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 *Thursday, March 5, 2026.*

Packet Pages:

2 Agenda

3-4 Draft Meeting Minutes from 2/5/26

5-11 Register of Deeds 2025 Annual Report

12-17 Land Use Planning & Zoning Department 2025 Annual Report

18-19 Financial Reports for January 2026

20-22 Land Use & Sanitary Reports for January 2026

23-24 Violation Status Reports

25-65 2026 Shoreland Zoning Ordinance Draft

66 Public Hearing Notice

67-78 **Item #1: Owner:** John R. Witte, **Location:** Princeton Road, **Parcel:** 004-00426-0000, **Legal Description:** Located in the SE ¼ of SW ¼ of Section 18, T16N, R13E, Town of Brooklyn, ±12.802 acres, **Request:** The owners are requesting a rezone of ±12.802 acres zoned A1, Farmland Preservation District, to R4, Rural Residential District. To be identified by Certified Survey Map.

79-87 **Item #2: Owner:** Eugene F. & Kathleen A. Thom, **Location:** East Waushara Street, **Parcel(s):** 002-00001-0000, -0100, -0200, & -0300, **Legal Description:** Lots 1-4 of CSM #1400, Located in the NE ¼ of NE ¼ of Section 1, T17N, R13E, Town of Berlin, ±9.09 acres, **Request:** The owners are requesting a rezone of ±9.09 acres zoned R1, Single-Family Residence District, to A2, General Agriculture District. To be identified by Certified Survey Map. *Item postponed from February 5, 2026, Public Hearing.*

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

Green Lake County

GREEN LAKE COUNTY
LAND USE PLANNING & ZONING DEPARTMENT
Matt Kirkman
Director
Office: 920-294-4156
FAX: 920-294-4198

Land Use Planning & Zoning Committee Meeting Notice

Date: Thursday, March 5, 2026, Time: 9:00 AM
Green Lake County Government Center, County Board Room
571 County Rd A, Green Lake WI

AGENDA

Committee Members

Chuck Buss-chair
Bill Boutwell-vice chair
Curt Talma
Gene Thom
Sue Wendt

Secretary: Karissa Rohde

Virtual attendance at meetings is optional. If technical difficulties arise, there may be instances when remote access may be compromised. If there is a quorum attending in person, the meeting will proceed as scheduled.

This agenda gives notice of a meeting of the Land Use Planning and Zoning Committee. It is possible that individual members of other governing bodies of Green Lake County government may attend this meeting for informative purposes. Members of the Green Lake County Board of Supervisors or its committees may be present for informative purposes but will not take any formal action. A majority or a negative quorum of the members of the Green Lake County Board of Supervisors and/or any of its committees may be present at this meeting. See State ex rel. Badke v. Vill. Bd. of Vill. of Greendale, 173 Wis.2d 553, 578, 494 N.W. 2d 408 (1993).

1. Call to Order
2. Certification of Open Meeting Law
3. Pledge of Allegiance
4. Minutes of 2/5/2026
5. Annual Report – Register of Deeds
6. Annual Report – Land Use Planning & Zoning Department
7. Department Activity Reports
   a) Financial Reports
   b) Land Use & Septic permits
   c) Violation reports
8. Comprehensive Plan Update
9. Discuss Shoreland Zoning Ordinance Update
10. Public Comment (3-minute limit)
11. Public Hearing: (Not to begin before 9:30 AM)

Each item below will consist of:
   a) Public Testimony/Comment: 3-minute time limit
   b) Committee Discussion & Deliberation
   c) Committee Decision
   d) Execute Ordinance/Determination Form

Item #1: Owner: John R. Witte, **Location:** Princeton Road, **Parcel:** 004-00426-0000, **Legal Description:** Located in the SE ¼ of SW ¼ of Section 18, T16N, R13E, Town of Brooklyn, ±12.802 acres, **Request:** The owners are requesting a rezone of ±12.802 acres zoned A1, Farmland Preservation District, to R4, Rural Residential District. To be identified by Certified Survey Map.

Item #2: Owner: Eugene F. & Kathleen A. Thom, **Location:** East Waushara Street, **Parcel(s):** 002-00001-0000, -0100, -0200, & -0300, **Legal Description:** Lots 1-4 of CSM #1400, Located in the NE ¼ of NE ¼ of Section 1, T17N, R13E, Town of Berlin, ±9.09 acres, **Request:** The owners are requesting a rezone of ±9.09 acres zoned R1, Single-Family Residence District, to A2, General Agriculture District. To be identified by Certified Survey Map. *Item postponed from February 5, 2026, Public Hearing*.

12. Committee Discussion
    a) Future Meeting Dates: April 2, 2026 @ 9:00am
    b) Future Agenda items for action & discussion
    c) Public Hearing items in April – 1 Rezone & 1 CUP.
13. Adjourn

Microsoft Teams meeting

Join: https://teams.microsoft.com/meet/21820807371510?p=fxMDlYIuIiwuKJ9CtC
Meeting ID: 218 208 073 715 10
Passcode: zT7F59xc
Need help? | System reference
Dial in by phone
+1 920-515-0745,,254027144# United States, Appleton
Find a local number
Phone conference ID: 254 027 144#
For organizers: Meeting options | Reset dial-in PIN
Please accept at your earliest convenience. Thank you!
Org help | Privacy and security

Please note: Meeting area is accessible to the physically disabled. Anyone planning to attend who needs visual or audio assistance, should contact the County Clerk's Office, 294-4005, not later than 3 days before date of the meeting.

GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING
COMMITTEE MEETING MINUTES
Thursday, February 5, 2026

CALL TO ORDER

Planning & Zoning Chair Chuck Buss called the meeting of the Land Use Planning and Zoning Committee to order at 9:00 AM in the Green Lake County Government Center, County Board Room #0902, Green Lake, WI. The requirements of the open meeting law were certified as being met. Public access was available via remote programming as well as in person. The Pledge of Allegiance was recited.

Present: **Gene Thom**, **Bill Boutwell, Chuck Buss**

Absent: **Curt Talma, Sue Wendt**

Also Present: **Karissa Rohde,** Deputy County Clerk; **Matt Kirkman,** Land Use Planning & Zoning Director; **Michelle Davis**, Land Use and POWTS Specialist; **Noah Brown**, Land Use and Shoreland Specialist; **Ryan Schinke**, Land Use Coordinator/Technician, **Jeff Mann**, Corporation Counsel; **Stefanie Meeker,** Real Property Lister/Deputy Treasurer (remote @ 9:02 AM); Renee Thiem-Korth, Register of Deeds (remote @ 9:16 AM)

APPROVAL OF MINUTES

Motion/second (Boutwell/Thom) approve the minutes of the 12/4/2025 meeting with no additions or corrections. Motion carried with no negative vote.

DEPARTMENT ACTIVITY REPORTS

- Financial Reports
- Land Use & Septic Permits
- Violation Reports

All three reports can be found in the packet. The November and December reports are included as there was no January meeting.

COMPREHENSIVE PLAN UPDATE

The January meeting was cancelled due to Open Meeting Laws. The meeting has been rescheduled for Monday, February 9th at 5:00 PM.

PUBLIC COMMENT (3-MINUTE LIMIT) - none

Motion/second (Boutwell/Thom) to recess until 9:30 AM. Motion carried with no negative vote.

Motion/second (Thom/Boutwell) to resume the meeting at 9:30 AM. Motion carried with no negative vote.

PUBLIC HEARING: (NOT TO BEGIN BEFORE 9:30AM)

Chair Buss read the rules for the Public Hearing.

Item #1: Owner: Eugene F. & Kathleen A. Thom, **Location:** East Waushara Street, **Parcel(s):** 002- 00001-0000, -0100, -0200, & -0300, **Legal Description:** Lots 1-4 of CSM #1400, Located in the NE ¼ of NE ¼ of Section 1, T17N, R13E, Town of Berlin, ±9.09 acres, **Request:** The owners are requesting a rezone of ±9.09 acres zoned R1, Single-Family Residence District, to A2, General Agriculture District. To be identified by Certified Survey Map.

No public comment. Kirkman read the staff report. Item #1 cannot be voted on due to no quorum. Item #1 will be added to the March agenda.

Item #2: Owner: Lakeview Inn Land LLC, Agent: Randall & Shanda Farr, **Location:** N2905 State Highway 44, **Parcel(s):** 006-01270-0000 & 006-01271-0000, **Legal Description:** Located in the SW ¼ of SE ¼ of Section 29, T15N, R13E, Town of Green Lake, ±.38 acres, **Request:** The owners are requesting a Conditional Use Permit for the current bar, restaurant, and apartment rental operations, as well as to add boat slips for rent.

Jane Strelow, W2184 Melmar Dr, Markesan, WI 53946 – spoke for Item #2

Ben Moderow, W1170 Center Rd, Markesan, WI 53946 – spoke for Item #2

Kirkman read the staff report. Discussion held regarding the four emails that LUP & Z staff had provided to the Committee. Committee agreed to strike condition #4. ***Motion/second (Thom/Boutwell)*** to suspend the rules to allow Ben Moderow to speak. Motion carried with no negative vote. Ben shared there has been no issue with parking. Kirkman read the conditions of CUP approval. ***Motion/second (Thom/Boutwell)*** to approve the CUP with the 3 conditions. Motion carried with no negative vote.

Item #3: Owner: Lloyd L. Miller Jr., **Agent:** Donald W. Lenz, **Location:** W5465 Puckaway Road, **Parcel:** 014-00500-0100, **Legal Description:** Located in the NW ¼ of SE ¼ & SW ¼ of SE ¼ of Section 35, T15N, R11E, Town of Marquette, ±8.32 acres, **Request:** The owners are requesting a rezone of ±8.32 acres zoned A1, Farmland Preservation District, to A2, General Agriculture District. To be identified by Certified Survey Map. Item postponed from December 4, 2025, Public Hearing.

No public comment or discussion. Kirkman briefly read the staff report. ***Motion/second (Thom/Boutwell***) to approve the rezone with conditions. Motion carried with no negative vote.

Public Hearing closed at 10:02 AM.

COMMITTEE DISCUSSION

a. Next meeting date March 5th, 2026 @ 9:00 AM
b. Future agenda items for action & discussion

ADJOURN

Chair Buss adjourned the meeting at 10:02 AM.

Respectfully submitted,

Karissa Rohde
Deputy County Clerk

DRAFT

Green Lake County

Register of Deeds

2025 Annual Report

<u>The Register of Deeds Office Staff</u>:

Renee A. Thiem- Korth – Register of Deeds

Pamela Weber – Chief Deputy Register of Deeds

Kimberly Sell – Part-time Deputy Register of Deeds

The Register of Deeds office was established in Wisconsin in 1836. The 1848 Wisconsin constitution established the Register of Deeds as a permanent element of the county-level of government structure.

Register of Deeds Mission: To provide and protect the integrity of the official county repository for real estate records and vital records. To provide safe archival storage and convenient access to these public records. To implement statutory changes, system modernization, program and procedure evaluation and staff development to assure a high level of timely service for our citizens and customers.

A brief explanation of the Process of recording a deed and Property Tax Adjustments when engaging in a real estate transaction in Wisconsin, it's essential to navigate through several key processes before any changes to real property ownership and taxes occur. Here's a simplified overview of the steps a deed goes through.

Register of Deeds

The journey begins at the Register of Deeds office. When you buy or sell property, many think this office serves as the final stop for the real estate transaction. While this may be true for the buyer and the seller, it is not the case for the processing of the transaction at the county level. In fact, recording a deed is just the first step in the transaction at the county and state level. It's important to note that the Register of Deeds office does not prepare these documents but is responsible for ensuring they meet certain statutory requirements before recording. Upon presenting the completed documents, whether by hand delivery, mail, or online submission, the ROD office reviews them. If everything appears in compliance with the state statutes, the document(s) are then recorded in the order they were received. A recording stamp is then placed in the upper right-hand corner of the first page of each document. The recording stamp provides information of when, where and how much money was presented for this transaction. The document(s) are then properly indexed and preserved according to the statute. Green Lake County has real estate documents dating back to 1845.

Real Property Listers Office

After recording, the next destination is the Real Property Listers office. This office is mandated by state statute to maintain updated parcel information across the county. Briefly, this office ensures all ownership details and property characteristics are accurate, including names and legal descriptions. They also manage any land splits or updates that arise from subdivision maps and certified survey maps.

Assessors

After the Real Property Listers, the updated information is forwarded to the Assessors. Tasked with determining the assessed value of properties for tax purposes, Assessors rely heavily on the accurate data provided by the Real Property Listers to set fair property valuations.

Treasurer's Office

Finally, to the Treasurer's office, where the property values established by the Assessors are used to calculate property taxes and billings. The Treasurer works with the municipalities to ensure the funds are correct and distributed accordingly.

Each of these steps is vital for ensuring that property ownership is correctly recorded and property taxes are accurately assessed in our County. The collaboration among each of the statutory offices, the Register of Deeds, Real Property Lister, Assessors, and the Treasurer's office, guarantees that property records are current and compliant with state statutes.

It is important to remember, each office is regulated by Wisconsin State Statute, and each office plays a critical role in the chain of owning property and paying taxes. When offices work together, this process goes smoothly. Most people do not realize the work behind the recording of a deed, the updating parcel information and the generating of tax bills. This is just a very brief description of the work associated with each office, and the importance of each job.

