and Phil Parsons just to highlight a few.

Dan has been the key engine builder for teams that have won championships multiple times in each of the following respected series: NASCAR Nationwide, ARCA, NASCAR North, ASA, CWRA, ARTGO, SCCA and numerous short tracks throughout the USA.

Threats to AEI are largely external to the control of the company.

- The economic downturn may drive out many racing teams who cannot come up with funding to continue their sport. Economic conditions could also result in lower attendance at racing events.
- The price of oil is going up, and that will put added strain on racing teams to make money. This also directly affects AEI because they need fuel for testing engines.
- The ecological effects of racing have been highlighted recently as well, with concerns over fossil fuel supplies and global warming. This also could put a slight damper on racing.
- Another potential threat may be the trend of middlemen, such as World Products, taking a cut of the profit from engine builders. Since AEI will not be competing for street engine work, this threat is less likely. However, they will need to stay connected with racing teams and keep their name highlighted so that customers do not need to go through a middleman to find them.

Internal threats to AEI are controllable but not to be ignored.

- The engine building team will largely come from Wegner Motorsports. There were some practices which drove up costs that were allowed at the former company which cannot carry over to the new company. It will be imperative that leadership provide clear expectations to employees and constantly monitor and correct bad practices that will inevitably carry over. This may result in loss of valuable team members.
- Another internal threat would be the transition of Dan Timm from general manager to CEO. Dan will need to have a general manager who can stay focused on the day-to-day activities within the shop, while Dan splits his time between oversight of those operations and working on customer relations and promotion of the company. Dan will need to stay focused on the big picture and allow the general manager to do his job.

Strategy

AEI will be a builder of racing engines for racing teams competing on road courses, asphalt and dirt tracks as well as off road. We will also provide related machining services and parts to racing customers. We will not compete for street engines although will work on them upon request and do them for third party agents. AEI is also interested in building drag racing and marine engines. These would be relatively new markets they would develop as they establish their reputation.

AEI will have the following competitive capabilities:

- Experience and reputation – Dan Timm is a well-known engine builder with 30 years of experience who has many connections within racing and carries an excellent reputation for quality craftsmanship
- Innovation – AEI will be continuously improving engines and coming up with new solutions to attain highest performance levels.
- Service – AEI will listen to customers and contribute to each racing team’s success through high quality work that produces reliable results.
- Location – AEI will be one of the few engine builders in Wisconsin the upper Midwest having a state-of-the-art operation that can support racing teams at whatever level of competition they desire.
- Focus – AEI will focus on establishing and maintaining higher standards than can be found anywhere in this industry.

AEI will take the following actions to successfully start their business:

- Communicate with customers – Dan Timm and other staff members will travel to races assist customers with tuning and hand out business cards and pamphlets to potential customers. This is a key activity that will be done every race season. We will also enhance our customer communication and information with the use of video and remote communication technology.
- Website – Some customers learn about engine builders through online research. It is essential for AEI to have a dynamic website that explains who they are, their experience, the winning teams they have provided engines for, their expertise, the capabilities of their machine shop, and other relevant information. Facebook and Twitter are other online venues that will be used to showcase their abilities and cutting edge technology. It is essential that any online presence is frequently refreshed, so somebody in the organization will be responsible for this task.
- Advertising in publications/links to other websites – An expensive print advertising campaign is not necessary, but AEI will seek out key publications and websites where it would be advantageous to have some presence. Opportunities for “free” advertising, in the form of contributing instructional videos or articles that communicate the expertise and knowledge-level of the company will also be sought out.
- Organization Plan – Responsibilities and expectations of all employees of AEI will be documented and communicated. Performance will be monitored on an ongoing basis and corrective action taken. This will prevent undesirable behaviors and habits from developing and establish clear leadership in Dan Timm.
- Leadership Plan – Responsibilities and expectations of Dan Timm must also be documented and he must also be monitored to ensure he does not spend most of his time on the day-to-day activities of the machine shop.
- Financial Plan – A specific financial plan for starting up and running the business for the next five years has been developed and is attached.
- Monitoring - These plans and activities will be reviewed against actual results on a monthly basis to identify unexpected developments and trends that may necessitate corrective action or plan revision. As operations stabilize, the reviews will move to a quarterly basis.

Key Personnel

Dan Timm – President

Dan has 30 years of experience in building racing engines and managing a racing engine shop, all with Wegner Motorsports Inc. He will provide overall leadership to the company and will serve as the face of AEI. He will primarily work with existing customers, develop new business, lead innovation, and oversee the operations. Dan will also be in charge of human resources, i.e. hiring and firing, setting employment policies, etc.

General Manager – Paul Schwandt

The general manager will be responsible for the day-to-day operations of the shop, managing the technicians, and providing performance feedback. The general manager will also interact with customers and back up Dan's responsibilities.

Office Manager- Karrisa Rosanske

The office manager will take care of clerical parts of the business, i.e. billing customers, collecting, paying bills, inventory control, ordering parts, receiving parts.

Meet- Dan Timm

I was born in Milwaukee Wisconsin January 29, 1962 the son of a gas station owner and auto mechanic. I have worked on cars and engines all my life. We moved to Green Lake County in 1970.

I am headstrong and self-motivated and somewhat of a workaholic.

I graduated from Markesan High School in 1980 and had already been working part time for Carl Wegner, a local engine builder while also working at the Grand River Co-op garage. Upon graduating I decided I should make a choice between engine building and being a mechanic, I chose engine building, to which my boss at the Co-op told me that someday I would have to get a real job!

I became the first fulltime employee of Wegner Automotive (Later to become Wegner Motorsports Inc.) and worked eighty to one hundred hours per week for literally twenty five years often napping at the shop and working consecutive days. I established myself as the team leader and managed the day to day production and managed the employees. Wegner's grew to something like a twelve million a year company and I thought I would be able to finish my career working there but somewhere along the way something happened, my boss whom I looked to as family got caught up with get rich quick schemes and gambling and the business is just an empty shell of what it used to be using engine building only to raise money to look for other fortunes. Six months ago I offered to buy the engine shop portion for probably twice what it was worth to anyone else because I felt in my heart that I wanted to finish what I started there, but was not taken serious and treated as if I should be responsible for the millions of dollars of mismanagement that had gone on there.

I am proud to tell you that I am a member of St. John's Ev. Lutheran Church in Salemville, WI and have been a Sunday school teacher for the past eighteen years and in that tenure the lessons that I have taught and learned have given me the courage and strength to pick up and start over.

I propose to start Advanced Engineering Inc. a company dedicated to building the best engines possible and using our technology to turn customers dreams into reality.

I continue to have the passion and dedication, the experience and wisdom and a burning desire to build a business the all who are involved will be able to look at and be proud of the work we do and the things we stand for.

I am called upon often to speak for schools, collages, career days and Technology conferences. I have received many awards and plaques but nothing matches the handshake from a driver or the father of a driver in victory lane and I have said in many speeches that it is a special thing when you can earn a living doing the thing you want most to do in life!

I couldn't do what I do if I didn't get paid but I sure would want to.

Sincerely

Dan Timm

Advanced Engine Concepts, Inc. Business Description

Most generally at Advanced Engine Concepts, Inc. (AEC), we will be using our expertise to increase performance and reliability on pushrod naturally aspirated engines.

The engines will come in drained of fluids and relatively clean on the outside. We will take them apart, check all parts for wear and size, and then prepare them for reassembly. Sometimes we will purchase new parts and re-machine them to meet our specifications and then assemble them complete. We will also be testing the engines at various stages of assembly and that will be done inside in a sound-proof test cell, which will be designed in conjunction with Soundmaster Noise Control. Much of what AEC has to offer are the years of experience in knowing what parts and components will make the best final product.

The engines we will be working on are very sophisticated and of a high quality standard. Most of my customers are affluent business owners who enjoy motorsports and use it as their way to get away and spend time with their family and friends.

It is my intention to be a good neighbor and run a very neat and clean operation!

Thank you.

Dan Timm

Here is a list of the equipment that I will be using to rebuild the engines.

**AXE spray wash machine model SW-20
Fentech model DCV-750
Rottler F-67A block machine center
Rottler HP6A Diamond hone
Kwikway master head center
Kwikway model SVS2305 valve grinder
Winona PH-2000 seat and guide machine
Regis TS-503 multi angle seat cutter
Kwikway model 45 magniflux tester/powder
BHJ cam bearing installation set
20 place crank rack
Serdi model 60 valve job machine
Magnetic base surface
Rod hone model LLB-1699
Sunnen CH 100 line hone
Magniflux machine
Interchem Rinse tank system**

**Saenz model D-680 flow bench
Stuska Dyno model Track Master LC XS-211
Sound master noise control dyno room 12' X 16'**

**Miller electric Dynasty 3000 welder
Miller wire welder**



872 S. Milwaukee Avenue #230
Libertyville, IL 60048
Phone: 847.362.7440
Fax: 847.362.0427
www.dynotestcells.com

SOUNDMASTER DYNO TEST CELLS FAQ's

1: What is noise?

Noise is unwanted sound. It does not have to be loud, just unwanted. It can be disturbing, it may interfere with communications or it can be hazardous to your health.

2: What is "dBA"

Sound pressure is measured in decibels (dB). The dBA is a weighted measurement that more accurately reflects the way the human ear hears sound. Humans are less sensitive to low frequencies than high frequencies, so the dBA measurement places a higher importance on high frequencies by "weighing" out low frequencies.

3: What is NRC?

NRC, or Noise Reduction Coefficient, is the average sound absorption of the four speech interference frequencies (250 Hertz, 500 Hertz, 1000 Hertz, And 2,000 Hertz). A material with an NRC of 0.95 absorbs approximately 95% of the noise that strikes it. That is, it prevents sound from reflecting off it.

4: What is STC?

STC, or Sound Transmission Class, is a single number rating of a material's ability to stop sound from going through it. It is used to rate doors, windows, walls, ceilings, or any other partition between spaces. Generally speaking, the higher the STC rating the greater the sound reduction.

5: Should I care about Noise at my property line?

Yes...most municipalities and states have noise ordinances that stipulate how much noise can pass over your property line. You must comply with these laws or face fines and/or operating restrictions. Our modular test cells ensure you meet or exceed any noise ordinances.

6: Why do I need a test cell?

There are several reasons:

- a: To control noise in your facility. This will protect your employees from hearing damage and allow you to conduct other business (such as phone calls) while running tests.
- b: To prevent your testing from disturbing neighbors.
- c: To provide the appropriate amount of ventilation during the tests.
- d: To have a controlled test environment that allows you to repeat your tests with the same conditions.
- e: To provide a safe environment in your facility.

7: Should I use a modular test cell or build it myself?

It depends on your specific needs. Please refer to the "Advantages of Modular Test Cells" section on our homepage, then give us a call.

8: I have an existing test cell but it is too noisy...what can I do?

Sound will leak through the path of least resistance. If you constructed a test cell of concrete block and did not use a sound rated door or a sound rated window, the sound is probably leaking through these openings.

If you used all hard surfaced ceilings and walls (such as masonry or drywall) you will need to add absorption to your walls.

If you did not use silencers for your intake and exhaust air the noise is escaping out through your ventilation system.

Please refer to the "Components" section on the homepage... "Sound Control Doors and Windows", "Absorption Products" and "Silenced Ventilation Systems."

Then give us a call.

9: I have other shop noise...what can I do?

If your shop has mostly hard surfaced walls and ceilings (masonry or drywall, metal buildings, etc.) you will need to add absorption to your walls.

Refer to the "Components" section on the homepage... "Absorption Products".

Then give us a call.

10: Do I need to use mufflers in my test cell?

Our standard Dyno Test Cells include a silenced ventilation with 60" long silencers.

mine is 96" long

If you want to run without mufflers you may need to select our option of providing 120" long silencers.

MY Engines use mufflers

In the end, it depends upon your specific needs. Please give us a call and we can help you with a solution customized to meet your needs.

11: My existing test cell has ventilation problems...what can I do?

If you did not use silencers for your intake and exhaust air the noise is leaking out through your ventilation system.