Register of Deeds brief 2025 year in review:

- Wisconsin Act 235 became effective April 1, 2025. This is the Judicial Privacy Act.
- Wisconsin Real Estate Transfer Return website started moving towards the update which happened January 12, 2026
- Veteran's DD-214s scanning and indexing was completed
- Scanning and indexing of birth records from 1800s to 1906 was started internally.
- Continue to back index previously outsourced scanning projects for real estate and are currently back to 1971 approximately.
- Land Information allocated money at the September 2025 meeting for the final real estate scanning project. The scanning was completed the first week of January 2026. The next steps will be made throughout 2026. Thank you to Chief Deputy Matt Vande Kolk and Karissa Rohde for all their help with this, and UW Extension for the use of their demo room. The scanning lasted for 4 full days, 24 hours a day and approximately 119 books were scanned to complete the real estate books.
- Laredo subscription fees increased.
- Tapestry print fees increase to comply with State Statutes.
- Property Fraud Alert enrollment continues to increase, with 380 new subscribers in 2025. I continue to speak at towns' association meetings and other meetings, if asked, about this program.
- Honor Rewards, a Thank you program for Veterans, with county businesses, is seeing an increase in participation with Veterans. There are approximately 20 businesses currently taking part in this program. I have now had the honor of speaking to VFW and Legions about this program.
- The part-time deputy Register of Deeds completed the six-month probationary period and is continuing to train in the office.
- I would like to thank both the Chief Deputy ROD, Pam Weber and the part-time Deputy ROD, Kimberly Sell, for continuing to do an outstanding job with all aspects of the ROD office. A committed and dependable staff made 2025 a productive and enjoyable year in the ROD office.

REGISTER OF DEEDS OFFICE

2025 ANNUAL REPORT

Submitted by Renee A. Thiem-Korth **January 15, 2026**

				GROSS REVENUE	COUNTY REVENUE
WISCONSIN REAL ESTATE TRANSFER FEES				**$621,029.70**	
	County Share	20%	$124,205.94		**$124,205.94**
	WDOR Share	80%	$496,823.76		
RECORDINGS					
	Real Estate	3,713	* see **NOTES**	**$111,390.00**	**$55,695.00**
	County Land Records Fees	$8 fee	$29,704.00		**$350.00**
	State Land Records Fees	$7 fee	$25,991.00		
	County ROD Recording Fees	$15 fee	$55,695.00		
VITAL STATISTICS					
	Births Certs - 1st Copy $5	404			
	Add'l Certified copies $3	238		**$8,794.00**	**$2,734.00**
	Fees Rmtd to State-Trust Fund $7	$2,828.00			
	Fees Remitted to State $8	$3,232.00			
	Deaths Certs - 1st Copy $7	559			
	Add'l Certified copies $3	5,167			
	Fees Remitted to State $13	$7,267.00		**$26,681.00**	**$19,414.00**
	Marriages Certs - 1st Copy $7	237			
	Add'l Certified copies $3	363			
	Fees Remitted to State $13	$3,081.00		**$5,829.00**	**$2,748.00**
	Divorce Certs - 1st Copy $7	10			
	Add'l Certified copies $3	4			
	Fees Remitted to State $13	$130.00		**$212.00**	**$82.00**
	Official Records Online $2.50	66		**$165.00**	**$165.00**
TAPESTRY/MONARCH REVENUE				**$12,616.42**	**$12,616.42**
LAREDO COPY FEE				**$15,561.50**	**$15,561.50**
LAREDO REVENUE				**$37,984.96**	**$37,984.96**
COPIES				**$2,179.75**	**$2,179.75**
NOTES: *10 TPPs at $25 each and 2 Plats at $50 each = $350					
TOTAL GROSS REVENUE				**$842,443.33**	
TOTAL COUNTY GROSS REVENUE					**$273,736.57**

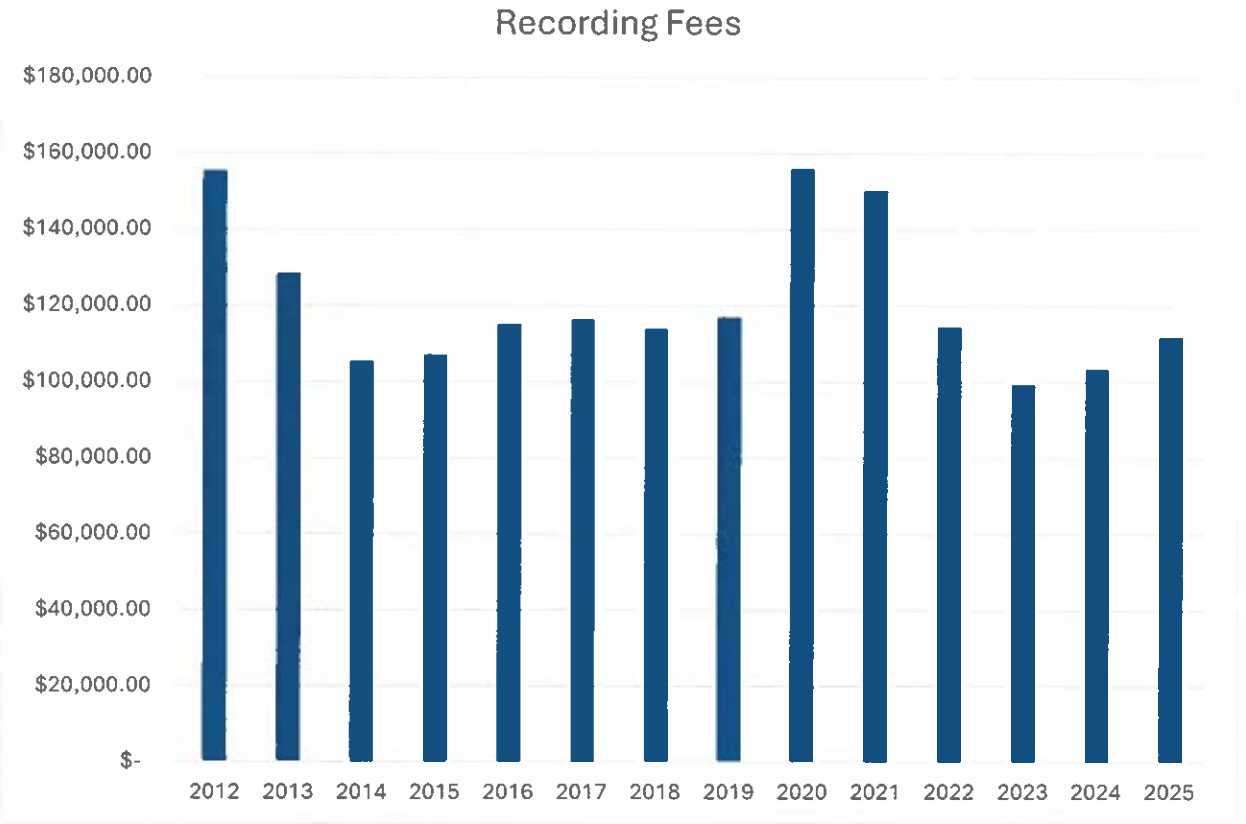
REGISTER OF DEEDS OFFICE

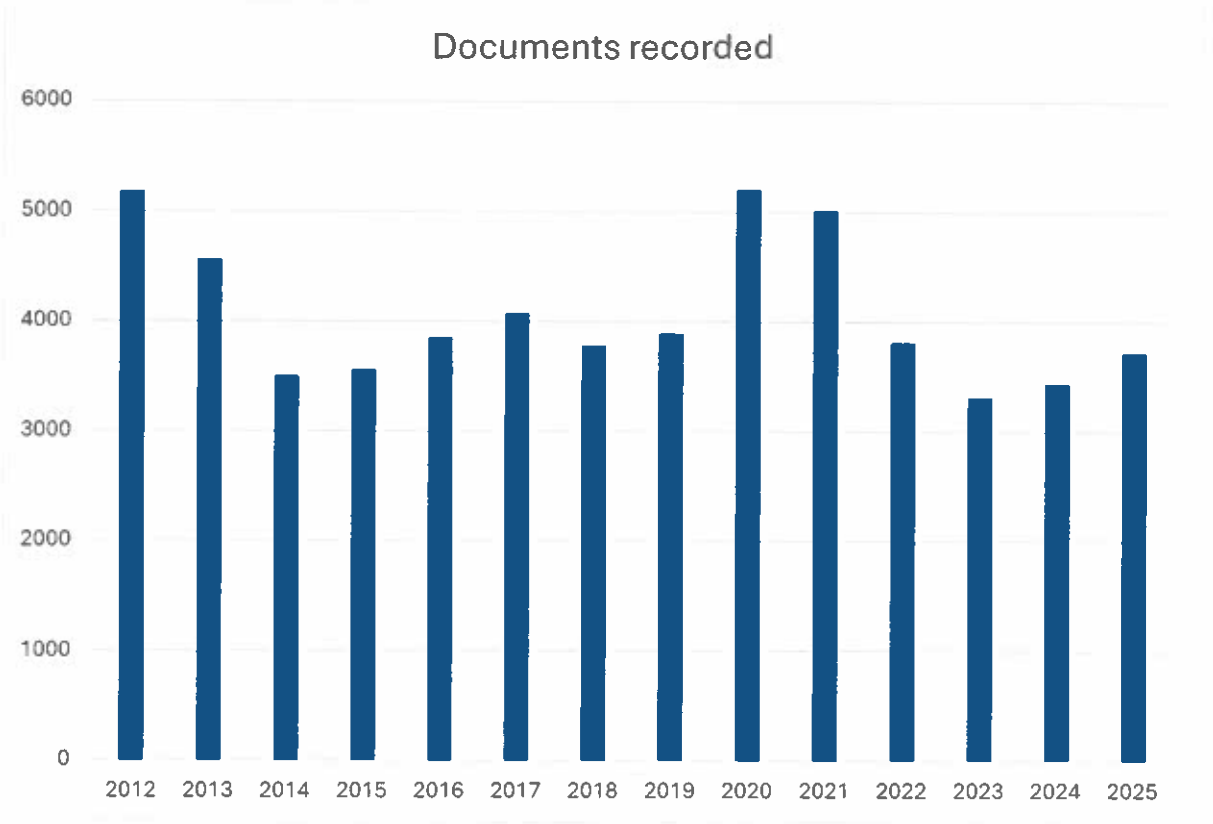
2024 ANNUAL REPORT

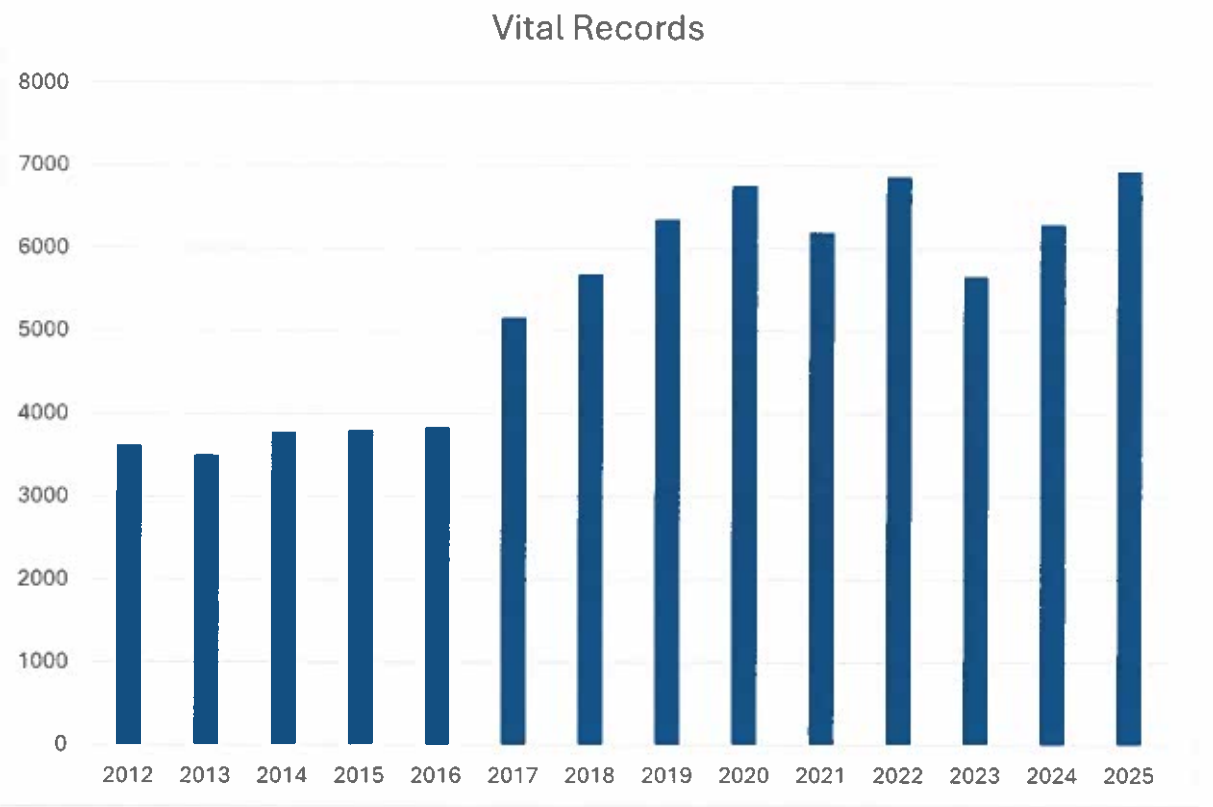
Submitted by Renee A. Thiem-Korth_____ March 6, 2025

				GROSS REVENUE	COUNTY REVENUE
WISCONSIN REAL ESTATE TRANSFER FEES				**$611,162.40**	
County Share	20%	$122,232.48			**$122,232.48**
WDOR Share	80%	$488,929.92			
RECORDINGS					
Real Estate	3,444	plus 3 plats*		**$103,320.00**	**$51,660.00**
County Land Records Fees	$8 fee	$27,552.00	**$**		**150.00**
State Land Records Fees	$7 fee	$24,108.00			
County ROD Recording Fees	$15 fee	$51,660.00	* 3 X $50 =$150		
VITAL STATISTICS					
Births Certs - 1st Copy $5	333				
Add'l Certified copies $3	273			**$7,479.00**	**$2,484.00**
Fees Rmtd to State-Trust Fund $7	$2,331.00				
Fees Remitted to State $8	$2,664.00				
Deaths Certs - 1st Copy $7	492				
Add'l Certified copies $3	4,648				
Fees Remitted to State $13	$6,396.00			**$23,784.00**	**$17,388.00**
Marriages Certs - 1st Copy $7	201				
Add'l Certified copies $3	343				
Fees Remitted to State $13	$2,613.00			**$5,049.00**	**$2,436.00**
Divorce Certs - 1st Copy $7	6				
Add'l Certified copies $3	5				
Fees Remitted to State $13	$78.00			**$135.00**	**$57.00**
Official Records Online $2.50	54				
				$135.00	**$135.00**
TAPESTRY/MONARCH REVENUE				**$10,620.91**	**$10,620.91**
LAREDO COPY FEE				**$11,965.50**	**$11,965.50**
LAREDO REVENUE				**$37,598.95**	**$37,598.95**
COPIES				**$2,492.50**	**$2,492.50**
MISC. INCOME				**$27.70**	**$27.70**
TOTAL GROSS REVENUE				**$813,769.96**	
TOTAL COUNTY REVENUE					**$259,248.04**

Transfer fees
$700,000.00
$600,000.00
$500,000.00
$400,000.00
$300,000.00
$200,000.00
$100,000.00
$-
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025


Recording Fees
$180,000.00
$160,000.00
$140,000.00
$120,000.00
$100,000.00
$80,000.00
$60,000.00
$40,000.00
$20,000.00
$-
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025


Documents recorded
6000
5000
4000
3000
2000
1000
0
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025


Vital Records
8000
7000
6000
5000
4000
3000
2000
1000
0
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025

GREEN LAKE COUNTY

Land Use Planning & Zoning Department

ANNUAL DEPARTMENT REPORT FOR 2025

LAND USE PLANNING & ZONING DEPARTMENT

Staff:

Matt Kirkman – Department Director

Gerald Stanuch – GIS / 911 Specialist & LIO

Noah Brown – Land Use Specialist

Michelle Davis – Land Use Specialist

Ryan Schinke – Land Use Coordinator / Tech

General Engineering Co. – County Surveyor

Submitted:

March 5, 2026

2025 Annual Report

To the Honorable Board of Supervisors, Green Lake County:

This annual report is for the activities of the Land Use Planning & Zoning Department, representing the following functions:

Land Development **County Surveyor** **Geographic Information Systems (GIS)**

Code Enforcement **Land Information**

The activities of the Land Use Planning and Zoning Department translated into continued strong revenues that again exceeded budget projections as shown on the department activity report included in this report. The attached permitting activity bar graphs, paint the picture of how 2025 compared to prior years.

Land Development:
Beyond the normal day-to-day activities of interacting with the public, the Department has been working toward the goal of updating the County's Farmland Preservation Plan and Comprehensive Plan. The Farmland Preservation Plan update was adopted in December 2025 and was certified by DATCP through December 31, 2036. The Comprehensive Plan update is under way and is expected to be adopted in 2026. Both plans are being completed internally. The county has managed to save nearly $100,000 in levy dollars by not contracting these planning projects to an outside consultant.

In addition, the county adopted zoning ordinance standards that are intended to help address wind and solar energy system projects. Amendments were also made to the County zoning ordinance related to Agricultural uses as well as accessory buildings structures. The shoreland zoning ordinance is also planned to get an update in 2026.

County Surveyor:
General Engineering Corporation is currently providing the County Surveyor duties and responsibilities. Their contract expires in April of 2027.

The County Surveyor function continues to provide assistance to other departments and the general public, as needed. All land surveys received pursuant to Wisconsin Statutes are electronically indexed and filed for use by the public via the County's website. The County Surveyor provides oversight for the Public Land Survey System (PLSS) corners that need to be re-established and/or perpetuated. These corners are the foundation for all surveying activity that occurs in the County as well as the County's GIS activity.

Geographic Information Systems (GIS):
The GIS function continues to introduce and enhance the viewing capabilities of various county land records on the County's website. The primary focus of the GIS function is to map newly created and modified tax parcels. In 2025, a new 2025 digital orthophoto was uploaded to the GIS site. Thanks to a grant obtained by the GIS Specialist, the 2025 orthophoto has 3" pixel resolution (compared to the 2020 orthophoto that had 6" pixel resolution). The GIS function also works closely with other departments in developing electronic data to enhance their departmental functions.

Code Enforcement:
The Code Enforcement function maintained its consistent strong trend for issuance of various types of permits. The creation and adoption of parcel specific zoning maps has proven to be a valuable tool for department and public use, accessible through the County's website. Just like other Departments, this year we lost an exceptional staff member to a competing County. Green Lake County could not compete based on wages. Thanks to our dedicated staff, a high level of customer service was maintained during the staff shortage. And I can't say enough about how much help we receive daily from the Office of the Corporation Counsel. The mere threat of Corporation Counsel involvement allows this department to resolve many violations with just a letter.

Land Information:
The Land Use Planning & Zoning Department is also the Land Information Office. The Land Information Officer is GIS / 911 Specialist Gerald Stanuch. 2025 started off the 2025-2027 Land Information Plan that proposed a new orthophoto, new LiDAR, the completion of the PLSS re-monumentation project, and the initialization of the 20-year PLSS perpetuation and maintenance project.

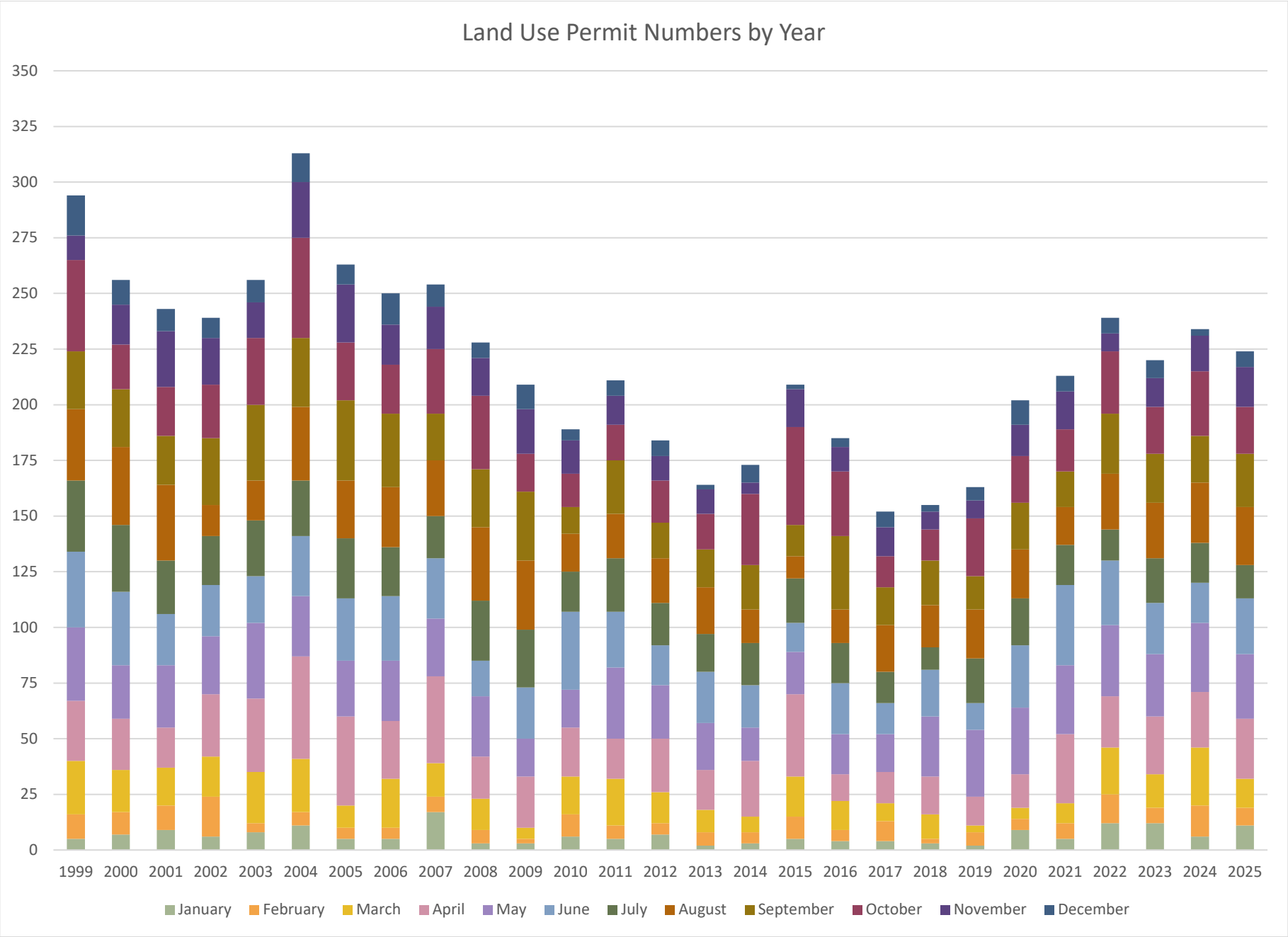
Conclusion:
The Land Use Planning and Zoning Department endeavors to provide an exceptional level of customer service through personal interaction, quality informational resources, and a GIS site that is second to none. This Department looks forward to working with the Public, the Land Use Planning and Zoning Committee, all other committees, and the County Board to represent and serve this amazing county. Respectfully submitted to and approved by the Land Use Planning & Zoning Committee on March 5, 2026.

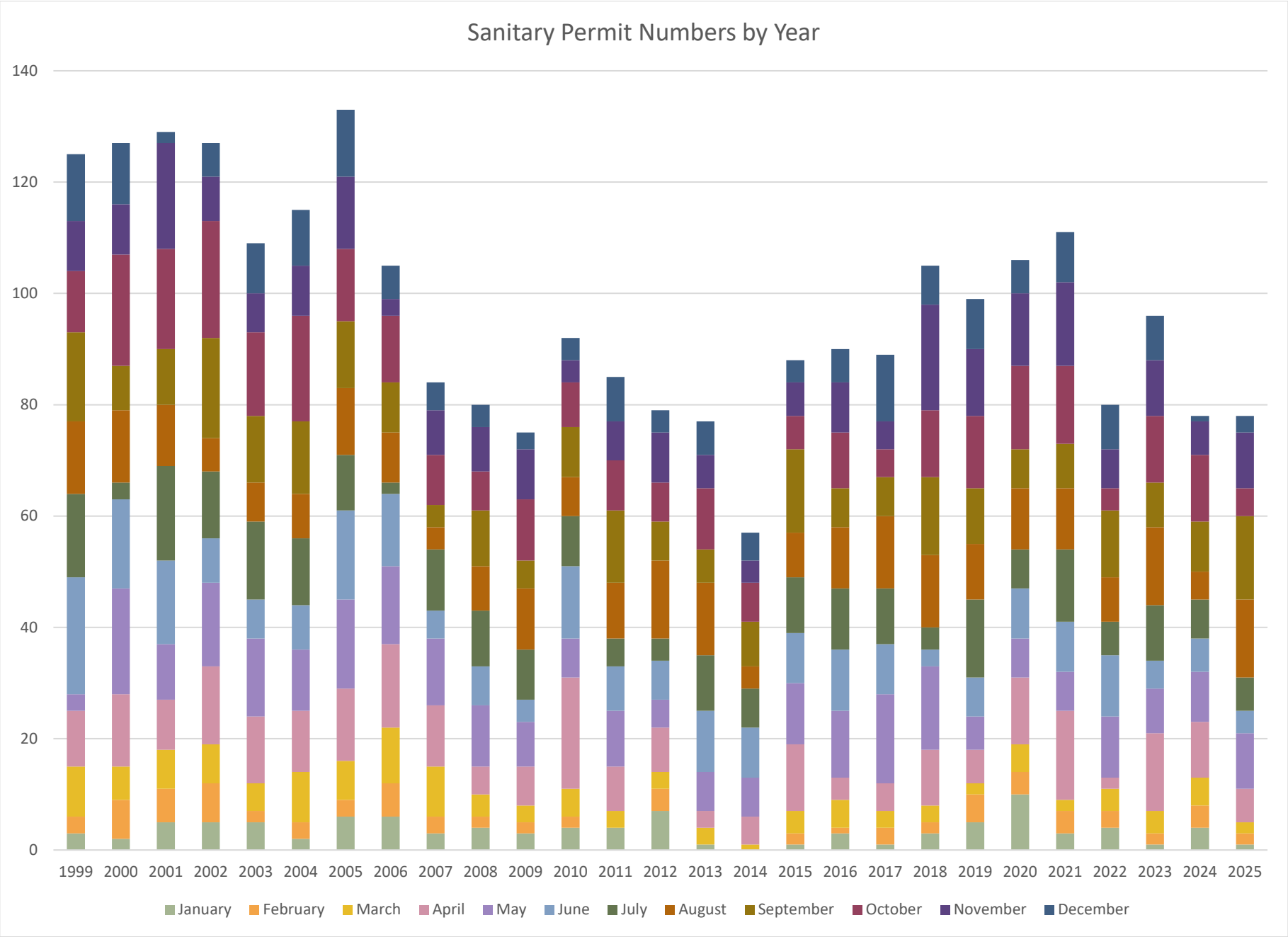
Matt E. Kirkman
Land Use Planning & Zoning Director