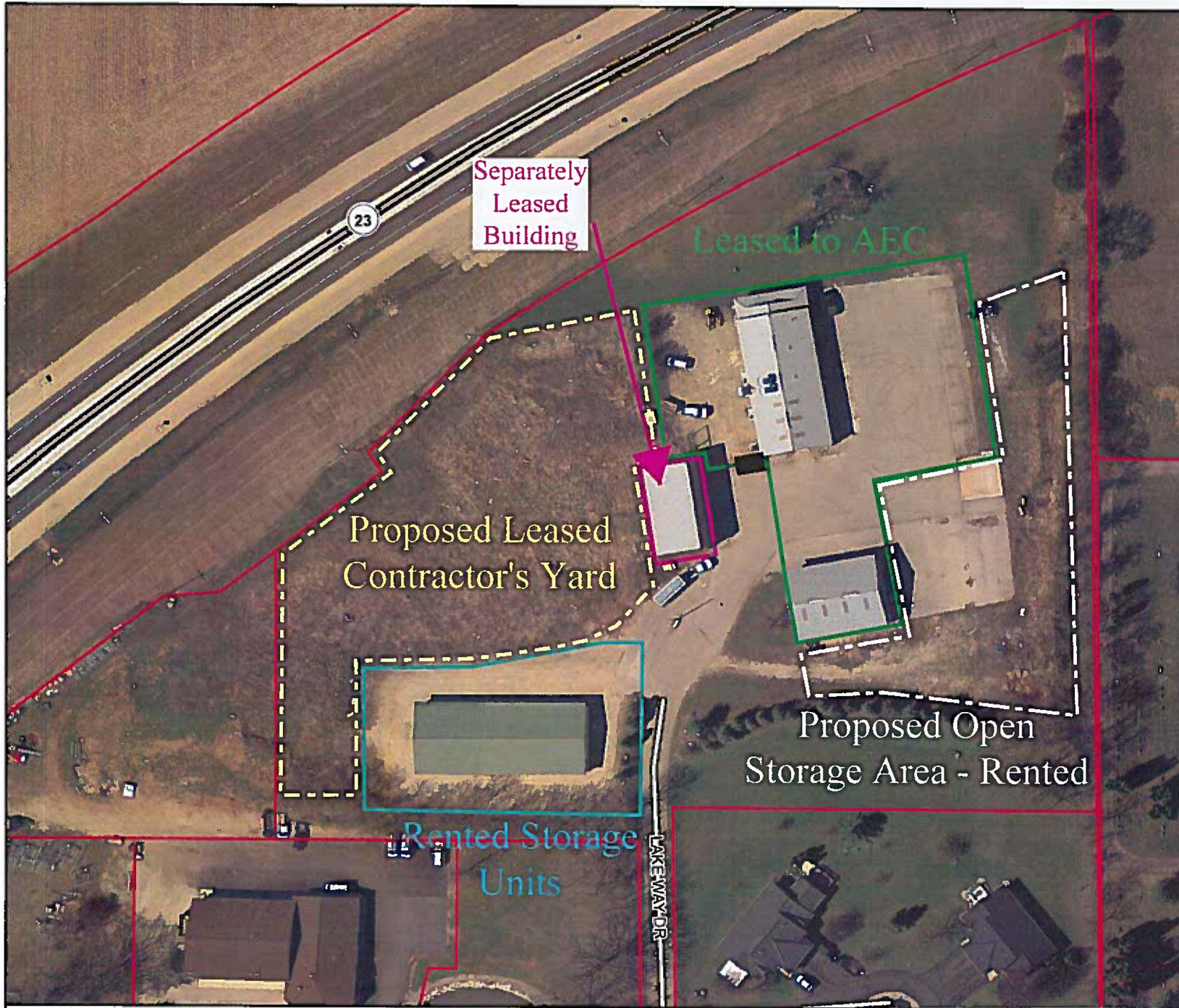
Refer to the "Components" section on the homepage... "Silenced Ventilation Systems".

Then give us a call.

GIS Viewer Map
Green Lake County, WI



1 inch = 100 feet

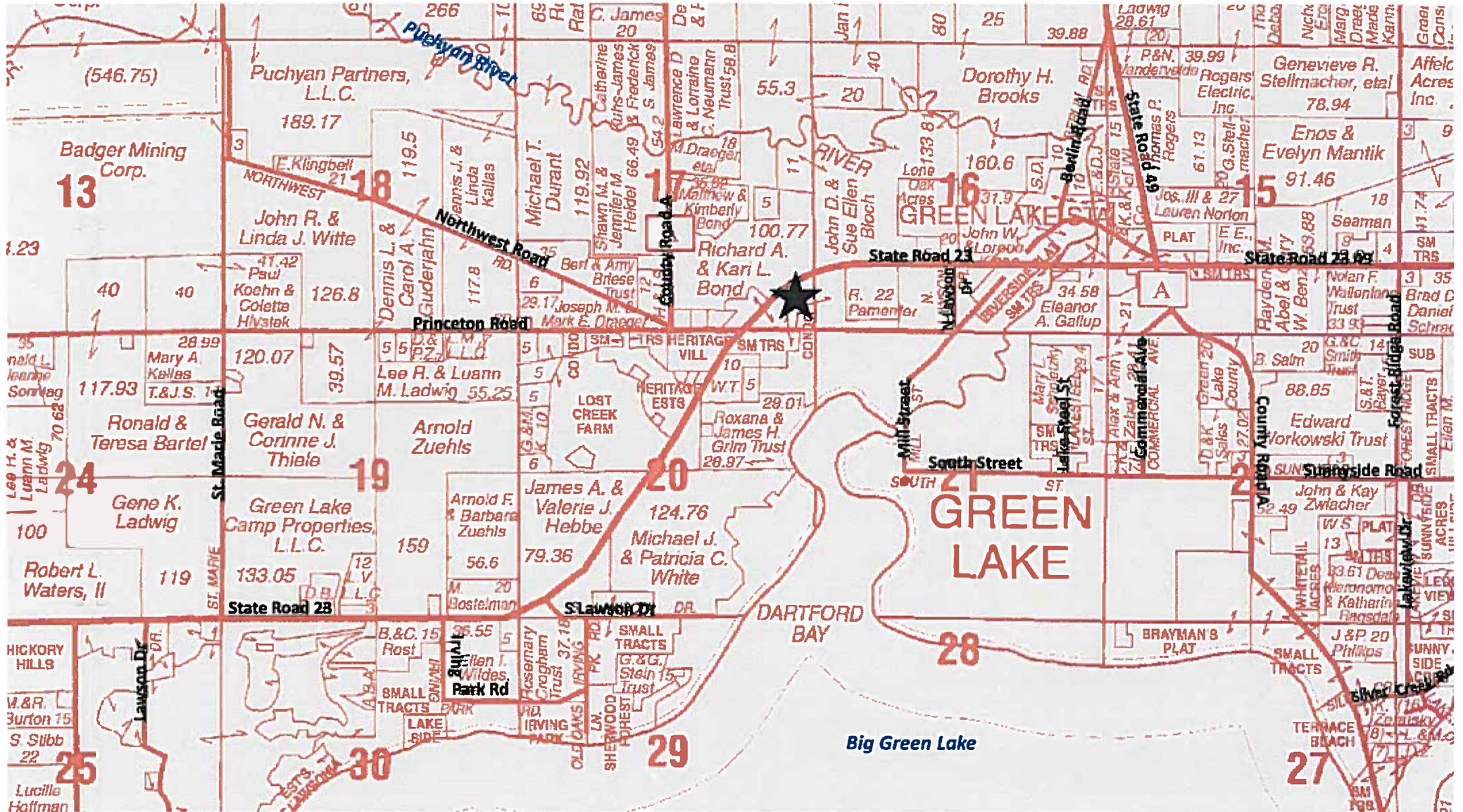


Note:

AEC Island, LLC – Paul Schwandt & Dan Timm

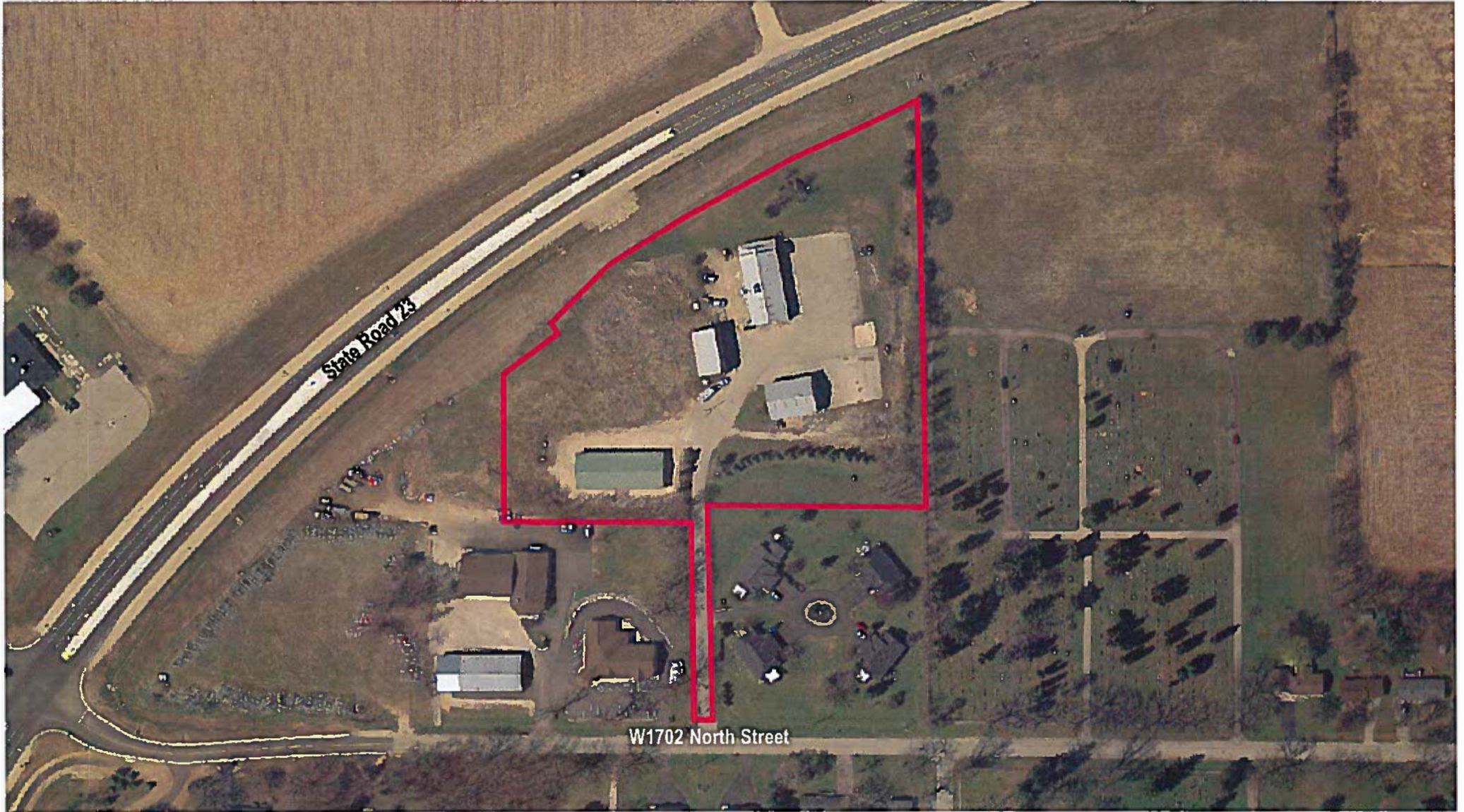
W1702 North Street, Town of Brooklyn, Parcel #004-00410-0502 (±5.72 acres); Part of the SE¼, Section 17, T16N, R13E

Conditional use permit request for a contractor's yard, engine performance business, mini-warehousing, and three leased buildings.



AEC Island, LLC – Paul Schwandt & Dan Timm

**W1702 North Street, Town of Brooklyn, Parcel #004-00410-0502 (±5.72 acres); Part of the SE¼, Section 17, T16N, R13E
Conditional use permit request for a contractor's yard, engine performance business, mini-warehousing, and three leased buildings.**



TOWN BOARD ACTION

Conditional Use Permit Request

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Brooklyn, County of Green Lake, took the following action on _____

Does not object to and approves of X

No action taken _____

Objects to and requests denial of _____

Reason(s) for objection _____

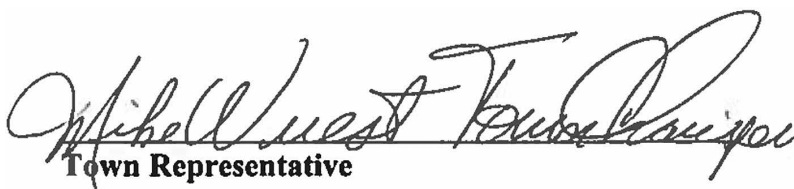
***** NOTE: If denial – please enclose Town Resolution of Denial.***

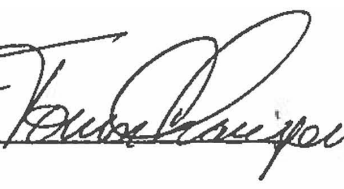
Owner/Applicant: AEC Island, LLC – Paul Schwandt and Dan Timm

General legal description: W1702 North Street, Town of Brooklyn, Parcel #004-00410-0502 (±5.72 acres); Part of the SE¼, Section 17, T16N, R13E

Request: Conditional use permit request for a contractor's yard, engine performance business, mini-warehousing, and three leased storage buildings.

Planned public hearing date: April 4, 2019 (rescheduled - Wednesday, April 10, 2019)


Town Representative


Date Signed

March 12th. 2019

NOTES: See the next page for the Town of Brooklyn's suggestions for conditions.

Please return this form to the Land Use Planning & Zoning Office by: March 22, 2019

Conditional use suggestions for AEC Island, LLC

1. All motor vehicles stored on site must be in roadway worthy condition and have current WDOT registration.
2. All accessory equipment stored on site must be in workable condition.
3. All construction materials stored on site must be suitable for future use.
4. Storage of construction debris and other material not suitable for future use is prohibited.
5. Anything stored on site that does not meet the above conditions must be stored within an enclosed structure.

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING

April 10, 2019

ITEM II: REZONE

OWNER:

Manchester Rod and Gun Club

APPLICANT:

Dale Justmann as President

REQUEST: The owner/applicant is requesting a zoning change to RC Recreation District of a total ±19 acres, currently ±1 acres zoned I Industrial District and ±18 acres zoned A-1 Farmland Preservation District.