Updated 01/24/2020

GREEN LAKE COUNTY
LAND USE PLANNING ZONING DEPARTMENT

FEES RECEIVED	DECEMBER				YEAR-TO-DATE				BUDGET	
	2024		2025		2024		2025		2025	
	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT		
LAND USE PERMITS										
Total Monthly Issued Permits	7	2,650	**7**	**1,600**	233	56,000	**224**	**$ 73,700**	$ 60,000	123%
SANITARY PERMITS (POWTS)										
Total Monthly Issued Permits	8	2,010	**3**	**635**	80	21,975	**78**	**$ 22,485**	$ 26,000	86%
NON-METALLIC MINING PERMITS										
Annual Permit Fees	-	-	**-**	**$ -**	12	12,500	**11**	**$ 16,300**	$ 15,200	107%
BOARD OF ADJUSTMENT										
Special Exception	-	-	**-**	**-**	-	-	**-**	**-**	-	
Variances	-	-	**-**	**-**	2	750	**1**	**375**	-	
Appeals	-	-	**-**	**-**	1	375	**-**	**-**	-	
Total	-	$ -	**-**	**$ -**	3	$ 1,125	**1**	**$ 375**	$ 1,500	25%
PLANNING & ZONING COMMITTEE										
Zoning Change	1	375	**1**	**375**	13	4,875	**10**	**3,750**	-	
Conditional Use Permits	1	375	**-**	**-**	12	4,500	**11**	**4,125**	-	
Variance	-	-	**-**	**-**	2	900	**-**	**-**	-	
Total	2	$ 750	**1**	**$ 375**	27	$ 10,275	**21**	**$ 7,875**	$ 8,525	92%
MISC.										
Wisconsin Fund	-	-	**-**	**-**	-	-	**-**	**-**	-	
Fines & Forfeitures	2	400		**700**	11	1,800		**8,940**	-	
Total	2	$ 400	**-**	**$ 700**	11	$ 1,800	**-**	**$ 8,940**	-	
SURVEYOR										
Certified Survey Maps	4	660	4	690	37	6,405	**26**	**4,530**	6,500	
Preliminary and Final Plats	-	-	-	-	-	-	**-**	**-**	-	
Total	4	$ 660	4	$ 690	37	$ 6,405	**26**	**$ 4,530**	$ 6,500	70%
GIS (Geographic Information System)										
Map Sales	-	-	-	-	1	15	**-**	**-**	-	
Land Records Transfer	-	25,000	-	**-**	-	25,000	**-**	**25,000**	25,000	
Land Information Grant	-	10,000	-	**-**	-	10,000	**-**	**10,000**	10,000	
Total	-	$ 35,000	-	**$ -**	1	$ 35,015	**-**	**$ 35,000**	$ 35,000	100%
GRAND TOTAL	23	41,470	15	4,000	404	145,095	361	169,205	**$ 152,725**	
									Total	**111%**


Land Use Permit Numbers by Year
350
325
300
275
250
225
200
175
150
125
100
75
50
25
0
1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025
January February March April May June July August September October November December


Sanitary Permit Numbers by Year
140
120
100
80
60
40
20
0
1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025
January February March April May June July August September October November December

GREEN LAKE COUNTY
LAND USE PLANNING ZONING DEPARTMENT

FEES RECEIVED	JANUARY				YEAR-TO-DATE				BUDGET	
	2025		2026		2025		2026		2026	
	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT		
LAND USE PERMITS										
Total Monthly Issued Permits	11	3,500	**7**	**2,400**	11	3,500	**7**	**$ 2,400**	$ 60,000	4%
SANITARY PERMITS (POWTS)										
Total Monthly Issued Permits	1	280	**2**	**635**	1	280	**2**	**$ 635**	$ 26,000	2%
NON-METALLIC MINING PERMITS										
Annual Permit Fees	7	7,000	**6**	**$ 10,000**	7	$ 7,000	**6**	**$ 10,000**	$ 16,300	61%
BOARD OF ADJUSTMENT										
Special Exception	-	-	**-**	**-**	-	-	**-**	**-**	-	
Variances	-	-	**-**	**-**	-	-	**-**	**-**	-	
Appeals	-	-	**-**	**-**	-	-	**-**	**-**	-	
Total	-	$ -	**-**	**$ -**	-	$ -	**-**	**$ -**	$ 1,500	0%
PLANNING & ZONING COMMITTEE										
Zoning Change	1	375	**1**	**375**	1	375	**1**	**375**	-	
Conditional Use Permits	2	750	**1**	**375**	2	750	**1**	**375**	-	
Variance	-	-	**-**	**-**	-	-	**-**	**-**	-	
Total	3	$ 1,125	**2**	**$ 750**	3	$ 1,125	**2**	**$ 750**	$ 8,525	9%
MISC.										
Wisconsin Fund	-	-	**-**	**-**	-	-	**-**	**-**	-	
Fines & Forfeitures	3	800	**3**	**800**	3	800	**3**	**800**	-	
Total	3	$ 800	**3**	**$ 800**	3	$ 800	**3**	**$ 800**	-	
SURVEYOR										
Certified Survey Maps	3	510	2	330	3	510	**2**	**330**	6,500	
Preliminary and Final Plats	-	-	-	-	-	-	**-**	**-**	-	
Total	3	$ 510	2	$ 330	3	$ 510	**2**	**$ 330**	$ 6,500	5%
GIS (Geographic Information System)										
Map Sales	-	-	-	-	-	-	**-**	**-**	-	
Land Records Transfer	-	-	-	**-**	-	-	**-**	**-**	25,000	
Land Information Grant	-	-	-	**-**	-	-	**-**	**-**	10,000	
Total	-	$ -	-	**$ -**	-	$ -	**-**	**$ -**	$ 35,000	0%
GRAND TOTAL	28	13,215	22	14,915	28	13,215	22	14,915	**$ 153,825**	
									Total	**10%**

Report Description: MEE100-10-P&Z | Account Year: 26 | Account Periods: 01 - 01 | Dates: 01/01/2026 - 01/31/2026

Account Account Description	Original Budget	Adjusted Budget	YTD Encumbrance	Period Expended	YTD Expended	Available Balance	Percent
10 Land Use Planning and Zoning							
53610 Code Enforcement							
26-100-10-53610-110-000 Salaries	345,479.00	345,479.00	0.00	9,216.54	9,216.54	336,262.46	2.67
26-100-10-53610-140-000 Meeting Payments	655.00	655.00	0.00	0.00	0.00	655.00	0.00
26-100-10-53610-151-000 Social Security	26,429.00	26,429.00	0.00	1,879.21	1,879.21	24,549.79	7.11
26-100-10-53610-153-000 Ret. Employer Share	24,874.00	24,874.00	0.00	1,875.68	1,875.68	22,998.32	7.54
26-100-10-53610-154-000 Health Insurance	79,328.00	79,328.00	0.00	6,610.64	6,610.64	72,717.36	8.33
26-100-10-53610-155-000 Life Insurance	587.00	587.00	0.00	49.12	49.12	537.88	8.37
26-100-10-53610-210-002 Professional Services	17,100.00	17,100.00	0.00	750.00	750.00	16,350.00	4.39
26-100-10-53610-218-000 VIOLATION NOTICE SERVICE	300.00	300.00	0.00	0.00	0.00	300.00	0.00
26-100-10-53610-225-000 Phone Service	820.00	820.00	0.00	-1,113.21	-1,113.21	1,933.21	-135.76
26-100-10-53610-242-000 Print Management	300.00	300.00	17.52	0.00	0.00	282.48	5.84
26-100-10-53610-307-000 Training	1,390.00	1,390.00	0.00	25.56	25.56	1,364.44	1.84
26-100-10-53610-310-000 Office Supplies	1,290.00	1,290.00	0.00	13.94	13.94	1,276.06	1.08
26-100-10-53610-311-000 Postage for Fines and Forfeiture	6,500.00	6,500.00	0.00	0.00	0.00	6,500.00	0.00
26-100-10-53610-312-000 Field Supplies	150.00	150.00	0.00	1,113.21	1,113.21	-963.21	742.14
26-100-10-53610-312-001 Non-Metallic Mining Expense	22,525.00	22,525.00	0.00	39.99	39.99	22,485.01	0.18
26-100-10-53610-320-000 Publications-BOA Public Hearing	550.00	550.00	0.00	0.00	0.00	550.00	0.00
26-100-10-53610-320-001 Publications-PZ Public Hearing	3,000.00	3,000.00	0.00	0.00	0.00	3,000.00	0.00
26-100-10-53610-321-000 Seminars	1,200.00	1,200.00	0.00	0.00	0.00	1,200.00	0.00
26-100-10-53610-324-000 Member Dues	130.00	130.00	0.00	0.00	0.00	130.00	0.00
26-100-10-53610-330-000 Travel	1,260.00	1,260.00	0.00	52.20	52.20	1,207.80	4.14
26-100-10-53610-352-000 Vehicle Maintenance	700.00	700.00	0.00	0.00	0.00	700.00	0.00
53610 Code Enforcement	**$534,567.00**	**$534,567.00**	**$17.52**	**$20,512.88**	**$20,512.88**	**$514,036.60**	**3.84**
10 Land Use Planning and Zoning	**$534,567.00**	**$534,567.00**	**$17.52**	**$20,512.88**	**$20,512.88**	**$514,036.60**	**3.84**

Land Use Permits: 1/1/2026 - 1/31/2026

Town of Berlin

Permit Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
none								

Town of Brooklyn

Permit Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
14133	W1740 NORTH ST	01/02/2026	KANDB PROPERTIES LLC	10900	Additions / Alterations - Addition/Alteration to Principal Structure	Change in Use from Office to Art Studio	Accessory Structure - Shed	Shed
14138	N5703 SUSAN ST	01/26/2026	GLEN G & MARIAN L SOMMERFELDT LIVING TRUST	54125	Accessory Structure - Porch	3 Season Room		
14139	W3197 ORCHARD AVE	01/28/2026	JULFAM LLC	297210	Accessory Structure - Stairs/Walkway	Stairs/Walkway to Lake	Accessory Structure - Retaining Walls	Western Stepped Retaining Walls

Town of Green Lake

Permit Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
14116	N2705 COUNTY ROAD A	01/26/2026	BROOKS FARM PROPERTIES LLC	10000	Accessory Structure - Fence	Security Fence with 20ft gate		
14134	W2836 OAK TERRACE LN	01/09/2026	MONICAA FRELS TRUST	32000	Accessory Structure - Attached Deck/Patio	Paver Patio	Accessory Structure - Stairs/Walkway	Side Walkway
14135	W1885 TWIN LAKES RD	01/14/2026	JONPAUL OKAL, JULI OKAL	750000	Accessory Structure - Attached Deck/Patio	Deck	Accessory Structure - Porch	Screen Porch
14136	No Address Available	01/14/2026	SOUTHSHORE TERRACE HOME OWNERS ASSOC INC	7000	Accessory Structure - Porch	Covered Porch		
14140	W3188 COUNTY ROAD K	01/28/2026	DANIEL DAUL, JODI DAUL	304054	Accessory Structure - Attached Deck/Patio	Lakeside Patio / Outdoor Kitchen	Accessory Structure - Porch	Screen Porch Floor

Town of Kingston

Permit Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
none								

Town of Mackford

Permit Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
none								

Town of Manchester

Permit Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
none								

Town of Marquette

Permit Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
none								

Town of Princeton

Permit Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
none								

Town of Saint Marie

Permit Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
none								

Town of Seneca

Permit Number	Site Address	Issued Date	Owner Name	Estimated Cost	Project_1 Type/SubType	Project_1 Description	Project_2 Type/SubType	Project_2 Description
None								

January 2025 Estimated Cost $1,207,290.00 January 2026 Estimated Cost: $1,465,289.00

2025 YTD Estimated Cost $1,207,290.00 2026 YTD Estimated Cost: $1,465,289.00

Sanitary Permits: 1/1/2026 - 1/31/2026

Sanitary Permit	County Permit	Parcel Number	Site Address	Owners	Date Issued	Permit Type	System Type	Plumber Name	Additional Permit Type	Final Insp Date	Ind Site Dsgn	Additional Explanation	County Fee	DSPS Fee	Total Fee
202624002		006000940100	W1885 TWIN LAKES RD	JONPAUL OKAL, JULI OKAL	01/07/2026	New System	Conventional (Non-Pressurized In-Ground)	Ben Kinas		01/02/1900	No	4 bed	280	100	380

* There are additional properties associated with the permit

Total Sanitary Permits Issued 1/1/2026 - 1/31/2026

System Type	Total Count	New System Total Count	Replacement System Total Count	Revision Total Count
Conventional (Non-Pressurized In-Ground)	1	1	0	0
Grand Total	**1**	**1**	**0**	**0**

Total Sanitary Permits Inspected 1/1/2026 - 1/31/2026

System Type	Total Count	New System Total Count	Replacement System Total Count	Revision Total Count
Conventional (Non-Pressurized In-Ground)	4	0	4	0
Holding Tank	2	0	2	0
Grand Total	**6**	**0**	**6**	**0**

Land Use Violations
Report February 2026

First Notice

Parcel Number-Town	Site Address	Owner Name	Permit #	Violation Type	Violation Description
006001580100-TGL	N4469 Horner Road	Brian Frahm, Glori Bruhn	14158	Zoning	Deck built without land use permit
002001280100-TBE	N9259 32nd Drive	Terrence Duket	14159	Zoning	Shed built without permit
016012920000-TPR	W3622 N Parkway	Sleepy Dog Properties	14141	Shoreland	Patio built without a land use permit and built within street yard setback
014008980000-TMQ	W6454 Lakeview Dr. North	Cheryl Desantis Revocable Trust, Emanuel Desantis Revocable Trust	14142	Shoreland	Structures built without a land use permit and patio built within shoreland setback
014008990000-TMQ	W6458 Lakeview Dr. North	Jeffrey J. & Betty Ann Smith Revocable Living Trust	14143	Shoreland	Patio built within shoreland setback and without a land use permit

Second Notice

Parcel Number-Town	Site Address	Owner Name	Permit #	Violation Type	Violation Description
002000910000-TBE	W2347 County Road F	Tim Drover	13669	Zoning	Tires, boats, trash, two mobile homes used as houses, multiple sheds. Owner has made progress to resolve the violation.
004003140201-TBY	W1141 State Road 23 &49	S&L Holdings WI LLC	14009	Zoning	Section 350-33 Permitted uses in C2. Using property for uses not allowed in C2. 1)Sales lot for boat and boat-related items. 2)Dumpsite for fill and logs. 3) Parking lot for commercial vehicles and boat lifts. Working on bringing property into compliance as of 2/25/26
006002510101-TGL	W540 Center Road	Ronald Kasuboski	13912	Zoning	Vehicles and other junk on the propery. Progress being made
004008480000-TBL	W2956 State Road 23	Natasha Paris & Nikka Pamenter	14074	Junk	• Motorized vehicles or motorized equipment of any type, if not currently capable of motorized operation including unlicensed and unregistered. (350-16-A (1)) • Vehicle parts. (350-16-A (3)) • Tires, with or without rims. (350-16-A (4)) • Scrap metal and interior appliances are not in use. (350-16-A (11))

Sent to Corp. Counsel

Parcel Number-Town	Site Address	Owner Name	Permit #	Violation Type	Violation Description
012005160100-TMN	N879 Lane 7	William H Bontrager	13855	Zoning	Structures without land use permit and structure within street yard setback. Working with town.
002001280100-TBE	N9259 32nd Drive	Terrence Duket	13956	Junk	3 Piles if tires, Piles of unused wood and construction materials, 3 or more Trailers, 4 Campers, 1 potentially unusable van.

Monthly Violations Resolved	YTD Violations Resolved
2	3

Resolved

006001160102-TGL	W2498 Oakwood Avenue	Orazio Pollina	13826	Shoreland	Retaining walls within shoreland setback and no LUP for structures. Have permits.
006006390100-TGL	W1825 Utley Road	Felicia Kiefer	14144	Zoning	Additions and other structures built without a land use permit. Potentially have a greenhouse located within the side yard setback.

POWTS FAILURE REPORT 2/25/2026

Open

Parcel Number	Site Address	Owner Name	Permit #	Violation Description	Violation Date
004014960000	N5881 HILLSIDE DR	YASICK LAURIE M	000071217	Discharge of sewage to the surface of the ground likely failed drainfield	6/12/2025
14001470000	W5550 PINE RD N	DAVID SCHOENECK FAMILY TRUST	190025791	Tank Failure	10/1/2025

Notice Sent

Parcel Number	Site Address	Owner Name	Permit #	Violation Description	Violation Date

Final Notice Sent

Parcel Number	Site Address	Owner Name	Permit #	Violation Description	Violation Date
014004420000	N3211 OAK RD	JUTZ LORRAINE & DARRELL	01424025	Tank Failure	7/22/2025

Sent To Corp Counsel

Parcel Number	Site Address	Owner Name	Permit #	Violation Description	Violation Date
016000900100	N5771 COUNTY ROAD D	ARNESON COURTNEY L	201724075	Drain field failure, new permit issued for repairs	6/24/2024
016004630000	N4487 MAPLE LN	KLEIN JUSTIN T	58848	Tank not Watertight	8/5/2022
016008320000	N5528 COUNTY ROAD T	BARBARA MORRISON	01624079	Tank not Watertight, drywell structurally compromised	12/12/2023
016009230000	N4922 RAY SHORTER RD	PROG ROD-GUN CLUB	010024256	Tank Failure, water shut off to structure	5/29/2021
018006720200	N7506 STATE ROAD 73	CLEMENTS JR CECIL D	000148246	Drain field failure	4/30/2024
154000570000	145 SHERMAN AVE	LOESL CYNTHIA MARIE; LYSY DEBORAH	15424008	Tank Failure	9/20/2024
004011260000	W859 LAKESIDE DR	GRYSKE ANDREW A; GRYSKE SHANNON M	000026739	System installed into or within 2 feet of a zone of saturation	9/30/2024
004011270000	W849 LAKESIDE DR	NUSS JESSICA ; SUHAYSIK CHARLES	000139341	System installed into or within 2 feet of a zone of saturation	8/12/2024
008003590100	N976 COUNTY ROAD H	BONTRAGER ALVA	202124079	Personal shop converted to a bakery. System undersized and may be high strength waste.	4/17/2025

ORDINANCE NO. –2026

ORDINANCE AMENDING CHAPTER 338, SHORELAND ZONING

The County Board of Supervisors of Green Lake County, Green Lake Wisconsin, duly assembled at its regular meeting begun on the _____ day of _____, 2026, does ordain as follows:

NOW, THEREFORE, BE IT ORDAINED, that the Green Lake County Code, Chapter 338, Shoreland Zoning, shall be amended as follows:

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.

Roll Call on Resolution No. -2026

Ayes , Nays , Absent , Abstain 0

Passed and Enacted/Rejected this _____ day of _____, 2026.

_____
County Board Chairman

_____
ATTEST: County Clerk
Approve as to Form:

_____
Corporation Counsel

Submitted by Land Use Planning & Committee:

_____
Chuck Buss, Chair

_____
Bill Boutwell, Vice Chair

_____
Curt Talma

_____
Gene Thom

_____
Sue Wendt

§ 338-3. Purpose and intent. (§ 281.31(1), Wis. Stats., § 59.692(1c), Wis. Stats., NR 115.01)

To promote and protect the public trust in navigable waters and to effect the purposes of § 281.31, Wis. Stats., by aiding in the fulfillment of the state's role as trustee of its navigable waters; limiting the direct and cumulative impacts of shoreland development; and promoting the public health, safety, convenience and general welfare, this chapter has been established to: ~~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."

§ 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. The Department issues a certificate of compliance after the ordinance has been adopted and all final documents are received. ~~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. The Green Lake County Board shall repeal any previous versions of this chapter and replace with the current chapter simultaneously.

ARTICLE II
General Provisions

§ 338-6. Areas to be regulated. (NR 115.02)

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 (NR 115.03(8)) or within 1,000 feet of the high-water mark of navigable glacial pothole lakes (59.692(1)(b)1). 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.

(1) Glacial till lakes are glacial depressions filled with water – typically isolated from one another with respect to surface drainage. They accumulate water from precipitation, overland runoff, groundwater and lose water through evaporation and seepage to groundwater. Glacial till lakes are also known commonly as kettle lakes.

(2) Kettles are distinct, steep sided depressions left in an outwash plain or ground moraine resulting from the later melting of ice blocks buried by the outwash or till during deposition. Kettles can range in size from small bowls less than 100 feet across to large pits encompassing several acres. This definition is from the Wisconsin DOT Geotechnical Manual March 1, 2017.

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 (NR 115.03(8)). 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~~, all cities, villages, towns, and counties 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(1m), Wis. Stats., applies. Shoreland zoning requirements in annexed or incorporated areas are provided in §§ 61.353 and 62.233, Wis. 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: ~~https://dnr.wi.gov/, keyword search "Surface water data." These maps may also be viewed from the GIS Viewer at the County's website: http://gis.co.green-lake.wi.us/.~~ https://dnrmaps.wi.gov/H5/?Viewer=SWDV

§ 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~~ private onsite wastewater treatment systems and public sanitary district waste facilities; the filling, grading, lagooning, dredging of any lands~~,~~; the cutting of shoreland vegetation~~,~~; and 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, and land disturbances (including filling and grading, etc.) 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(1m), Wis. Stats., applies.

§ 338-10. Abrogation and greater restrictions. (§ 59.692(5), Wis. Stats.)

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. (§ 59.692(2)(a), Wis. Stats.) This chapter shall not require approval or be subject to disapproval by any town or town board.

B. (§ 59.692(2)(b), Wis. Stats.) 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. (§ 59.692(2)(c), Wis. Stats.) This chapter shall accord and be consistent with any comprehensive zoning plan or general zoning ordinance applicable, so far as practicable.

E. (§ 59.692(1d)(b), Wis. Stats.) This chapter may establish standards to regulate matters that are not regulated by a shoreland zoning standard in Ch. NR 115, Wis. Adm. Code, but that further the purposes of shoreland zoning as described in § 338-3 of this chapter.

F. (§ 59.692(1k)(a)3, Wis. Stats.) 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.

G. 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.

~~§ 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~~11. 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~~338-12. through § 338-15. (Reserved)

ARTICLE III
Shoreland-Wetland
District

§ 338-16. 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 within the shoreland zone. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

§ 338-17. Designation.

This district shall include all wetlands on the most recent version of the Wisconsin Wetland Inventory as referenced in § 338-7.

A. Locating Shoreland-Wetland boundaries. (NR 115.04(2)(b)2.note) Where an apparent discrepancy exists between the Shoreland-Wetland District boundary shown on the Wisconsin Wetland Inventory and actual field conditions, the County shall contact the Department 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.

~~§ 338-16. 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.~~

~~B. 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. (NR 115.04(3))

NR 115 currently contains absolute standards for permitted uses in shoreland wetlands which cannot be made more or less restrictive. NR 115 does not prohibit counties to protect wetlands outside of the shoreland jurisdictional area.

The following uses shall be allowed subject to general shoreland protection regulations contained in this chapter~~, the provisions of Chs. 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 and the construction and maintenance of livestock fences;

(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~~ duck 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;~~

(1) The cultivation of cranberries including flooding, dike, and dam construction or ditching necessary for the growing and harvesting of cranberries;

(2) 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~~

(3) 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~~ must be carried out without any filling, flooding, draining, dredging, ditching, tiling, or excavating, ~~but only to the extent specifically provided below~~:

(1) The construction or maintenance of piers, docks, or walkways built on pilings.

~~(2) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:~~

~~(a) The road cannot as a practical matter be located outside the wetland;~~

~~(b) The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in § 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;~~ used solely for a purpose which is compatible for wetland preservation

(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, boat access sites, 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.~~

(a) No filling is done

(b) Any private wildlife habitat area is used exclusively for that purpose.

(c) Any ditching, excavating, dredging, dike and dam construction shall be allowed in wildlife refuges, game preserves, and private wildlife habitat areas for the purpose of improving wildlife habitat or to otherwise enhance wetland values. Any of these activities shall comply with the floodplain ordinance and secure all other required permits related to dike and dam construction.

D. 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 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.

(e) The construction of a road for silvicultural activities for 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 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 provided that ~~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;~~

(a) 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.

(3) The construction or maintenance of railroad line provided that:

(a) The 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 flooding and adverse impact upon the natural functions of the wetland enumerated in § 338-20B.

§ 338-19. Prohibited uses. (NR 115.04(4)

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

§ 338-20. Rezoning of lands in the Shoreland-Wetland District. (NR 115.04(2))

A. For all proposed ~~text and map amendments to the shoreland wetland provisions~~ shoreland wetland rezoning requests 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~~ shoreland wetland rezoning request 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~~ shoreland wetland rezoning request 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~~ shoreland wetland rezoning request 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~~ shoreland wetland rezoning request within 10 days after it is issued.

B. (NR 115.04(2)(c)4) 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.~~ Areas of special recreational, scenic, or scientific interest, including scarce wetland types.