PARCEL NUMBER / LOCATION: The request affects parcels 012-00283-0100 (±1 acre) and 012-00285-0000 (±18 acres), located in the SW¼ of Section 15, T14N, R12E, Town of Manchester. The subject site is W3614 S Gate Road and is 19.1915 acres including right-of-way, according to CSM1659.

EXISTING ZONING AND USES OF ADJACENT AREA: As stated above, the subject site parcels are zoned I-Industrial District (±1 acre) and A-1 Farmland Preservation District (±18 acres). The site is located southwest of the unincorporated community of Manchester, and is just east of a non-metallic mining operation site zoned I-Industrial. To the southwest is a home on 2.5 acres zoned R-1, Single-Family Residence District. The remaining surrounding lands are zoned A-1 Farmland Preservation District and are used for row crops, unmanaged forested areas, and wetlands buffering the banks of the Grand River.

ADDITIONAL INFORMATION / ANALYSIS: The purpose of this zoning change request is tied to the second agenda item of a conditional use permit request to expand the facilities on site. As background, the Manchester Rod and Gun Club has been a registered non-stock corporation with the state of Wisconsin since 1960. The lands under consideration of this request have been used by the Club for trap shooting, rodeos, shooting ranges, hosting courses geared toward safety and licensing, annual events for fundraising and raffles, and other related uses. This site hosts a pole building for storage, a club house for league meetings, deck areas near the pond, and several sheds and bleachers used for events near the rodeo area. Temporary fencing is brought in for animal-related events.

The applicant is requesting a rezone to Recreational District in order to expand their available facilities and install a permanent septic system (holding tank).

STATUTORY CRITERIA PER 91.48(1): Land may be rezoned out of a farmland preservation zoning district (A-1 Farmland Preservation District in Green Lake County) if all of the following are found after public hearing: **(Staff comments in bold type)**

- a) The land is better suited for a use not allowed in the farmland preservation zoning district. **The core tenet of the County's Farmland Preservation district is to protect farmland to allow participation in the state's farmland preservation program. This property has not been used for farm uses since at least 1960, if not earlier. This request does not remove actively**

farmed lands. Further, the overarching goal of the Farmland Preservation Plan is to prevent damage to the economic, social environment, or natural resources that the citizens of the county enjoy. It is believed this request will not damage but will encourage the appreciation of the county's resources. Additionally, the site has been utilized as a Rod & Gun Club for over 50 years. This use is not allowed in the Farmland Preservation District.

- b) The rezoning is consistent with any applicable comprehensive plan. **The proposed rezone is considered consistent with the County's comprehensive plan. Development should be directed toward compatible land uses, and the existing and proposed use is most compatible with open space uses. This site has a long-established history of preserving the rural character of the county through fostering an appreciation of the county's resources, which is a listed goal within the Comprehensive Plan.**

- c) The rezoning is substantially consistent with the county certified farmland preservation plan. **The overall goal of the County certified farmland preservation plan is to maintain the integrity and viability of county agriculture. It is staff's belief that the request does not negatively impact the integrity or viability of county agriculture as no quality farmlands are surrendered to a non-agricultural use. Therefore, the rezone is substantially consistent with the County's certified farmland preservation plan.**

- d) The rezoning will not substantially impair or limit current or future agricultural use of the surrounding parcels of land that are zoned for or legally restricted to agricultural use. **The Recreational District is intended to provide for limited recreational development, with many of the activities requiring a conditional use permit. This district does not limit or substantially impair current or future adjacent agricultural uses.**

TOWN OF MANCHESTER: An Action Form requesting the Town's input related to this conditional use permit request was mailed to the Town Clerk on February 8, 2019.

Please type or use black ink

Return to: Green Lake County
Planning & Zoning Department
571 County Road A
Green Lake, WI 54941

GENERAL APPLICATION

Fee 750⁰⁰ (not refundable)

Date 1-21-19

Zone Change from A-1 + I to RC

Conditional Use Permit for Rod and Gun Club with related Activities

Other _____

PROPERTY OWNER / APPLICANT

Name Manchester Rod and Gun Club Yo Dale Justmann

Mailing Address N1546 County Rd D

Phone Number Dale Justmann's cell (920) 369-6023

Signature Dale Justmann Date 1-21-19

AGENT IF OTHER THAN OWNER

Name _____

Mailing Address _____

Phone Number _____

Signature _____ Date _____

PROPERTY INFORMATION

Town of Manchester Parcel Numbers 012-00285-0000 012-00283-0100 Acres ± 18 acres
± 1 acres

Lot — Block — Subdivision —

Section 15 Town 14 North Range 12 East

Location of Property W 3614 S Gate Rd

Legal Description lands located in the SW1/4 of Section 15, T14N, R12E, consisting of ±18 acres also including Lot 1 of CSM 1659, Town of Manchester, Green Lake County, Wisconsin

Current Zoning Classification A-1 + I Current Use of Property Rod + Gun Club

Detailed Description of Proposed Use _____

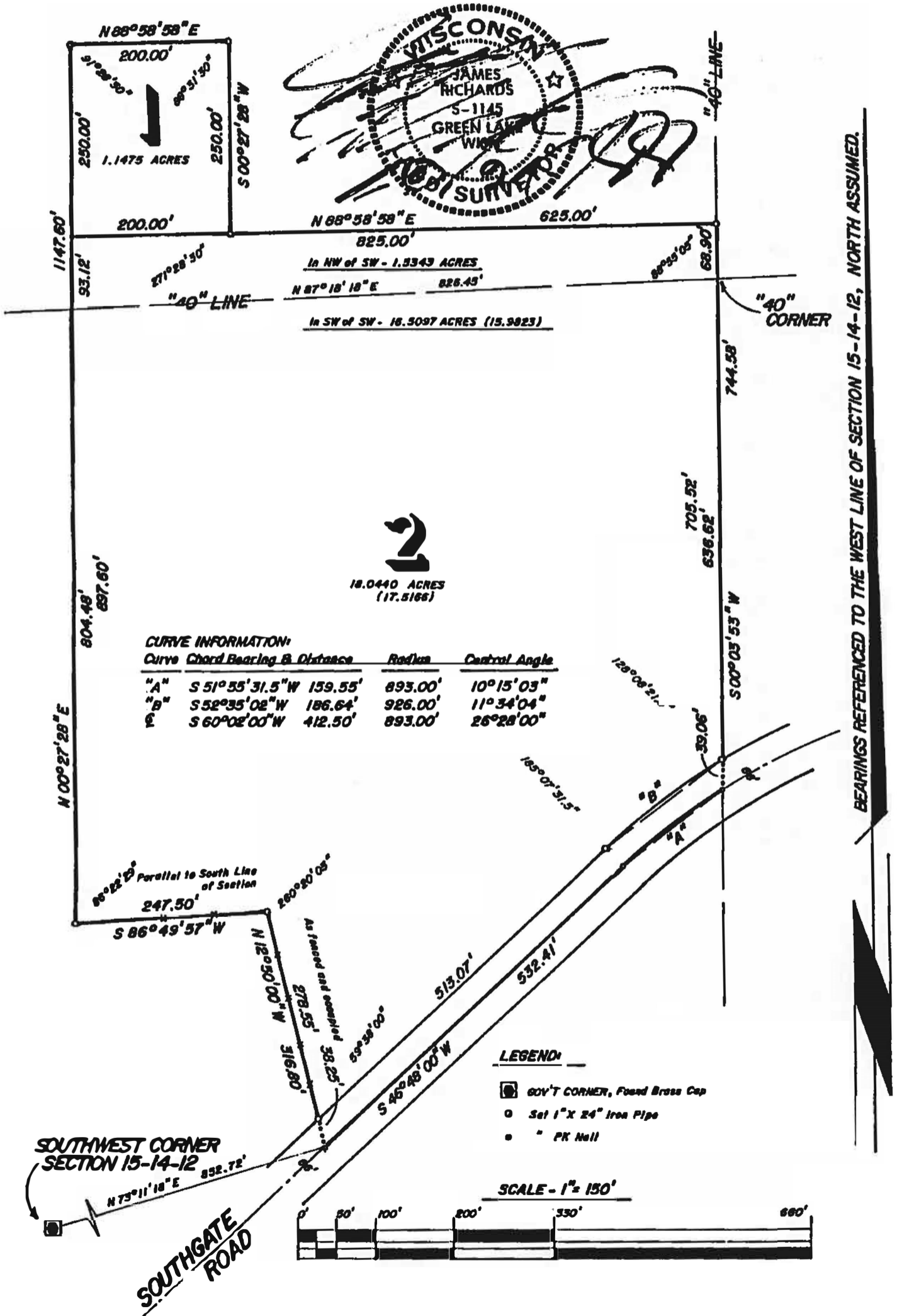
PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION

- Fees: Zone Change \$375
- Conditional Use Permit \$375.00
- Variance \$375.00
- Special Exception \$375.00

CERTIFIED SURVEY MAP 1659

STATE OF WISCONSIN)
COUNTY OF GREEN LAKE) S.S.

Page 1 of 2 pages



1659

COPY - County Surveyor's Office

CERTIFIED SURVEY MAP 1659

STATE OF WISCONSIN) S.S.
COUNTY OF GREEN LAKE)

Page 2 of 2 pages

I, James Richards, a Registered Land Surveyor, Certificate #S-1145, licensed by the State of Wisconsin, do hereby certify that by the order of the Manchester Rod and Gun Club, I have made a survey of a Parcel of Land described as follows:

Those Lands described in Volume 184 on Page 233 of Deeds for Green Lake County and other additional Lands being part of the Southwest Quarter of the Southwest Quarter and part of the Northwest Quarter of the Southwest Quarter of Section 15, Town 14 North, Range 12 East of the 4th Principal Meridian, Town of Manchester, Green Lake County, State of Wisconsin, to wit:

Commencing at the Southwest Corner of said Section 15, said Corner being located at the Center of the Intersection of Southgate and Proscarian Roads; thence N73°11'18"E, 852.72 feet to a point on the Centerline of said Southgate Road and the Point of Beginning; thence N12°50'00"W, 316.80 feet; thence S86°49'57"W, 247.50 feet; thence N00°27'28"E, 1147.60 feet; thence N88°58'58"E, 200.00 feet; thence S00°27'28"W, 250.00 feet; thence N88°58'58"E, 625.00 feet to the East Line of said Northwest Quarter of the Southwest Quarter; thence S00°03'53"W, along said East Line and the East Line of said Southwest Quarter of the Southwest Quarter, 744.58 feet to its intersection with said Centerline of Southgate Road, said point being on a curve; thence along said Centerline and the arc of a curve to the left having a radius of 893.00 feet and whose chord bears S51°55'31.5"W, 159.55 feet to a Point of Tangency; thence continuing along said Centerline, S46°48'00"W, 532.41 feet to said Point of Beginning.

Said Parcel contains 19.1915 Acres (18.6641 Acres excluding Highway Right-of-Way) and is subject to a Right-of-Way for Highway purposes over the Southerly 33.00 feet thereof and is further subject to any and all Easements and/or Right-of-Ways of record.

SURVEYOR'S NOTE:

The description used in said Volume 184 on Page 233 of Deeds for Green Lake County was apparently written without benefit of the services of a Land Surveyor. The Point of Beginning is incorrectly defined, the Bearings (all Cardinal Directions) and distances when computed will not close mathematically and do not, at the Southwest Corner of the Parcel, accurately represent the Lines of Intent.

I believe Lot 2 of this Certified Survey Map to be the intended location of this Parcel.

The stated intent by representatives of said Manchester Rod and Gun Club of the use of Lot 1 of this Certified Survey Map is for a Parking Area. This statement is included for informational purposes only and does not mean that other uses of the Lot would not be proper.

I further certify that the within drawing is a correct representation of the boundaries surveyed and that I have fully complied with the provisions of Chapter 236 of the revised statutes of the State of Wisconsin in surveying and mapping the same.

[Handwritten Signature]
JAMES RICHARDS
GREEN LAKE, WISCONSIN 54941
STATE OF WISCONSIN
REGISTERED LAND SURVEYOR
CERTIFICATE NO. S-1145



Approved for recording per Green Lake County Zoning Committee action of Oct 25.

Kenneth E. Fischer
Kenneth E. Fischer, Zoning Administrator.

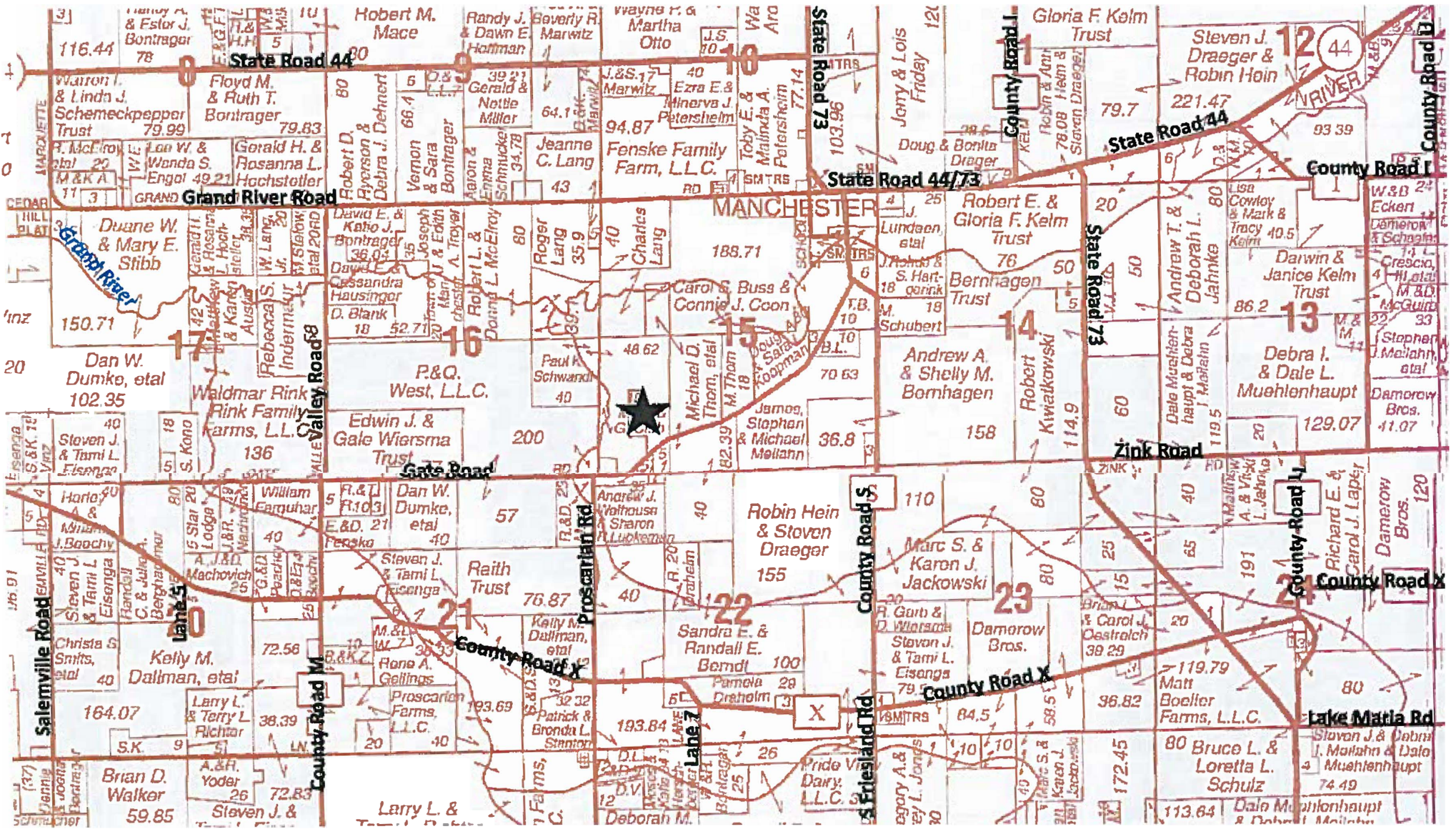
Dated: October 24th, 1988
Job #88SE2049
Owners: Manchester Rod and Gun Club
(Lot #2)
Polenska et al
(Lot #1)

Received for record this 25th day of Oct, 1988 at 2:15 o'clock P.M. and recorded in Volume 7 of Certified Survey Maps for Green Lake County in the Office of the Register of Deeds on Page 1659.

Shirley A. Williams
Shirley A. Williams, Register of Deeds.
Joy Ann Muehl, Deputy

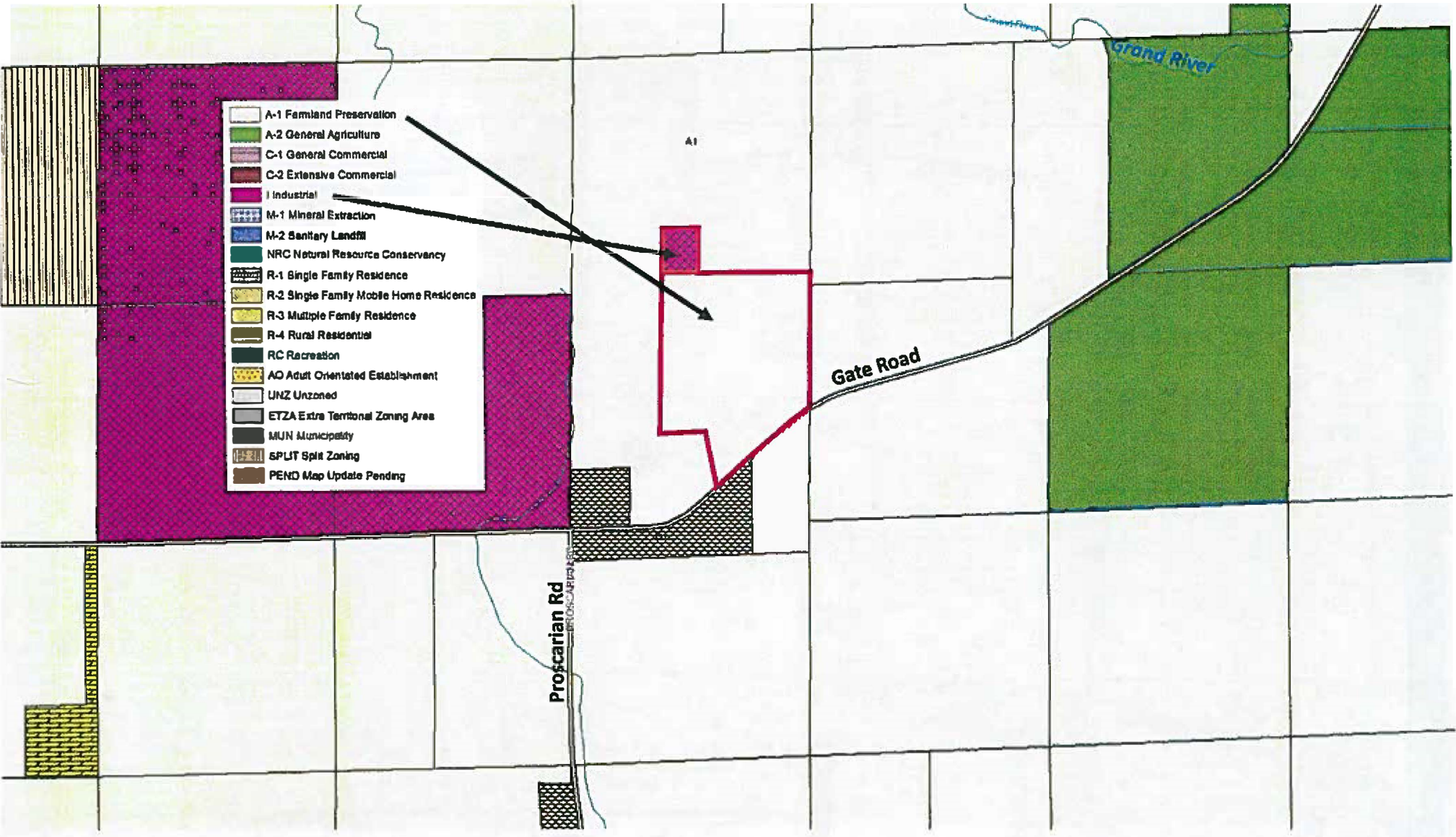
1659A

**Manchester Rod & Gun Club, Dale Justmann - W3614 South Gate Road, Town of Manchester
Parcel #012-00283-0100, Lot 1 CSM1659 (±1 acre), and #012-00285-0000, Lot 2 CSM1659 (±18
acres) Rezone request from I-Industrial and A-1 Farmland Preservation to RC-Recreation**



Green Lake County Land Use Planning & Zoning Committee Public Hearing 04/10/19

**Manchester Rod & Gun Club, Dale Justmann - W3614 South Gate Road, Town of Manchester
Parcel #012-00283-0100, Lot 1 CSM1659 (±1 acre), and #012-00285-0000, Lot 2 CSM1659 (±18 acres)
Rezone request from I-Industrial and A-1 Farmland Preservation to RC-Recreation**



**Manchester Rod & Gun Club, Dale Justmann - W3614 South Gate Road, Town of Manchester
Parcel #012-00283-0100, Lot 1 CSM1659 (±1 acre), and #012-00285-0000, Lot 2 CSM1659 (±18 acres)
Rezone request from I-Industrial and A-1 Farmland Preservation to RC-Recreation**



**Manchester Rod & Gun Club, Dale Justmann - W3614 South Gate Road, Town of Manchester
Parcel #012-00283-0100, Lot 1 CSM1659 (±1 acre), and #012-00285-0000, Lot 2 CSM1659 (±18 acres)
Rezone request from I-Industrial and A-1 Farmland Preservation to RC-Recreation**



**Manchester Rod & Gun Club, Dale Justmann - W3614 South Gate Road, Town of Manchester
Parcel #012-00283-0100, Lot 1 CSM1659 (±1 acre), and #012-00285-0000, Lot 2 CSM1659 (±18 acres)
Rezone request from I-Industrial and A-1 Farmland Preservation to RC-Recreation**



**Manchester Rod & Gun Club, Dale Justmann - W3614 South Gate Road, Town of Manchester
Parcel #012-00283-0100, Lot 1 CSM1659 (±1 acre), and #012-00285-0000, Lot 2 CSM1659 (±18 acres)
Rezone request from I-Industrial and A-1 Farmland Preservation to RC-Recreation**

Current Configuration:

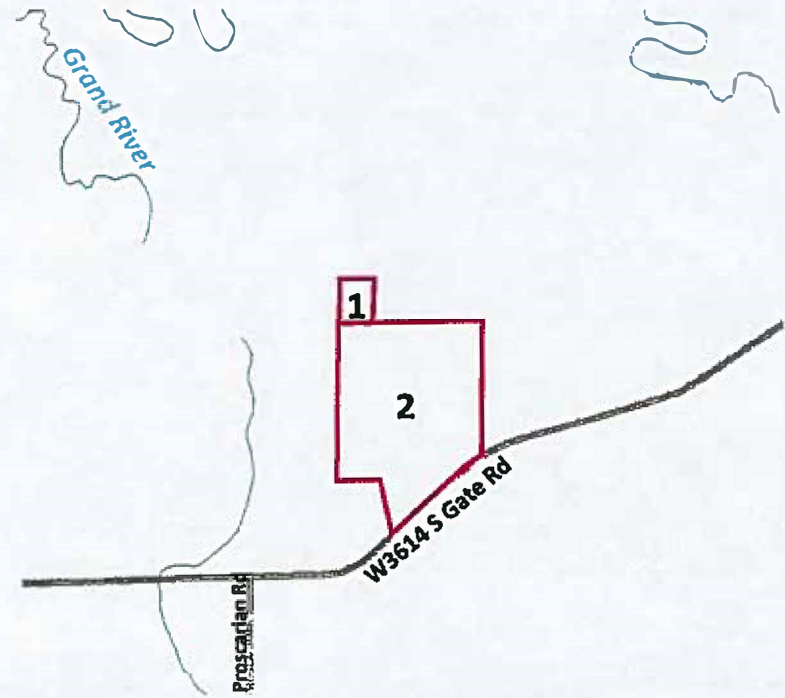
**#1 = Parcel 012-00283-0100 - ± 1.15 acres
currently zoned I-Industrial District.**

**#2 = Parcel 012-00285-0000 - ± 17.86 acres
currently zoned A-1 Farmland Preservation
District.**

Proposed Configuration:

**#1 = Parcel 012-00283-0100 – Rezoned to
RC-Recreation District.**

**#2 = Parcel 012-00285-0000 - Rezoned to
RC-Recreation District.**



TOWN BOARD ACTION

Rezone Request

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Manchester, County of Green Lake, took the following action on 2/11/2019

Does not object to and approves of X

No action taken _____

Objects to and requests denial of _____

Reason(s) for objection _____

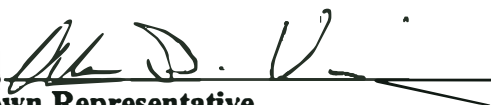
**** NOTE: If denial – please enclose Town Resolution of Denial.**

Owner/Applicant: Manchester Rod & Gun Club, Dale Justmann

General legal description: 1. Parcel #012-00283-0100, Lot 1 CSM1659 (±1 acre), Part of the SW¼ of Section 15, T14N, R12E, Town of Manchester, and
2. Parcel #012-00285-0000, Lot 2 CSM1659 (±18 acres), Part of the SW¼ of Section 15, T14N, R12E, Town of Manchester

Request: Request to rezone ±19 acres from I-Industrial District and A-1 Farmland Preservation District to RC-Recreation District. To be identified by certified survey map.

Planned public hearing date: 04/10/19


Town Representative

2/11/19
Date Signed

NOTES: _____

Please return this form to the Land Use Planning & Zoning Office by: March 22, 2019

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING

April 10, 2019

ITEM III: CONDITIONAL USE PERMIT (CUP)

OWNER:

Manchester Rod and Gun Club

APPLICANT:

Dale Justmann as President

REQUEST: The owner/applicant is requesting a conditional use permit for a rod and gun club with related activities as well as to construct a bathroom addition to the clubhouse.

PARCEL NUMBER / LOCATION: The request affects parcels 012-00283-0100 (±1 acre) and 012-00285-0000 (±18 acres), located in the SW¼ of Section 15, T14N, R12E, Town of Manchester. The subject site is W3614 S Gate Road and is 19.1915 acres including right-of-way, according to CSM1659.