C. (NR 115.04(2)(c)9) If the Department notifies the Land Use Planning and Zoning Committee that a proposed ~~text or map amendment to the shoreland wetland provisions~~ shoreland wetland rezoning request of this chapter may have a significant adverse impact upon any of the criteria listed in § 338-20B of this chapter, that shoreland wetland rezone request~~amendment~~, if approved by the County Board, shall contain the following provision: "This shoreland wetland rezoning ~~amendment~~ shall not take effect until more than 30 days have elapsed after written notice of the County Board's approval of this shoreland wetland request ~~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, Planned Unit Development and Sanitary Regulations

§ 338-22. Land division review. (NR 115.05(2))

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). (NR 115.05(1)(a)4)

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. Riparian lots need to meet the minimum size standards of § 338-27 and 338-28. 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. The Land Use Planning & Zoning Committee shall consider whether the proposed lot sizes and widths provide adequate building area after considerations of all setbacks and required impervious surface percentages are met as well as reviewing potential impacts to prevent pollution, erosion and impacts to natural scenic beauty.

(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. In exchange for the allowance of reduced non-riparian lots, the shoreland setback shall be greater than 75 feet from the ordinary high-water mark. Recommended setbacks of 100 – 150 feet from the ordinary highwater mark shall help offset the impacts of the reduced lots on habitat, water quality and natural scenic beauty. 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.~~ The vegetative buffer on a lot within a proposed planned unit development shall be greater than 35 feet landward of the ordinary high-water mark. Recommended buffers of 50 -70 feet shall help offset the impacts of the reduced loss on habitat, water quality and natural scenic beauty. An increased vegetative buffer shall be a condition of approval. A condition of all planned residential unit development is the preservation of certain open space, preferably on the shoreland, in perpetuity. All impervious surface requirements shall be met. There is no relaxation for required impervious surface ratio maximums.

(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 NR115.05(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.

D. Application and Permit Requirements

(1) An application for a conditional use permit shall be required.

(2) Information on the total area of the lot, to-scale map showing location and size of all proposed lots, any preserved open space, number and type of dwelling units, other buildings and other requested information to describe the project.

(3) Proposed greater shoreland setback and greater vegetative buffer that offsets the development impacts for Committee consideration.

(4) Location of shoreland-wetlands.

(5) A recorded plat or certified survey map is required prior to any construction activities.

(6) No construction activities shall commence without the issuance of a regular zoning permit for each structure.

§ 338-24. Sanitary regulations. (NR 115.05(3))

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

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 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. (NR 115.05(1)(a))

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. (NR 115.05(1)(a)1)

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 with at least 65 feet of frontage width at the ordinary high-water mark.

(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. (NR 115.05(1)(a)2)

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 with at least 100 feet of frontage width at the ordinary high-water mark.

(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. (NR 115.05(1)(a)3)

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.

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)~~ Illegally created lots.

An illegally created lot is one that was created in violation of the required minimum area and minimum average width requirements of the County's shoreland zoning ordinance at the time of creation. Illegally created lots shall not be used for construction purposes without the granting of a variance.

ARTICLE VI
Building and Other Structure Setbacks

§ 338-32. Building and other structure setbacks. (NR 115.05(1)(b))

Permitted building setbacks within the shoreland area have been ~~shall be~~ established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards, ~~and avoid~~ protect against water pollution, and otherwise limit the direct and cumulative impacts of shoreland development of the adjacent water body.

A. Shoreland setbacks. (§ 59.692(1n)(am), Wis. Stats. and NR 115.05(1)(b)1) ~~Unless exempt under § 338-32A(1), or reduced under § 338-32B~~, 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(1n)(d), Wis. Stats., § 59.692(1k)(a)(6), Wis. Stats., NR 115.05(1)(b)(1m) all of the following structures are exempt from the shoreland setback standards in § 338-32A:

(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.~~

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

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

[3] Boathouses shall be designed and constructed to not destabilize the existing slope. Final grades must be at a slope that is naturally stable, depending on soil type. All boathouse construction projects that require land disturbing activities shall be authorized in accordance with § 338-41 of this chapter.

[4] 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).

[5] 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.

[6] Boathouse roofs shall be designed with a pitched roof having a minimum slope of 2/12, a maximum slope of 6/12, and in no case shall be designed for use as a deck, observation platform, or for other similar uses. Dormers are allowed so long as the dormer's height does not exceed the height of the main ridge line of the boathouse. One cupola, no greater than 30 inches in length and width, is allowed on the main ridge line. Parapet walls are not allowed.

[7] Earth-toned color shall be required for all exterior surfaces of a boathouse. For the purpose of this chapter, the color white is an earth-toned color.

[8] The boathouse's main door shall face the water and shall be at least 50% of the width (measured running parallel to the shore) of the boathouse.

[9] 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.

[10] 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.

[11] No boathouse wall, door, or access opening shall be more than 1/3 transparent or translucent.

[12] Boathouse roof overhangs shall not project more than 24 inches out from the boathouse side wall.

(b) No side, ~~O~~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, boathouses shall be excluded.

[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 are not superseded by § 59.692(1f)(a).

[a] Note: 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.

[5] An enforceable obligation shall be evidenced by an instrument recorded with the Register of Deeds prior to the issuance of a land use permit. This instrument shall include an implementation schedule and enforceable obligation on the property owner to establish and maintain the shoreland vegetative buffer zone.

(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 383, Wis. Admin. Code, 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) One walkway, stairway or rail system is allowed per lot or parcel to provide pedestrian access to the shoreline. Walkways, stairways or rail systems are exempt from § 338-41F through H of this chapter. A walkway, stairway or rail system shall be permitted, provided:

[1] The structure shall be located within the access and viewing corridor and within the same width extending 75 feet through the shoreland setback and designed so as to minimize earth disturbing activities and shoreline vegetation removal.

[2] The structure shall not exceed a maximum of 60 inches in width, including railings, and shall not branch out within the shoreland setback. 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. Landings are only allowed when necessary, as part of the shoreline access system.

[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] A stairway shall be supported on piles or footings rather than being excavated from erodible soils, steep slopes, or similar conditions of concern.

[6] A walkway and associated stairs, excavated from underlying soils, is allowed on slopes no greater than 25% to provide pedestrian access to the shoreline.

[7] Standards for removal of shoreline vegetation shall be complied with, per Article VII.

[8] 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 access and viewing corridor per § 338-37B.

(f) Devices or systems used to treat runoff from impervious surfaces~~.~~, provided the requirements of § 59.692(1k)(a)6, Wis. Stats. and § 59.692(1k)(am)1, Wis. Stats., are met.

(g) A fence along a roadway that meets all of the following requirements:

[1] Is not taller than 15 feet.

[2] Is located not less than 2 feet landward of the ordinary high-water mark.

[3] Is located entirely outside of a highway right-of-way.

[4] Is located not less than 10 feet from the edge of a roadway and not more than 40 feet from

the edge of a roadway or highway right-of-way, whichever is greater.

[5] Is generally perpendicular to the shoreline.

(h) A bridge for which the department has issued a permit under § 30.123, Wis. Stats.

(2) **Maintenance, repair, or replacement of an existing exempt structure in the shoreland setback area.** ~~Existing Exempt Structures~~. (§ 59.692(1k)(a)2m, § 59.692(1k)(a)6, § 59.692(1k)(b), and § 59.692(1k)(bm), Wis. Stats.) ~~Per § 59.692(1k)(a)2m, Wis. Stats.,~~ existing Exempt structures 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 for a new principal structure (§ 59.692(1n)(b), Wis. Stats.). A setback less than the seventy-five- foot required setback from the ordinary high-water mark shall be permitted for a new proposed principal structure and shall be determined as follows:

(1) Where there are existing principal structures in both directions of the new proposed structure, 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:

(a) Both of the existing principal structures are located on an immediately adjacent lot to the new proposed principal structure.

(b) Both of the existing principal structures are located within 250 feet of the new proposed principal structure and are the closest principal structure on their respective lots to the new proposed principal structure.

(c) Both of the existing principal structures are located less than 75 feet from the ordinary high-water mark.

(d) The ~~average~~ reduced principal 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) Rear yard: None. In the case of corner lots, the rear yard shall be the opposite the shorter of the two street frontages.

(5) Walkways no more than 36 inches wide in total width and driveways shall be exempt from § 338-32C(1) through (3). This does not exempt these structures from § 338-32A, 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 unless exempted in § 338-32A:

(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.

(3) Open style agricultural fences, no greater than eight feet in height, are allowed without a land use permit.

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.

(2) Retaining walls, greater than six feet in height, shall be designed by a professional engineer. Stamped engineered plans shall be submitted to the Land Use Planning and Zoning Department as part of the land use permit application.

F. In addition to the shoreland setback ~~standard in Subsection A and B above~~, roof overhangs may project no more than 12 inches into a required side and/or street setback. No projections are allowed into the setback as required in Subsection A.

G. Boat lifts, piers, docks, and other water dependent structures may be stored on undeveloped lots during months when weather conditions make the use and keeping of water dependent structures within water unconducive and detrimental to aforementioned structures.

§ 338-33. Floodplain structures. (NR 115.05(1)(b)2)

Buildings and structures to be constructed or placed in a floodplain shall be required to comply with any applicable floodplain zoning ordinance. Fill, elevation surveys, or other documentation may be required within 180 days of land use permit issuance, per § 300-38B(4).

§ 338-34. through § 338-35. (Reserved)

ARTICLE VII
Vegetation

§ 338-36. Purpose. (NR 115.05(1)(c)1)

To protect natural scenic beauty, fish and wildlife habitat, and water quality, this article shall regulate 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. (§ 59.692(1f)(b), Wis. Stats., NR 115.05(1)(c)2)

To protect water quality, fish and wildlife habitat, and natural scenic beauty, and to promote preservation and restoration of native vegetation, 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 which means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

B. Removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Provided that the access and viewing corridor remains a strip of vegetated land for the purpose of providing safe pedestrian access to the shore through the vegetative buffer zone. The access and viewing corridor may be no more than 35% of the shoreline frontage but in no case, may it be less than 10 feet or greater than 200 feet of the shoreline frontage in its entirety. ~~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.

(1) Note: Regarding section 338-37B there is no prohibition for the establishment of an access and viewing corridor of less than 10 feet in width. The county may require a property owner to maintain a vegetative buffer zone that existed on July 14, 2015, in concert with the provisions of 338-37B.

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 with native species as soon as practicable, not to exceed nine 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. Submitted photos must be digitally date stamped.

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.

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. (NR 115.05(1)(d))

To protect natural scenic beauty, fish and wildlife habitat, and water quality, 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. Filling, grading, lagooning, dredging, ditching, and excavating may be authorized by permit according to § 338-41 and 338-42, and only if done in a manner that meets the purpose of this section.

§ 338-41. General standards.

The filling, grading, lagooning, dredging, ditching, or excavating of any lands in the shoreland area within 300 feet of the ordinary high-water mark requires a land use permit, unless otherwise exempt in this chapter. A project may be permitted in the shoreland area provided that:

A. It is not done within the shoreland vegetative buffer zone unless necessary for allowed vegetative activities, establishing or expanding the vegetative buffer, the construction of an exempt structure, to remove retaining walls to re-establish natural grade, or to repair natural shoreline damage. Natural shoreline damage must be repaired within one year of the damaging event.

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

C. Filling, grading, lagooning, dredging, ditching, or excavating in a Shoreland-Wetland District meets the requirements of § 338-18B and C of this chapter.

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

E. Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover, ~~or a~~ bulkhead, or stabilized in another acceptable and approved manner.

F. The slopes for the project site are less than 50% (1:2). Land disturbing activities in the shoreland area where the slope is equal to or greater than 50% (1:2) are prohibited.

G. For land disturbing activities that are on slopes less than 50% but greater than 12%, the land use permit shall not be issued until a construction site erosion control permit, designed in accordance with §§ 284-8B and 284-9B through D of the County's Construction Site Erosion Control and Stormwater Management Ordinance, is obtained by the property owner from the Land Conservation Department.**]**

H. For land disturbing activities that are on slopes less than 12%, the land use permit shall not be issued until a construction site erosion control permit, designed in accordance with §§ 284-8B(1) through (5) and 284-9A of the County's Construction Site Erosion Control and Stormwater Management Ordinance, is obtained by the property owner from the Land Conservation Department.

§ 338-42. Permit required.

A. For any land disturbing activity of any area which is within 300 feet landward of the ordinary high-water mark of navigable water, a land use permit is required. Land disturbing activity includes but is not limited to filling, grading, lagooning, dredging, ditching, and excavating.

(1) A land use permit may be approved based upon:

(a) A stormwater management, erosion control, grading, and revegetation plan.

(b) Findings that the land disturbing activity will not result in:

[1] Impairment of natural wetland functions.

[2] Erosion or sedimentation to navigable water.

[3] Impairment of aquatic life.

[4] Unnecessary loss of native appearance or natural beauty of the shoreland.

[5] Restricting flood flows.

[6] Reducing the storage capacity of the floodplain.

~~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.~~

B. Driveways greater than 300 feet from the ordinary high-water mark are exempt from a land use permit. If a driveway starts in a location greater than 300 feet from the ordinary high-water mark and ends in a location closer to the ordinary high-water mark than 300 feet a land use permit is still required.