EXISTING ZONING AND USES OF ADJACENT AREA: As stated above, the subject site parcels are zoned I-Industrial District (±1 acre) and A-1 Farmland Preservation District (±18 acres). The site is located southwest of the unincorporated community of Manchester, and is just east of a non-metallic mining operation site zoned I-Industrial. To the southwest is a home on 2.5 acres zoned R-1, Single-Family Residence District. The remaining surrounding lands are zoned A-1 Farmland Preservation District and are used for row crops, unmanaged forested areas, and wetlands buffering the banks of the Grand River.

ADDITIONAL INFORMATION / ANALYSIS: This conditional use is contingent on a successful rezoning to RC, Recreation District. As background, the Manchester Rod and Gun Club has been a registered non-stock corporation with the state of Wisconsin since 1960. The lands under consideration of this request have been used by the Club for trap shooting, rodeos, shooting ranges, hosting courses geared toward safety and licensing, annual events for fundraising and raffles, and other related uses. This site hosts a pole building for storage, a club house for league meetings, deck areas near the pond, and several sheds and bleachers used for events near the rodeo area. Temporary fencing is brought in for animal-related events.

The applicant is requesting to expand their available facilities and install a permanent septic system. Soils and anticipated duration of use indicate a holding tank as the best fit.

It is important that the Committee maintain the purpose and intent of the County Zoning Ordinance when reviewing and approving a request of this nature. The following criteria are to be used by the Committee when making conditional use permit decisions:

GENERAL CRITERIA FOR REVIEW OF CONDITIONAL USE REQUESTS:

- a) Will not have a negative effect upon the health, safety, and general welfare of occupants of surrounding lands; and
- b) Will be designed, constructed, operated, and maintained so as to be harmonious, be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area; and
- c) Will not be hazardous or disturbing to existing or future neighboring uses; and

- d) Will not be detrimental to property in the immediate vicinity or to the community as a whole; and
- e) Will be served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, and schools; the persons or agencies responsible for the establishment of the proposed use shall be able to provide, adequately, any such service; and
- f) Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public or private streets or roads.

COUNTY STAFF COMMENTS: This request should be reviewed by the Committee to determine if it meets the general criteria for review as listed above. If the Committee wishes to approve this request, the following conditions may be appropriate:

1. No additional expansion or addition of structures and/or uses relating to this conditional use permit shall occur without review and approval through future conditional use permit(s).
2. If on-site lighting is proposed, only the subject site shall be illuminated, and the lighting shall occur with no direct glare affecting adjoining properties or adjacent traffic.
3. Shooting activities shall occur from sunrise to 10:00pm on illuminated ranges. On all other ranges shooting activities shall occur from sunrise to sunset.

TOWN OF MANCHESTER: An Action Form requesting the Town's input related to this conditional use permit request was mailed to the Town Clerk on February 8, 2019.

Please type or use black ink

Return to: Green Lake County
Planning & Zoning Department
571 County Road A
Green Lake, WI 54941

GENERAL APPLICATION

Fee 750.00 (not refundable)

Date 1-21-19

Zone Change from A-1 + I to RC

Conditional Use Permit for Rod and Gun Club with related Activities

Other _____

PROPERTY OWNER / APPLICANT

Name Manchester Rod and Gun Club % Dale Justman

Mailing Address N1546 County Rd D

Phone Number Dale Justman's cell (920) 369-6023

Signature Dale Justman Date 1-21-19

AGENT IF OTHER THAN OWNER

Name _____

Mailing Address _____

Phone Number _____

Signature _____ Date _____

PROPERTY INFORMATION

Town of Manchester Parcel Number 012-00285-0000 Acres 18 acres
012-00283-0100 Acres 1 acre

Lot - Block - Subdivision _____

Section 15 Town 14 North Range 12 East

Location of Property W 3614 S Gate Rd

Legal Description lands located in the SW1/4 of Section 15, T4N, R12E, consisting of 18 acres also including Lot 1 of CSM 1659, Town of Manchester, Green Lake County, Wisconsin

Current Zoning Classification A-1 + I Current Use of Property Rod + Gun Club

Detailed Description of Proposed Use _____

PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION

Fees: Zone Change \$375
Conditional Use Permit \$375.00
Variance \$375.00
Special Exception \$375.00

January 3, 2019

Manchester Rod and Gun Club

We, the members of the Manchester Rod and Gun Club, would like to request the opportunity to rezone the property at W3614 South Gate Road, Markesan, in the Township of Manchester. The purpose of rezoning this property is to enable us to obtain a conditional use permit in order to add a bathroom facility to our existing club house.

The Manchester Rod and Gun Club was incorporated in 1961. We are a not for profit corporation. We support shooting sports including, but not limited to, trap shooting, hand gun shooting, and rifle shooting.

Trap shooting season begins on the second to the last Wednesday of April . It continues through the summer, ending on the second Wednesday of October. Handgun shooting begins on the last Tuesday of May and lasts for 12 weeks. Rifle shooting by any member is permitted throughout the year .

We also have a kid's fish pond specifically geared to educate youth in the sport of fishing. The club hosts a fishing day in January to teach youngsters about ice fishing and how to do it safely.

We also provide the grounds for three to four hunter safety courses per year to accommodate the safe gun handling portion of the required testing.

We have multiple fund raisers during each year. The Manchester Chute Out, a bull riding event, is held in July every summer.

The second Sunday in September, we hold our Annual Fall Picnic. This event includes a pork chop dinner, trap shooting, and a running deer target event. We have a 20 gun raffle on this day as well.

The funds raised by these events enable us to improve and maintain our grounds and buildings, as well as provide scholarships to local high school students. We also monetarily support our local fire department, police department, and ambulance service.

Manchester Rod and Gun Club's vision is to keep promoting safe gun handling practices and safe fishing skills for future generations to come.

TOWN BOARD ACTION

Conditional Use Permit Request

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Manchester, County of Green Lake, took the following action on 2/11/19.

Does not object to and approves of X

No action taken _____

Objects to and requests denial of _____

Reason(s) for objection _____


**** NOTE: If denial - please enclose Town Resolution of Denial.**

Owner/Applicant: Manchester Rod & Gun Club, Dale Justmann

General legal description: 1. Parcel #012-00283-0100, Lot 1 CSM1659 (±1 acre), Part of the SW¼ of Section 15, T14N, R12E, Town of Manchester, and
2. Parcel #012-00285-0000, Lot 2 CSM1659 (±18 acres), Part of the SW¼ of Section 15, T14N, R12E, Town of Manchester

Request: Conditional Use Permit request for a rod and gun club and related activities.

Public hearing date: 04/10/19



Town Representative

2/11/19

Date Signed

NOTES: _____

Please return this form to the Land Use Planning & Zoning Office by: March 22, 2019

**LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT
PUBLIC HEARING**

ITEM IV: ZONING CHANGE

April 10, 2019

OWNERS:

Donald J. Hutchinson
Holly Ann Sina
Charles Hutchinson

APPLICANTS:

same

REQUEST: The owners are requesting a zoning change from A-1, Farmland Preservation District to R-4, Rural Residential District, to ultimately create three lots each no larger than 5.9 acres by certified survey map.

PARCEL NUMBER / LOCATION: The affected parcel numbers are 004-00137-0000, 004-00141-0000 and 004-00142-0000, located in the SW¼ and the SE¼ of Section 7, T16N, R13E, Town of Brooklyn. The sites proposed for zoning change are located along County Road J.

EXISTING ZONING AND USES OF ADJACENT AREA: The current zoning of the parcels affected by the proposed rezone is A-1 Farmland Preservation District. The adjacent lands to the west and south are also zoned A-1, Farmland Preservation District with the predominant use of the land being a mixture of undeveloped (river & wetlands) as well as agricultural. To the east are lands zoned A-2, General Agriculture District.

The Green Lake County Farmland Preservation Plan identifies the land under consideration for this zoning change to be in a Farmland Preservation Area.

According to Flood Boundary and Floodway Map Panel 55047C0126C, a portion of the lands under consideration for this request are located in the floodway as the Puchyan River runs through both westerly parcels. The Wisconsin Wetland Inventory does show some mapped wetlands on parcel 004-00137-0000. Also, these parcels fall under the Shoreland Zoning jurisdiction.

ADDITIONAL INFORMATION / ANALYSIS: The owners plan to survey off three 5.9 acre parcels. The owners have determined the R-4, Rural Residential zoning district to best match their proposed use. There are three areas that the owners have proposed to rezone in order to eventually separate (by certified survey map) from the remaining lands.

Area 1: Relative to parcel 004-00137-0000, there are about 10.4 acres proposed to be rezoned to the Rural Residential District. There are about 7 acres of tilled and cropped farm field with about 3.4 acres of wetlands and/or floodplain. Although the farm field has been farmed for many years, the owners have explained that this farm field has rarely produced a significant crop. Consequently, the owners do not charge rent.

Area 2: Relative to parcel 004-00142-0000, there are about 1.5 acres proposed to be rezoned to Rural Residential district. Of this, there is about an acre of woods and floodplain and about 0.5 acres of farm field. As an extension of the farm field described in Area 1, this field has the same crop limitations.

Area 3: Relative to parcel 004-00141-0000, there are no more than 5.9 acres being proposed to be rezoned to the Rural Residential District. Here, all of the lands have never been cultivated.

*Soil Analysis: A property's soils indicate its potential for agricultural production. If the soils are ideal, it would **not be advisable** to change the zoning to a zoning district that would not be completely utilized for agricultural production.*

Area 1: The soils present on subject proposed parcel are a combination of KdC2, LaC2, and RaB. KdC2 is a fine, sandy loam and LaC2 is a loamy, fine sand; both occur on 6 to 12% slopes and are suitable for agriculture with proper management. The associated slopes, however, make it hard for these soils to retain moisture and applied organic matter. RaB is a loamy sand occurring on 1-6% slopes, which can be suitable for crop production but must be irrigated.

Area 2: The soils present on subject proposed parcel are almost all KdC2. These soils are fine sandy loam soils that occur on 6-12% slopes and are suitable for agriculture with proper management. The associated slopes, however, make it hard for these soils to retain moisture and applied organic matter.

Area 3: The soils present on subject proposed parcel are a combination of KdC2 and GnC2. Both are fine, sand loams that occur on 6-12% slopes and are suitable for agriculture with proper management. The associated slopes, however, make it hard for these soils to retain moisture and applied organic matter.

The above analyses should be interpreted as to say that Areas 1 through 3 contain soils that are not ideal for agricultural production. The only way for Areas 1 and 2 to be effective in crop production would be through the addition of organic matter and irrigation. Area 3 has no crop potential. Furthermore, all of the lands proposed to be rezoned contribute localized stormwater runoff, as these lands are very close to and slope toward the Puchyan River.

In addition to the above analysis, NRCS and Land Conservation performed erosion models for Areas 1 and 2 (the farm field). Per these reports the soil loss and phosphorus loading (per acre) to the Puchyan River are much higher for a cropped field as opposed to an idle ground (grass) condition.

STATUTORY CRITERIA PER 91.48(1): Land may be rezoned out of a farmland preservation zoning district if all of the following are found after public hearing: **(Staff comments in bold)**

- a) The land is better suited for a use not allowed in the farmland preservation zoning district. **The cultivation of these lands promotes phosphorus loading, chemical pollution, and soil loss through erosion into the Puchyan River. More productive agricultural uses are not possible, leaving less productive options like managed forest, woods, or fallow fields. Other uses (i.e. Industrial, Commercial, Residential subdivision) also do not represent uses better suited. However, the low density, residential use along with non-“farm” agricultural uses allowed in the R-4 zoning district would be better suited to these lands.**
- b) The rezoning is consistent with any applicable comprehensive plan. **The proposed rezone is consistent with the county's comprehensive plan as it upholds the goals and objectives, most prominently the goal to preserve the rural characteristic of the county. Section 350-41 of the County Zoning Ordinance**

states that the R-4 district is intended to provide for limited rural residential use development, require a large residential lands area to maintain the rural character, and to accommodate uses that are not urban in nature. Had the request been for R-1, Single-family Residence District, with its associated higher density and land use conflict, as well as access to services conflicts, that request would be inconsistent with the comprehensive plan.

- c) **The rezoning is substantially consistent with the county certified farmland preservation plan. The overall goal of the county certified Farmland Preservation Plan is to maintain the integrity and viability of county agriculture...without damaging the economic and social environment or the natural resources...” Due to the marginality of these soils for crop production, it is staff’s belief that the request does not negatively impact the integrity or viability of county agriculture and is, therefore, substantially consistent with the county’s certified Farmland Preservation Plan.**

- d) **The rezoning will not substantially impair or limit current or future agricultural use of the surrounding parcels of land that are zoned for or are legally restricted to agricultural use. The R-4, Rural Residential District is intended to provide for limited rural residential use development, but also require a larger area to maintain the rural character and to accommodate uses like light agriculture. The R-4 district is intended not to impair or limit future agricultural use of surrounding parcels.**

TOWN OF BROOKLYN: An Action Form requesting the Town of Brooklyn’s input related to this zoning change request was mailed to the Town Clerk on December 7, 2018. The Town of Brooklyn met on January 8, 2019 and recommended the rezone be approved.

Please type or use black ink

Return to: Green Lake County
Planning & Zoning Department
571 County Road A
Green Lake, WI 54941

GENERAL APPLICATION

Fee \$375 (not refundable)

Date 12/3/18

Zone Change from A-1 to R-4

Conditional Use Permit for _____

Other _____

PROPERTY OWNER / APPLICANT

Name Ken Sina

Mailing Address 11130 Illinois Ave

Phone Number 920-261-7173

Signature Ken Sina Date Dec 3 18

AGENT IF OTHER THAN OWNER

Name Donald J. Hutchinson III

Mailing Address W5861 Hillcrest Drive, LaCrosse, WI 54601

Phone Number 608-788-4705

Signature [Signature] Date Dec 3 '18

PROPERTY INFORMATION

Town of Brooklyn Parcel Number 004-00137-0000
004-00141-0000
004-00142-0000 Acres _____

Lot _____ Block _____ Subdivision _____

Section _____ Town _____ North Range _____ East

Location of Property County Road J

Legal Description _____

Current Zoning Classification A-1 Current Use of Property Recreational
lands and agricultural lands

Detailed Description of Proposed Use One lot may become a residential
building site and the other 2 will remain in their
current state

PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION

Fees: Zone Change \$375
Conditional Use Permit \$375.00
Variance \$375.00
Special Exception \$375.00

Please type or use black ink

Return to: Green Lake County
Planning & Zoning Department
571 County Road A
Green Lake, WI 54941

GENERAL APPLICATION

Fee \$375 (not refundable)

Date 12/3/18

Zone Change from A-1 to R-4

Conditional Use Permit for _____

Other _____

PROPERTY OWNER / APPLICANT 1

Name Ken Sina

Mailing Address W1130 Illinois Ave

Phone Number 520-261-7173

Signature Ken Sina Date Dec 3 18

AGENT IF OTHER THAN OWNER 2+3

Name Charles Hutchinson, Holly Ann Sina, Holly Ann Sina

Mailing Address 1019 Ganson Dr Wauwatosa WI 5397

Phone Number 608-213-5841 chutchi3@yahoo.com

Signature Charles Hutchinson Date Dec 3 2018

PROPERTY INFORMATION

Town of Brooklyn Parcel Number 004-00137-0000 004-00141-0000 004-00142-0000 Acres ±17.22 Affected

Lot _____ Block _____ Subdivision _____

Section 7 Town 16 North Range 13 East

Location of Property County Road J

Legal Description _____

Current Zoning Classification A-1 Current Use of Property Recreational lands and agricultural lands

Detailed Description of Proposed Use one lot may become a residential building site and the other 2 will remain in their current state

PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION

- Fees: Zone Change \$375
- Conditional Use Permit \$375.00
- Variance \$375.00
- Special Exception \$375.00

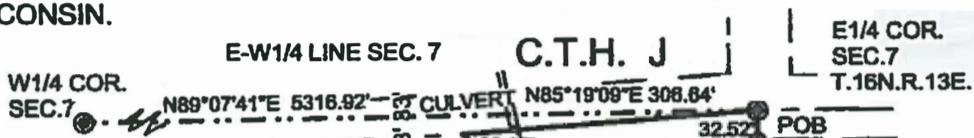


RIPON LAND SURVEYING

827 W. Fond du Lac St.
Ripon, Wisconsin 54971
Phone (920) 748-9696

DRAFT

CERTIFIED SURVEY MAP FOR CHARLES HUTCHINSON
LOCATED IN THE NE1/4 OF THE SE1/4 OF SECTION 7,
T.16N., R.13E., TOWN OF BROOKLYN, GREEN LAKE
COUNTY, WISCONSIN.



OWNERS: CHARLES E. HUTCHINSON
HOLLY ANN SINA AND DONALD J.
HUTCHINSON
C/O CHARLES E. HUTCHINSON
109 GANSER ROAD
WAUNAKEE, WI. 53597

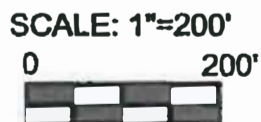
THE PURPOSE OF THIS SURVEY
IS TO REMOVE FROM THE LARGER
PARCEL TO COMPLY WITH GREEN LAKE
COUNTY LAND DIVISION AND
SUBDIVISION ORDINANCES



BEARINGS REFERENCED TO
THE E-W1/4 LINE OF SECTION 7
ASSUMED TO BEAR N89°07'41\"/>



Dennis M. Green
3-11-19



LEGEND

- ⊙ SECTION CORNER MONUMENT
- ⊙ 3/4" DIA. REBAR FOUND
- 3/4" DIA X24" IRON REBAR, 1.50lb/ft SET

WOODS

LOT 1
257,047 SQ.FT.
5.90 ACRES

WOODS

OWNERS LANDS

SE COR.
SEC.7

GREEN LAKE COUNTY CERTIFIED SURVEY MAP NO. _____ VOLUME _____ PAGE _____

DRAFT



RIPON LAND SURVEYING

827 W. Fond du Lac St.
Ripon, Wisconsin 54971
Phone (920) 748-9696

CERTIFIED SURVEY MAP

CERTIFIED SURVEY MAP FOR
CHARLES EDWIN HUTCHINSON
LOCATED IN THE NE¼ OF THE
SE¼ OF OF SECTION 7, T.16N.,
R.13E., TOWN OF BROOKLYN,
GREEN LAKE COUNTY,
WISCONSIN.

GREEN LAKE COUNTY CERTIFIED SURVEY MAP NO. _____ VOLUME _____ PAGE _____

SURVEYOR'S CERTIFICATE

I, Dennis M. Green, Professional Land Surveyor in the State of Wisconsin, hereby certify that by the order of Charles Edwin Hutchinson, I have surveyed, divided, monumented and mapped lands located in the NE¼ of the SE¼ of Section 7, T.16N., R.13E., Town of Brooklyn, Green Lake County, Wisconsin being more particularly described as follows: Beginning at the East Quarter Corner of said Section 7; thence S00°-29'-09"E along the East line of the SE¼ of said Section 7, 1324.64 feet; thence S89°-15'-18"W along the South line of the NE¼ of said SE¼, 250.00 feet; thence N00°-29'-09"W, 642.30 feet; thence N89°-15'-18"E, 150.00 feet; thence N00°-29'-09"W, 397.70 feet; thence N38°-34'-00"W, 333.70 feet; thence N85°-19'-09"E along the centerline of C.T.H. "J", 306.64 feet to the Point of Beginning. Said parcel subject to all easements and restrictions of record if any. Subject to a 33 foot wide Right of Way for C.T.H. "J" over the North side thereof. Said parcel contains 257,047 square feet or 5.901 acres more or less. All bearings referenced to the East - West Quarter line of Section 7 assumed to bear N89°-07'-41"E.

I further certify that the within survey is a correct representation of the boundaries of the land surveyed and mapped and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes, Green Lake County Land Division and Subdivision Ordinances and that this survey is correct to the best of my knowledge and belief.

D.M. GREEN AND ASSOCIATES, INC.
Ripon Land Surveying
Ripon, Wisconsin



Dennis M. Green, P.L.S. 1184
Dated this 11th day of March, 2019



GREEN LAKE COUNTY LAND USE PLANNING AND ZONING COMMITTEE

STATE OF WISCONSIN) SS
GREEN LAKE COUNTY)

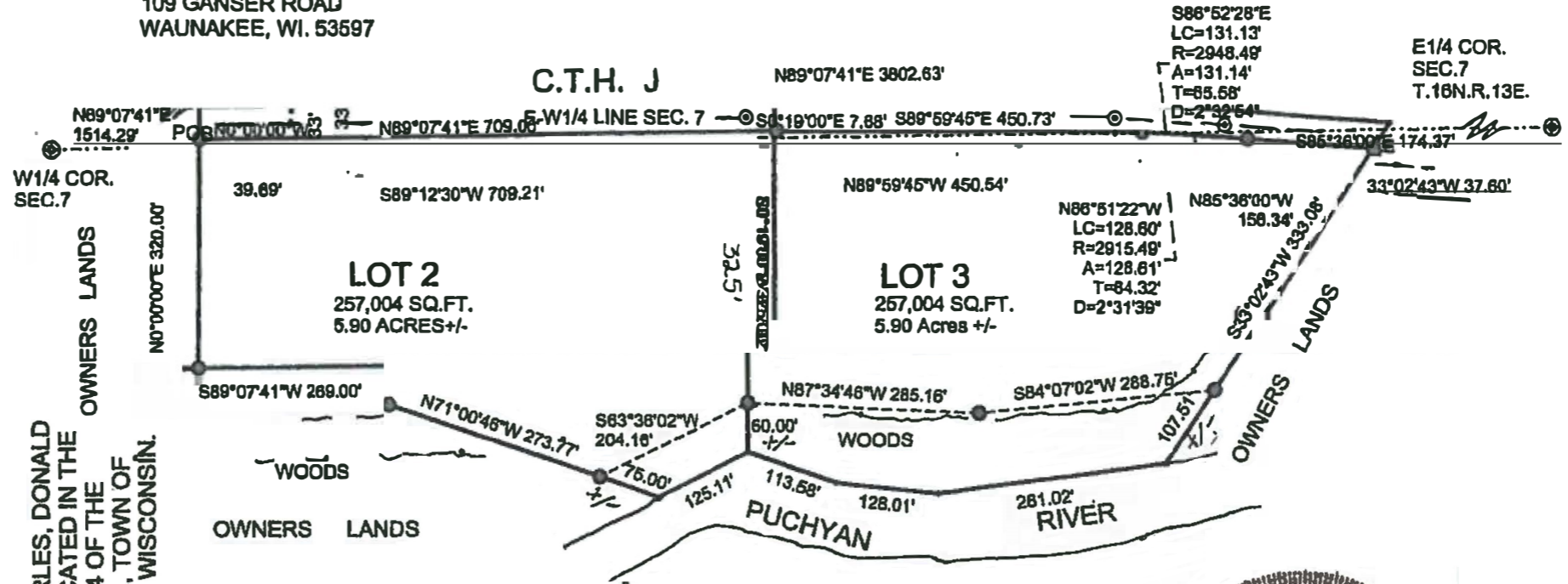
This Certified Survey Map is hereby approved this _____ day of _____, 2019
By the Authority of Green Lake County Land Use Planning and Zoning Committee.

By: _____ Print Name: _____
Committee Representative

DRAFT

OWNERS: CHARLES E. HUTCHINSON
 HOLLY ANN SINA AND DONALD J. HUTCHINSON
 C/O CHARLES E. HUTCHINSON
 109 GANSER ROAD
 WAUNAKEE, WI. 53597

THE PURPOSE OF THIS SURVEY IS TO REMOVE FROM THE LARGER PARCEL TO COMPLY WITH GREEN LAKE COUNTY LAND DIVISION AND SUBDIVISION ORDINANCES



CERTIFIED SURVEY MAP FOR CHARLES, DONALD HUTCHINSON AND HOLLY SINA LOCATED IN THE NW1/4 OF THE SE1/4 AND THE NE1/4 OF THE SW1/4 OF SECTION 7, T.16N., R.13E., TOWN OF BROOKLYN, GREEN LAKE COUNTY, WISCONSIN.

BEARINGS REFERENCED TO THE E-W1/4 LINE OF SECTION 7 ASSUMED TO BEAR N89°07'41\"E.



LEGEND

- ⊙ 3/4" DIA. REBAR FOUND
- 3/4" DIA. X24" IRON REBAR, 1.50lb/R SET
- ⊕ SECTION CORNER MONUMENT



Dennis M. Green
 3-11-19

RIPON LAND SURVEYING

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 Ripon, Wisconsin 54971
 Phone (920) 748-9696



DRAFT



RIPON LAND SURVEYING

827 W. Fond du Lac St.
Ripon, Wisconsin 54971
Phone (920) 748-9696

CERTIFIED SURVEY MAP

CERTIFIED SURVEY MAP FOR CHARLES EDWIN HUTCHINSON, DONALD JOHN HUTCHINSON AND HOLLY ANN SINA LOCATED IN THE NW¼ OF THE SE¼ AND THE NE¼ OF THE SW¼ OF SECTION 7, T.16N., R.13E., TOWN OF BROOKLYN, GREEN LAKE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, Dennis M. Green, Professional Land Surveyor in the State of Wisconsin, hereby certify that by the order of Charles Edwin Hutchinson, I have surveyed, divided, monumented and mapped lands located in the NW¼ of the SE¼ and the NE¼ of the SW¼ of Section 7, T.16N., R.13E., Town of Brooklyn, Green Lake County, Wisconsin being more particularly described as follows:

Commencing at the West Quarter Corner of said Section 7; thence N89°-07'-41"E along the East - West Quarter line of said Section 7, 1514.29 feet to the Point of Beginning; thence N89°-07'-41"E along said East - West Quarter line, 709.00 feet; thence S00°-19'-00"E, 7.68 feet; thence S89°-59'-45"E along the centerline of C.T.H. "J", 450.73 feet; thence to the beginning point of a curve to the Right having a radius of 2948.49 feet from which the radius point bears S01°-51'-05"W, thence Right along said curve for an arc length of 131.14 feet, said curve having a chord bearing of S86°-52'-28"E, 131.13 feet; thence S85°-36'-00"E along the centerline of C.T.H. "J", 174.37 feet; thence S33°-02'-43"W, 333.08 feet to meander line; thence meander along the Puchyan River S84°-07'-02"W, 288.75 feet; thence continue meander N87°-34'-46"W, 285.16 feet; thence continue meander S63°-36'-02"W, 204.16 feet to end of meander line; thence N17°-00'-46"W, 273.77 feet; thence S89°-07'-41"W, 269.00 feet; thence N00°-00'-00"E, 320.00 feet to the Point of Beginning. Said parcel subject to all easements and restrictions of record if any. Subject to a 30 foot wide Right of Way for C.T.H. "J" over the North side thereof. Said parcel contains 514.008 square feet or 11.80 acres more or less. All bearings referenced to the East - West Quarter line of Section 7 assumed to bear N89°-07'-41"E.