§ 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 contain soil and sediment and prevent it from leaving the project site and prevent erosion.

D. Lagoons shall be constructed to avoid fish trap conditions.

E. Fill and excavations shall be stabilized according to soil type and accepted nonengineered 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.

H. On-site inspections may be required prior to excavation, during construction, and upon project completion. A completed application for land use permit authorizes the Department to visit and inspect the project site prior to permit issuance, during permit validity, and up to six months after permit expiration for compliance with the conditions of the permit and terms of this chapter.

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

881
882 **§ 338-44.~~ Permit not required.~~ Reserved**

883 ~~A. Shoreline protection projects, which include land disturbing activities, authorized by a state permit~~

884 ~~B. Nonstructural projects, which include land disturbing activities, approved by County Land~~
885 ~~Conservation Department to remedy significant existing erosion problems may be allowed without a~~
886 ~~land use permit.~~
887
888 ARTICLE IX
889 **Impervious Surfaces**
890
891 **§ 338-45. Purpose.** (NR 115.05(1)(e))

892 Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect
893 against pollution of navigable waters. Impervious surface standards of this chapter shall apply to the
894 construction, reconstruction, expansion, replacement, or relocation of any impervious surface that is or will
895 be located within 300 feet of the ordinary high water-mark of any navigable waterway on a riparian lot or parcel
896 and any non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high- water mark
897 of any navigable waterway.
898
899 **§ 338-46. Impervious surface calculation.** (NR 115.05(1)(e)1m and § 59.692(1k)(am)1, Wis. Stats.)

900 A. Percentage of impervious surface shall be calculated by dividing the surface area of the existing and
901 proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary
902 high-water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious
903 surfaces described in § 338-49 shall be excluded from the calculation of impervious surface on the lot
904 or parcel. If an outlot lies between the ordinary high-water mark and the developable lot or parcel and
905 both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel
906 for the purposes of calculating the percentage of impervious surface.

907 B. Note: § NR 115.05(1)(e)1m, Wis. Adm. Code, clarifies that, if an outlot lies between the OHWM and
908 the developed lot or parcel and both are in common ownership, then the lot or parcel should be
909 considered one property for the purposes of calculating the percentage of impervious surfaces. If there
910 is an outlot, parcel or road that is owned by some other entity, for example a hydroelectric facility,
911 town, or County, then the County should determine what level of control the property owner has over
912 that portion of the lot. Can the property owner place structures, such as shoreline protection, piers,
913 stairs, boathouses etc. on that portion of the lot, or does some other entity have control over
914 development? If a property owner has no or little say over construction on that portion of the lot, then
915 impervious surfaces on that portion of the lot should be calculated separately. For properties that have
916 condominium ownership, the impervious surface calculations apply to the entire property. The
917 property is still under one legal description and the proposed expansion to a unit is not the only
918 impervious surface calculated since the regulation states lot or parcel and not a unit. It will be
919 important to remember also that mitigation applies to the property as a whole and not just to the portion
920 of the frontage that might be in front of the unit impacted.

921 C. Roadways defined in § 34.01(54), Wis. Stats, and sidewalks defined in § 340.01(58), Wis. Stats, shall
922 be excluded from the impervious surface calculation under this section. The roadways and sidewalks
923 of this section are only those as defined. The exclusion from the impervious surface calculation does
924 not apply to all driveways and sidewalks.
925
926 **§ 338-47. Impervious surface standard.** (NR 115.05(1)(e)2)

927 Except as allowed in §§ 338-48 and 338-49, allow up to 15% impervious surface on the portion of a lot or

928 parcel that is within 300 feet of the ordinary high-water mark.
929
930 **§ 338-48. Maximum impervious surface.** (NR 115.05(1)(e)3)

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

933 A. For properties where the general impervious surface standard applies under § 338-47, a property
934 owner may have more than 15% impervious surface but not more than 30% impervious surface on the
935 portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.
936 B. For properties that exceed the standard under § 338-47 but do not exceed the maximum standard
937 under § 338-48A, a permit can be issued for development with a mitigation plan that meets the
938 standards found in Article XII.
939
940 **§ 338-49. Treated impervious surfaces.** (NR 115.05(1)(e)3m and § 59.692(1k)(am)1, Wis. Stats.)

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

943 (1) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands,
944 infiltration basins, rain gardens, bioswales, or other engineered systems.

945 (2) The runoff from the impervious surface discharges to an internally drained pervious area that
946 retains the runoff on or off the parcel and allows infiltration into the soil.

947 B. Note: The provisions in § 338-49 are an exemption from the impervious surface standards and, as
948 such, should be construed narrowly. As such, a property owner is entitled to this exemption only when
949 the runoff from the impervious surface is being treated by a sufficient (appropriately sized) treatment
950 system, treatment device, or internally drained. Property owners that can demonstrate that the runoff
951 from an impervious surface is being treated consistent with § 338-49 will be considered pervious for
952 the purposes of implementing the impervious surface standards in this ordinance. If a property owner
953 or subsequent property owner fails to maintain the treatment system, treatment device, or internally
954 drained area, the impervious surface is no longer exempt under § 338-49.

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

958 (1) Calculations showing how much runoff is coming from the impervious surface area.

959 (2) Documentation that the runoff from the impervious surface is being treated by a proposed
960 treatment system, treatment device, or internally drained area.

961 (3) An implementation schedule and enforceable obligation on the property owner to establish and
962 maintain the treatment system, treatment devices, or internally drained area.

963 (a) The enforceable obligations shall be evidenced by an instrument recorded in the office of
964 the Register of Deeds prior to the issuance of the land use permit.

965 D. Where reference is made to a rain garden, the rain garden shall be designed, installed, and maintained
966 in accordance with Wisconsin DNR Publication, PUB-WT-776-2018, "Rain Gardens: A Guide for
967 Homeowners and Landscapers."
968
969 **§ 338-50. Existing impervious surfaces.** (NR 115.05(1)(e)4)

970 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 ~~three-dimensional space~~ existing building envelope of the structure;

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.

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

§ 338-51. (Reserved)

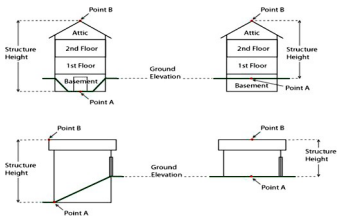
ARTICLE X
Height

§ 338-52. Height. (NR 115.05(1)(f)

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.



§ 338-53. (Reserved)

ARTICLE XI
Nonconforming Uses and Structures

§ 338-54. ~~Discontinued nonconforming use.~~ Nonconforming Uses. (NR 115.05(1)(g)1-3 and § 59.69(10), Wis. Stats.)

A. This section applies to a use of a dwelling, building, or parcel of land that existed lawfully before the existing zoning ordinance was enacted or amended, but that does not conform to the allowed uses in the current ordinance. (§ 59.69(10)(ab), Wis. Stats.)

(4) The continuance of the lawful use of any building, premises, structure, or fixture for any trade of industry for which such building, premises, structure, or fixture is used at the time that the ordinance takes effect may not be prohibited. (§ 59.69(10)(am), Wis. Stats. and NR 115.05(1)(g)1)

(5) The alteration of, or addition to, or repair in excess of 50 percent of its assessed value of any existing building, premises, structure, or fixture for the purpose of carrying on any prohibited trade or new industry within the district where such buildings premises, structures, or fixtures are located may be prohibited. (§ 59.69(10)(am), Wis. Stats.)

(6) The county may prohibit the continuance of the nonconforming use of a temporary structure. (NR 115.05(1)(g)2)

(7) 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. (NR 115.05(1)(g)3)

(8) A manufactured home community licensed under § 101.935, Wis. Stats., that is a nonconforming use continues to be a nonconforming use notwithstanding the occurrence of any of the following activities within the community: (§59.69(10)(at), Wis. Stats.)

(a) Repair or replacement of homes.

(b) Repair or replacement of infrastructure.

§ 338-55. ~~Maintenance, repair, replacement, or vertical expansion of n~~Nonconforming ~~s~~Structures. (§ 59.692(1k)(a)2, 4, and (b), Wis. Stats.)

This section applies to an existing principal or accessory structure that was lawfully placed when constructed but that does not comply with the current required ordinary high water mark setback of a navigable waterway, street yard setback, or side yard setback.

A. An existing structure that was lawfully placed when constructed but does not comply with the required shoreland 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)(a)~~1.b. and d~~2,4 and (b)., 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.

§ 338-56. Lateral expansion of nonconforming principal structure within the setback. (NR 115.05(1)(g)5)

An existing principal structure that was lawfully placed when constructed but 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. (NR 115.05(1)(g)5m)

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 landward of the shoreland setback area horizontally 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. (NR 115.05(1)(g)6)

An existing principal structure that was lawfully placed when constructed but does not comply with the required ~~building~~ shoreland 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. (§ 59.692(1k)(a)2, 4, and (b), Wis. Stats.)

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. Any conditions placed on a previously granted variance remain binding and thus may override allowances in § 338-59 in part or in whole depending on the specific details of the condition(s).

§ 338-60. Maintenance, repair, replacement of a building or structure in violation of a county shoreland zoning ordinance that may not be enforced. ((§ 59.692(1t), Wis. Stats. and § 59.692(1k)(a)2.c, Wis. Stats.)

A. An enforcement action may not commence against a person who owns a building or structure that is in violation of a shoreland zoning standard or this shoreland zoning ordinance if it has been in place for more than ten years.

B. A building or structure that is in violation of a shoreland zoning standard or this shoreland zoning ordinance but has been in place for more than ten years may be maintained, repaired, replaced, restored, rebuilt, or remodeled if the activity does not expand the footprint of the structure that is in violation. However, the structure may not be vertically or laterally expanded.

ARTICLE XII

Mitigation

§ 338-6~~0~~1. Mitigation. (NR 115.05 (1)(e)3c, (g)5d, (g)6e)

The purpose of mitigation is to establish and maintain measures adequate to offset the impacts of development on water quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic beauty. 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.

(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.

(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%.

(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 Guide for Homeowners and Landscapers."

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.

~~§ 338-61. (Reserved)~~

ARTICLE XIII
Administration

§ 338-62. Administrative provisions. (NR 115.05(4))

In order to establish, maintain, implement, and enforce this shoreland zoning ordinance each of the following shall be required: The appointment of an administrator and such additional staff as the workload may require. The creation of a zoning agency as authorized by s. 59.69(2), Stats, a board of adjustment as authorized by s. 59.694, Stat., and a county planning agency as defined in s. 236.02(3), Stats, and required by s. 59.692(3), Stats.

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:

A. A system of permits for ~~all~~ establishing uses, land disturbances, 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~~ ensure conformity of the finished structures or completed land disturbing activities 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.~~

A conditional use permit (special exception permit) procedure in which a permit states that a use permitted as a conditional use (special exception) may be established, expanded, or enlarged subject to any conditions placed on the authorization and the provisions of this ordinance. The conditions (exceptions) should not be contradictory to the purposes of this ordinance as identified in section

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 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.~~ Development and maintenance of an official map of all mapped zoning district boundaries, amendments, and recordings. The official map for the shoreland-wetland zoning district is the Wisconsin Wetland Inventory found on the Department's Surface Water Data Viewer.

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.

§ 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 and Zoning Department by certified or registered mail, or personal service per § 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 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 nontrespass 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 $1,800 ($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.

§ 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 (NR 115.03(1d)) — A strip of vegetated land that allows safe pedestrian access to the shore ~~extending waterward from the seventy-five-foot shoreland building setback~~ 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 § 338-76A(1)].

BOATHOUSE (NR 115.03(1h)) — 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 (NR 115.03(1p)) — The three-dimensional space within which a structure is built.

COUNTY ZONING AGENCY (NR 115.03(2)) — 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 (NR 115.03(3)) — 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 (NR 115.03(3m)) — That principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

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

FOOTPRINT — The land 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 and eave if present, projected to natural grade. 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.

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 (NR 1.25(2)(b), Wis. Adm. Code) — 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 (NR 115.03(4g)) — An area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes 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.

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

LAND DISTURBING ACTIVITY — Any man-made change of the land surface, the effect of which may alter the currently existing topography, or may expose soil and result in soil erosion from water or wind and the movement of sediments, including but not limited to filling, grading, lagooning, dredging, ditching, and excavating. Agricultural land uses, such as planting, growing, cultivating and harvesting of crops, growing and tending of gardens, and harvesting of trees are not considered land disturbing activity if conducted outside the vegetative buffer zone. This definition applies to those lands outside of the designated Shoreland-Wetland District; see Article III for permitted uses of those designated lands.

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~~ a continuous parcel of land, not divided by a public right-of-way, and sufficient in size to meet the lot width and lot area provisions of this ordinance.

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 is measured on a horizontal plane and is bounded by the front, side, and real lot lines but 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 (NR 115.03(4r)) — Balancing measures that are designed, implemented, and function to restore natural functions and values that are otherwise lost through development and human activities.

NAVIGABLE WATERS (NR 115.03(5)) — Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under § 281.31(2)(~~d~~m), 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 (NR 115.03(6)) — The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

PARCEL — 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.