I further certify that the within survey is a correct representation of the boundaries of the land surveyed and mapped and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes, Green Lake County Land Division and Subdivision Ordinances and that this survey is correct to the best of my knowledge and belief.

D.M. GREEN AND ASSOCIATES, INC.
Ripon Land Surveying
Ripon, Wisconsin

Dennis M. Green, P.L.S. 1184
Dated this 11th day of March, 2019



GREEN LAKE COUNTY LAND USE PLANNING AND ZONING COMMITTEE

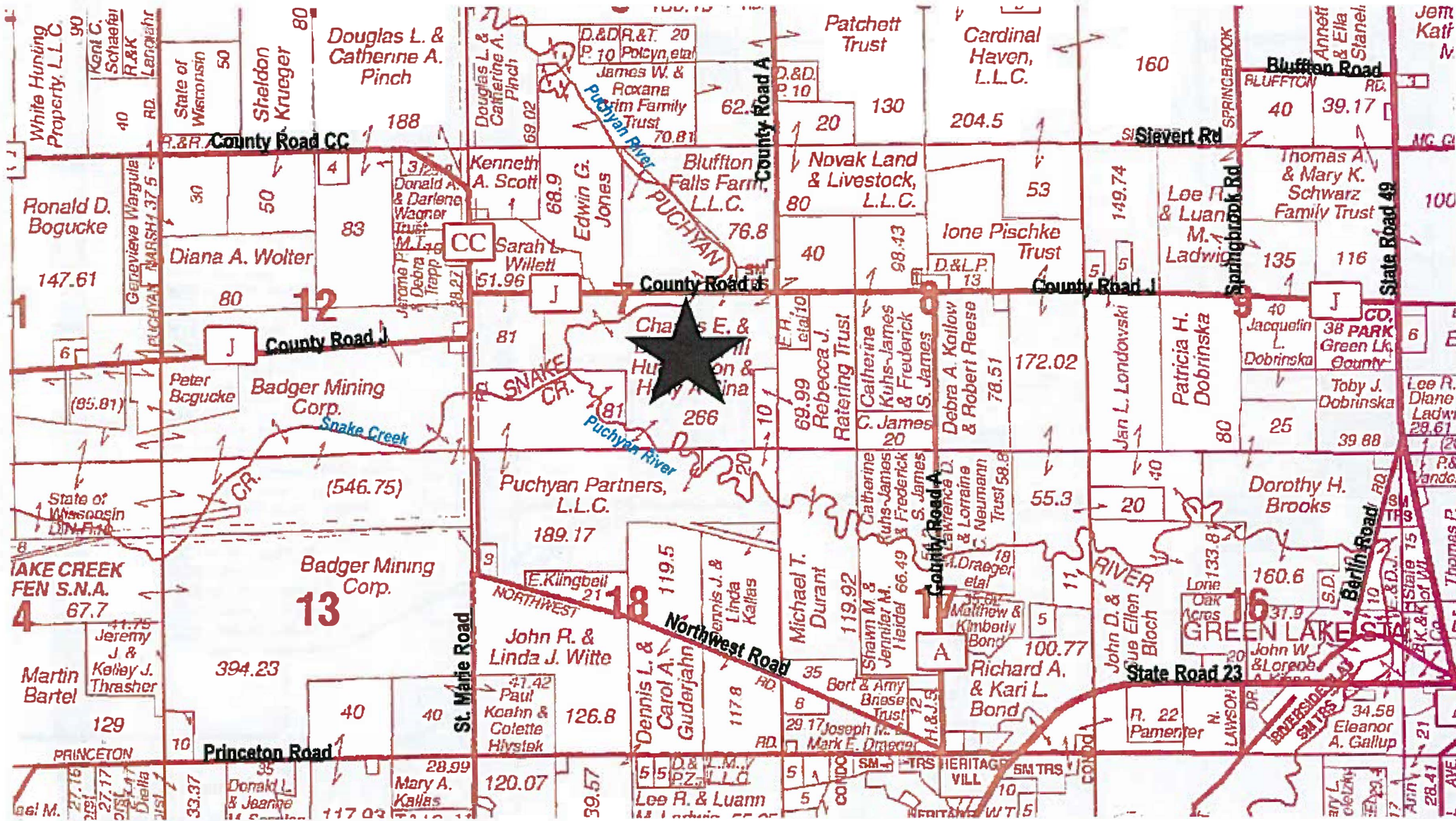
STATE OF WISCONSIN) SS
GREEN LAKE COUNTY)

This Certified Survey Map is hereby approved this _____ day of _____, 2019
By the Authority of Green Lake County Land Use Planning and Zoning Committee.

By: _____ Print Name: _____
Committee Representative

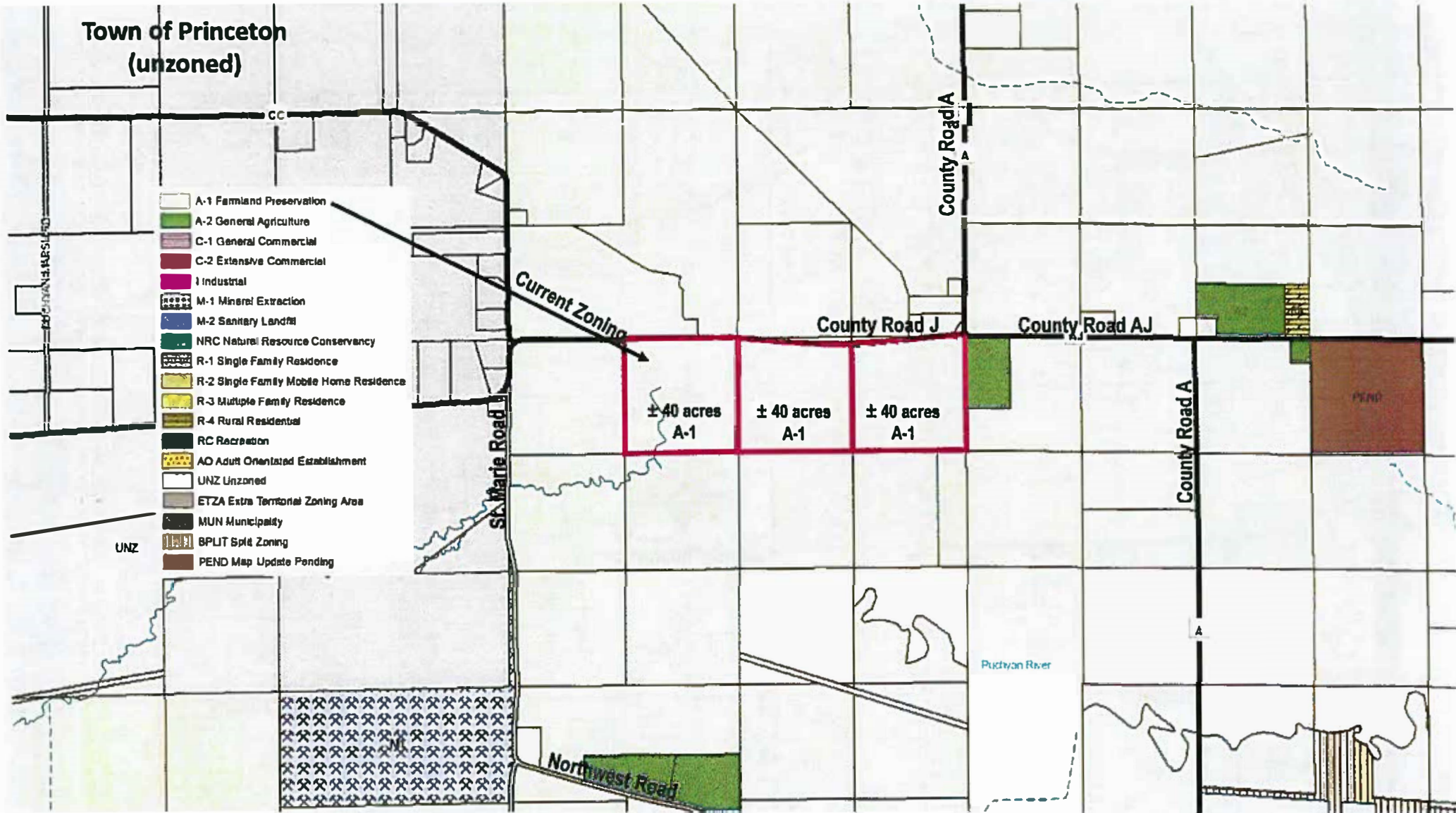
GREEN LAKE COUNTY CERTIFIED SURVEY MAP NO. _____ VOLUME _____ PAGE _____

**Holly Ann Sina, Charles Edwin Hutchinson, Donald John Hutchinson, III - County Road J, Town of Brooklyn
 Parcels #004-00137-0000, #004-00141-0000, #004-00142-0000 (total ±120 acres), Part of the SE¼ & SW¼ of Section 7, T16N, R13E
 Request to rezone from A-1 Farmland Preservation District to R-4 Rural Residential District.**



Land Use Planning & Zoning Committee Public Hearing 04/10/19

Holly Ann Sina, Charles Edwin Hutchinson, Donald John Hutchinson, III - County Road J, Town of Brooklyn
 Parcels #004-00137-0000, #004-00141-0000, #004-00142-0000 (total ±120 acres), Part of the SE¼ & SW¼ of Section 7, T16N, R13E
 Request to rezone from A-1 Farmland Preservation District to R-4 Rural Residential District.



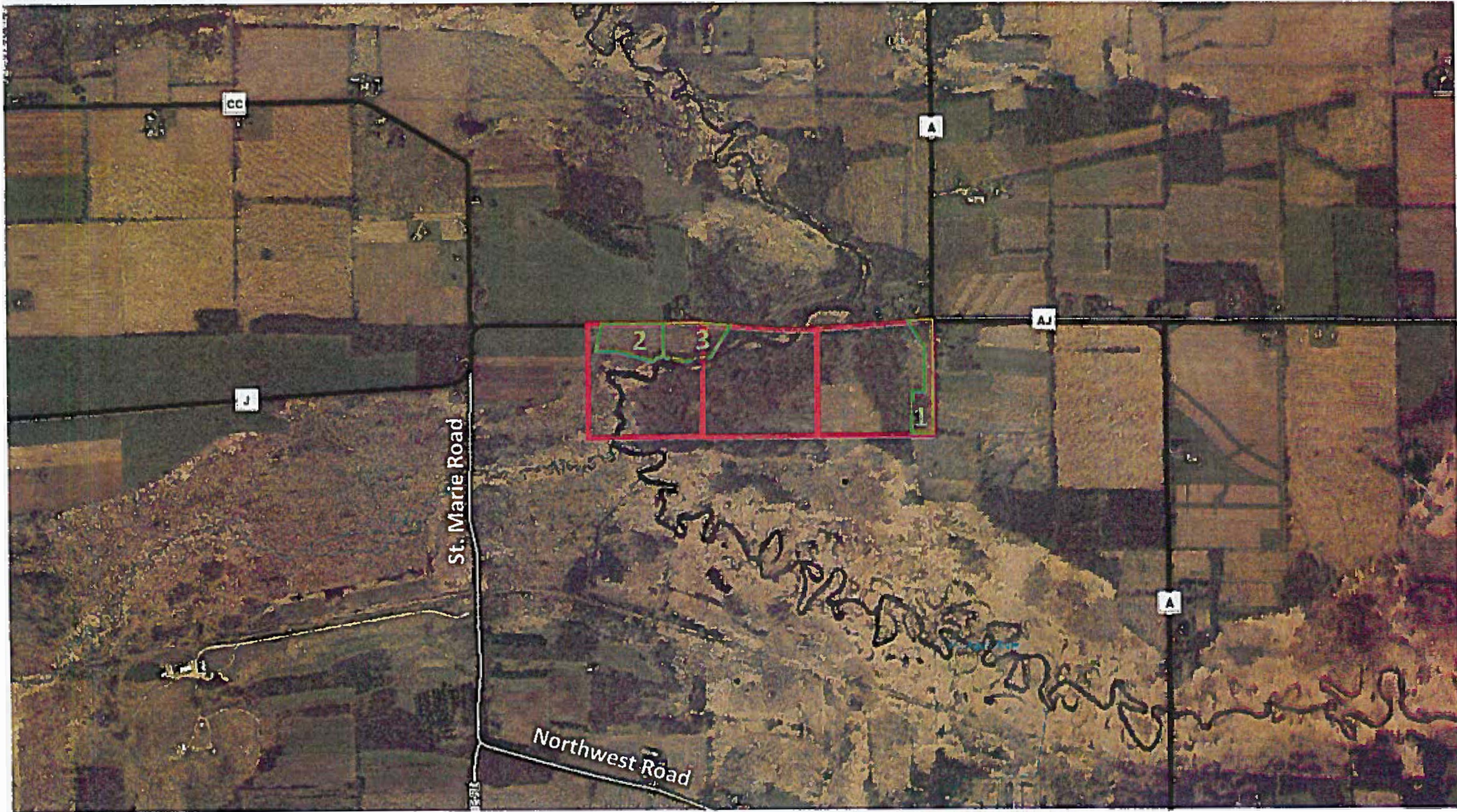
Land Use Planning & Zoning Committee Public Hearing 04/10/19

**Holly Ann Sina, Charles Edwin Hutchinson, Donald John Hutchinson, III - County Road J, Town of Brooklyn
Parcels #004-00137-0000, #004-00141-0000, #004-00142-0000 (total ±120 acres), Part of the SE¼ & SW¼ of Section 7, T16N, R13E
Request to rezone from A-1 Farmland Preservation District to R-4 Rural Residential District.**



Land Use Planning & Zoning Committee Public Hearing 04/10/19

**Holly Ann Sina, Charles Edwin Hutchinson, Donald John Hutchinson, III - County Road J, Town of Brooklyn
Parcels #004-00137-0000, #004-00141-0000, #004-00142-0000 (total ±120 acres), Part of the SE¼ & SW¼ of Section 7, T16N, R13E
Request to rezone from A-1 Farmland Preservation District to R-4 Rural Residential District.**



Land Use Planning & Zoning Committee Public Hearing 04/10/19

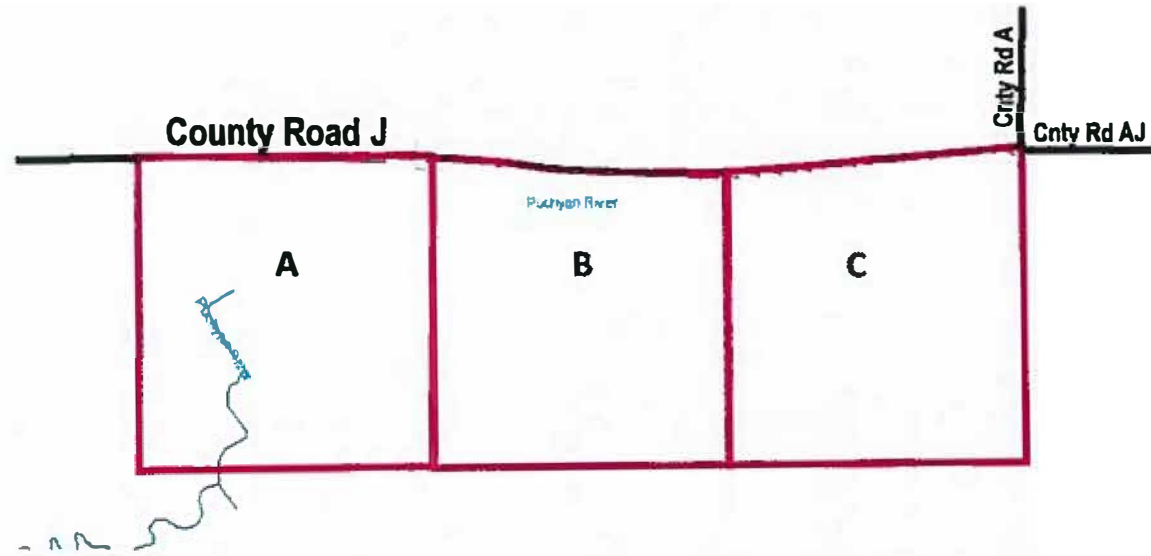
Holly Ann Sina, Charles Edwin Hutchinson, Donald John Hutchinson, III - County Road J, Town of Brooklyn
 Parcels #004-00137-0000, #004-00141-0000, #004-00142-0000 (total ±120 acres), Part of the SE¼ & SW¼ of Section 7, T16N, R13E
 Request to rezone from A-1 Farmland Preservation District to R-4 Rural Residential District.

Existing Configuration:

Parcel A = ±40 acres currently zoned A-1 Farmland Preservation District
 Parcel # 004-00137-0000

Parcel B = ±40 acres currently zoned A-1 Farmland Preservation District
 Parcel # 004-00142-0000

Parcel C = ±40 acres currently zoned A-1 Farmland Preservation District
 Parcel # 004-00141-0000



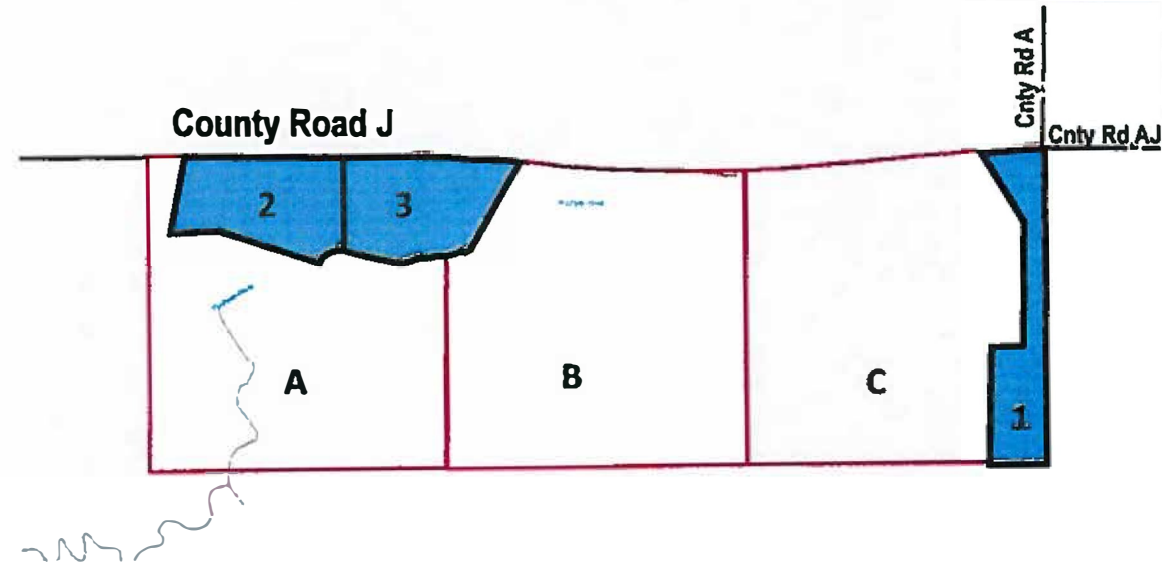
Proposed Configuration:

***Lot 1** = ≤5.9 acres rezoned from A-1 Farmland Preservation District to R-4 Rural Residential District

* **Lot 2** = ≤5.9 acres rezoned from A-1 Farmland Preservation District to R-4 Rural Residential District

* **Lot 3** = ≤5.9 acres rezoned from A-1 Farmland Preservation District to R-4 Rural Residential District

*Effect of this rezone is that the zoning of parts of parcels A, B, and C will change from A-1 to R-4. The subsequent recording of the certified survey map would have the effect of creating the proposed lots.



TOWN BOARD ACTION

Rezone Request

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Brooklyn, County of Green Lake, took the following action on 8 JAN 2019.

Does not object to and approves of X

No action taken _____

Objects to and requests denial of _____

Reason(s) for objection _____

**** NOTE: If denial – please enclose Town Resolution of Denial.**

Owners/Applicants: Charles Edwin Hutchinson, Holly Ann Sina, Donald John Hutchinson, III

General legal description: County Road J, Parcels #004-00137-0000, #004-00141-0000, #004-00142-0000 (±120 acres), Part of the SW¼ and SE¼ of Section 7, T16N R13E, Town of Brooklyn.

Planned public hearing date: February 7, 2019

Request: Request to rezone ±17.22 acres from A-1 Farmland Preservation District to R-4 Rural Residential District

Mike West Town Chair
Town Representative

8 JAN 2019
Date Signed

NOTES: _____

Please return this form to the Land Use Planning & Zoning Office by: 12/28/18

Proposed Zoning Text Amendment 4-10-2019

- 408 [6] The owner agrees to restore the land to agricultural use, consistent with any required reclamation
409 plan, when extraction is completed.
- 410 [7] Compliance with Chapter 323 (Nonmetallic Mining Reclamation).
- 411 (f) Oil and gas exploration or production that is licensed by the Department of Natural Resources under
412 Subchapter II of Chapter 295, Wisconsin Statutes.
- 413 (g) Private airport or air strip qualifying as an accessory use under § 91.01(1), Wis. Stats.
- 414 (h) Dog kennels qualifying as an accessory use under § 91.01(1), Wis. Stats.
- 415 (i) Game farms/shooting preserves qualifying as an accessory use under § 91.01(1)(b), Wis. Stats. To
416 meet the definition of agricultural use, the game birds or cervids must be raised on the farm for
417 release for hunting.
- 418 (j) Shooting ranges meeting the requirements in § 91.01(1)(d), Wis. Stats.
- 419 (k) Manure storage systems. (Please note that permits for manure storage systems are subject to § ATCP
420 50.56 and Ch. ATCP 51, Wis. Adm. Code.)
- 421 (l) Slaughtering of livestock from the A-1 District.
- 422 (m) Processing agricultural by-products or wastes received directly from farms, including farms in the A-
423 1 District.

Note: The County may issue a conditional use permit for a proposed land use not identified in this section if the proposed land use meets applicable conditions under this section. Before issuing a conditional use permit, the County shall determine, in writing, that the proposed use meets applicable conditions under this section. The County may issue the permit subject to conditions designed to carry out the purposes of this chapter.

- 424 (3) Area, height and setback requirements:
- 425 (a) Dimensional standards: A lot or parcel shall have no less than ~~1.58~~ acres of contiguous land area.
- 426 (b) All principal structures shall be on a lot consistent with the principal use permitted on such lot by the
427 regulations of the district in which it is located.

Formatted: Strikethrough, Highlight

Note: The area within the road right(s)-of-way shall not be included for the standards of this subsection. Design standards pursuant to Chapter 315, Code of Green Lake County, Land Division and Subdivision, shall apply to a newly created lot or parcel for this subsection.

- 428 (c) Principal structure setback and height standards.
- 429 [1] Street yard setback:
- 430 [a] State trunk road rights-of-way: 67 feet minimum.
- 431 [b] All other public road rights-of-way: 40 feet minimum.
- 432 [2] Rear yard setback: 25 feet minimum.
- 433 [3] Side yard setback: 12 feet minimum.
- 434 [4] Structure height, dwelling structure: 35 feet.



Tony Evers, Governor
Dawn B. Crim, Secretary

March 27, 2019

Matt E. Kirkman
Land Use Planning & Zoning Director
571 County Road A
Green Lake, WI 54941

mkirkman@co.green-lake.wi.us
920-294-4175

Dear Mr. Kirkman,

As you are aware from our recent conversation, our department has recently assumed direct responsibility for plan review and inspection duties for new one and two family dwellings being built in the towns of Mackford, Princeton, and Saint Marie. Per Wisconsin Statutes §101.65 and §101.651 these municipalities have exercised their right to not adopt the Uniform Dwelling Code for One and Two Family Dwellings (UDC). In such cases the responsibility for providing UDC enforcement service defers to our department per s. §101.651(3)(b).

You had requested that I provide you with a letter pointing out language in these statutory chapters (and respective code sections of SPS 320) that allows counties to assume jurisdiction of the UDC (by ordinance) for those municipalities in your county that have not adopted the UDC. While our department will make every effort to provide proper and timely enforcement of the UDC in these municipalities, Green Lake County may choose to have these services provided on a more local basis. This service can be provided via either county employees holding the required inspector certifications or by contracting with a local individual or inspection agency that hold these respective credentials. Chapter SPS 320.06(2) "County Jurisdiction", provides language describing the procedure for implementation of a county ordinance pertaining to the enforcement and administration of the UDC. Appendix A contains standard language for a model UDC ordinance that can be adopted by a local municipality: county, city, village, or town. This language is included in the attached pdf document (pg. 3). The Appendix can also be accessed through the link below.

Also, please be aware that with the 2017 adoption of the Camping Units Code SPS 327 Wis. Adm. Code, all municipalities that adopt the UDC in their ordinances are subsequently required to adopt this code as well. SPS 327 Camping Units applies to structures less than 400ft², used for seasonal overnight purposes, built or placed in a fixed location within a campground licensed by the Department of Agriculture Trade and Consumer Protection (DATCP). See Wis. Admin. Code § SPS 327.06 for specific language.

See attached document provided in the email correspondence or the following link.

Page 2

http://docs.legis.wisconsin.gov/code/admin_code/sps/safety_and_buildings_and_environment/326_360/327

http://docs.legis.wisconsin.gov/code/admin_code/sps/safety_and_buildings_and_environment/320_325/325_a.pdf

I hope that this information is helpful. Please contact the DSPPS again if we can provide additional information or answer any other questions. For more information on this DSPPS program, please see the departments UDC One and Two Family Dwelling program homepage at <https://dsps.wi.gov/Pages/Programs/UDC/Default.aspx>

Regards,

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Regards,