PATIO — A residential accessory structure, used as an outdoor space for leisure, dining, cooking, or similar use, that consists of a surface layer, including but not limited to concrete, pavers, bricks, tiles, asphalt or stone (e.g. flagstone, limestone, bluestone, slate, granite, gravel, stone screenings) and the supporting base layers extending subgrade to the underlying soil.

PLUMBING — A system of pipes, drains, fittings, valves, valve assemblies, and devices installed in a building for the distribution of water for drinking, heating and washing, and the removal of waterborne wastes and the skilled trade of working with pipes, tubing and plumbing fixtures in such systems. For the purpose of this chapter, plumbing includes piping, and associated fixtures that convey gases as well as liquids.

PREVIOUSLY DEVELOPED — A lot or parcel that was developed with a structure legally placed upon it.

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

REMODEL — The process where an existing structure undergoes structural reorganization, alteration or renewal without increasing the existing structure's footprint.

ROUTINE MAINTENANCE OF VEGETATION (NR 115.03(7m) — Normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

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

(1) SETBACK, SHORELAND — See "shoreland area."

(2) SETBACK, SIDE — 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.

(3) SETBACK, STREET — The open land area across the full width of the property between

the street lot line and the nearest point of the structure.

SHORELAND (NR 115.03(8)) — 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~~ as depicted on the Department of Natural Resources Surface Water Data Viewer.

SPECIAL EXCEPTION (CONDITIONAL USE) (NR 115.03(10)) — 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 (§59.692(1)(e) Wis. Stats.) — A principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch, or fire pit.

STRUCTURE, ACCESSORY (§59.692(1)(e) Wis. Stats.) — 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 garage~~s~~, shed~~s~~, barn~~s~~, gazebo~~s~~, patio~~s~~, deck~~s~~, swimming pool~~s~~, hot tub~~s~~, fence~~s~~, retaining wall~~s~~, driveway~~s~~, parking lot~~s~~, sidewalk~~s~~, detached stairway~~s~~, and lift~~s~~.

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

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

VARIANCE — An authorization granted by the Board of Adjustment to construct, alter, or use a building, structure, or land 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 may include grasses, grass-like species, forbs, shrubs, and trees. It is either natural or is constructed in accordance with § 338-60D, and functions to attenuate, absorb and filter stormwater runoff prior to being introduced into navigable waters.

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

BE IT FURTHER ORDAINED, that this ordinance shall become effective upon passage and publication.

NOTICE OF PUBLIC HEARING

The Green Lake County Land Use Planning and Zoning Committee will hold a public hearing in County Board Room #0902 of the Green Lake County Government Center, 571 County Road A, Green Lake, WI, on ***Thursday, March 5, 2026, at 9:30 a.m.*** to consider the following requests:

Item #1: Owner: John R. Witte, **Location:** Princeton Road, **Parcel:** 004-00426-0000, **Legal Description:** Located in the SE ¼ of SW ¼ of Section 18, T16N, R13E, Town of Brooklyn, ±12.802 acres, **Request:** The owners are requesting a rezone of ±12.802 acres zoned A1, Farmland Preservation District, to R4, Rural Residential District. To be identified by Certified Survey Map.

Item #2: Owner: Eugene F. & Kathleen A. Thom, **Location:** East Waushara Street, Town of Berlin, **Request:** The owners are requesting a rezone from R1 to A2. *Item postponed from February 5, 2026, Public Hearing.*

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.

Publish: February 19, 2026

Item #1:

Owner: John R. Witte, **Location:** Princeton Road, **Parcel:** 004-00426-0000, **Legal Description:** Located in the SE ¼ of SW ¼ of Section 18, T16N, R13E, Town of Brooklyn, ±12.802 acres, **Request:** The owners are requesting a rezone of ±12.802 acres zoned A1, Farmland Preservation District, to R4, Rural Residential District. To be identified by Certified Survey Map.

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING March 5, 2026

ITEM I: ZONING CHANGE

OWNER:
John R Witte Trust

APPLICANT:
Same as Owner

REQUEST: The owners are requesting a zoning change for ±12.802 acres from A1, Farmland Preservation District to R4, Rural Residence District to be identified by Certified Survey Map.

PARCEL NUMBER / LOCATION: The request affects parcel number 004-00426-0000 (±40 acres). The parcel is located in the SE ¼ of the SW ¼ Section 18, T16N, R13E, Town of Brooklyn.

EXISTING ZONING AND USES OF ADJACENT AREA: The current zoning of the subject parcel is A1 Farmland Preservation. The north half is used agriculturally and the south half is heavily forested. Most of the surrounding parcels are zoned A1 and are used for agriculture and rural residential use. Some surrounding parcels are zoned A2, General Agriculture District.

ADDITIONAL INFORMATION / ANALYSIS: The proposed rezone area is to create four rural residential parcels in the wooded area. The intention is to split the farm field from the woods, and create the new R4 parcels. The noted soils are classified as type 2, sandy soils, which are not ideal for a crop field. The forested area has always existed, indicating the area was never used as farmland.

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 subject site is entirely forested which is not suitable for crops. The underlying soils are of the Oakville series which is a very fine sand. Again, not suitable for crops. Based on these two characteristics, a case could be made that these lands are better suited to the proposed use as opposed to agricultural uses.**

b) The rezoning is consistent with any applicable comprehensive plan. **The proposed rezone is consistent with the county's comprehensive plan as the R4 zoning district upholds the goals and objectives of the comprehensive plan, most prominently the goal to preserve the rural characteristic of the county. The R4 district is also planned to act as a transitionary district to help promote residential areas within rural areas while maintaining the rural characteristics.**

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 R4's uses being residential and agricultural in nature and not conflicting with agricultural lands and uses, it is staff's belief that the**

request does not negatively impact the integrity or viability of county agriculture and is, therefore, <u>substantially consistent with the county's certified Farmland Preservation Plan</u>.

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 R4 District is intended to preserve and enhance land for agricultural uses while allowing for limited rural residential uses. The R4 district is intended <u>not to impair or limit future agricultural use of surrounding parcels.</u>**

<u>TOWN OF BROOKLYN</u>: An Action Form requesting the Town's input related to this zoning change request was sent to the Town Clerk and at the Town's February 10th, 2026 meeting the Town did not object to and approves the rezone request.

TOWN BOARD ACTION

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 – (Date) Feb 10 - 2026.

Owner/Applicant: Owner: John R. Witte Trust

Site Location: Princeton Road

General legal description: Parcel #004-00426-0000, Located in the SE ¼ of SW ¼, Section 18, T16N, R13E, Town of Brooklyn, ±12.802 acres.

Request: Rezone ±12.802 acres zoned A1, Farmland Preservation District, to R4, Rural Residential District. To be identified by Certified Survey Map.

Planned public hearing date for the above requests: March 5, 2026

_X_ **Town Does Not object to and Approves of request**

_____ **No action taken**

_____ **Objects to and requests denial of request**

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

If no action taken – please include reason for inaction.

- Reason(s) for objection/inaction:

_____

_____

_____

TOWN OF BROOKLYN

_____ Feb 10 - 2026

Town Representative **Date Signed**

NOTES: _____

_____

_____

Please return this form to the Land Use Planning & Zoning Office by: February 20, 2026

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 375.00 (not refundable) Date 12-18-25

Zone Change from A1 to R4

Conditional Use Permit for —

Other

PROPERTY OWNER / APPLICANT

Name John R. Witte Trust

Mailing Address N4995 Judy Lane, Green Lake, WI 54941

Phone Number 920 295-4333

Signature John Witte Date 12-18-25

AGENT IF OTHER THAN OWNER

Name John R Witte

Mailing Address

Phone Number

Signature Date

PROPERTY INFORMATION

Town of Brooklyn Parcel Number 004-00426-0000 Acres ±12.802

Lot — Block — Subdivision —

Section 18 Town 16 North Range 13 East

Location of Property Princeton Rd

Legal Description Part of the SE 1/4 of the SW 1/4 of Section 18, Town 16 North, Range 13 East, Town of Brooklyn, Green Lake County, Wisconsin.

Current Zoning Classification A-1 Current Use of Property Used as a woods and farm field.

Detailed Description of Proposed Use Would like to create four rural residential parcels in wooded area. This area has not been farmed in the past. Soils are sandy and need lots of soil amendments.

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)

John R. Witte Trust Site Plan

12/18/2025, 3:35:35 PM

John Witte 12-18-25

1:3,421

0 160 320 640 ft

0 45 90 180 m

Green Lake County, WI
www.greenlakecountywi.gov

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

PROPOSED

CERTIFIED SURVEY MAP

CERTIFIED SURVEY MAP FOR JOHN WITTE LOCATED IN THE SE1/4 OF THE SW1/4 OF SECTION 18, T.16N., R.13E., TOWN OF BROOKLYN, GREEN LAKE COUNTY, WISCONSIN.

NOTE: OWNER HAS ACCESS FROM NORTHWEST ROAD

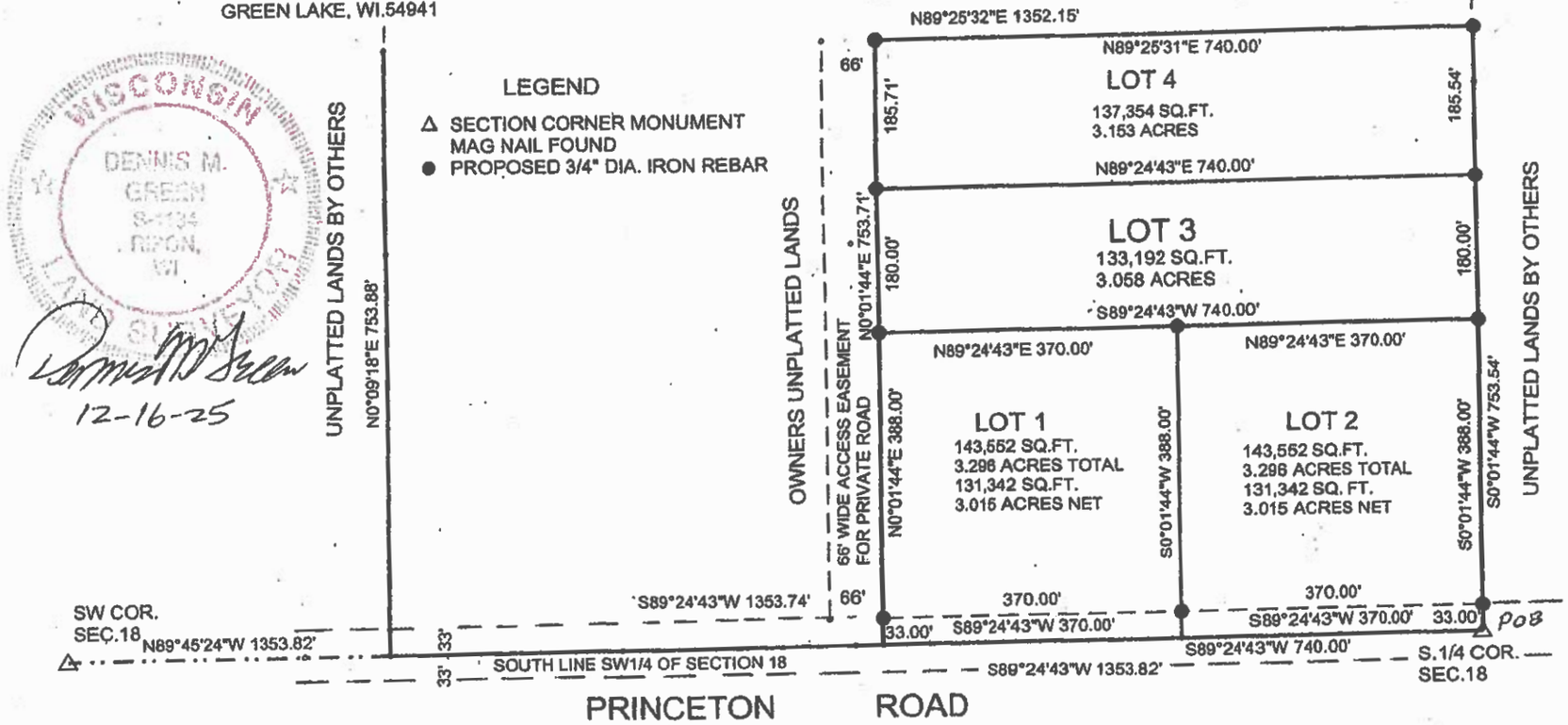
THE PURPOSE OF THIS SURVEY IS TO CREATE 4 BUILDABLE LOTS

BEARINGS REFERENCED TO THE SOUTH LINE OF THE SW1/4 OF SECTION 18 BEARING N89°24'43"E PER GREEN LAKE COUNTY COORDINATE SYSTEM NAD 83(91).

SCALE:1"=200'
0 200'

OWNER: JOHN WITTE
N4995 JUDY LANE
GREEN LAKE, WI.54941

LEGEND
△ SECTION CORNER MONUMENT MAG NAIL FOUND
● PROPOSED 3/4" DIA. IRON REBAR



WISCONSIN DENNIS M. GREEN S-1734 RIPON, WI LAND SURVEYOR

12-16-25

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

WISCONSIN RLS LAND SURVEYOR

Job Number: R2503-181613-06

Page 1 of 3 Pages

Witte Rezone Aerial Map

1/13/2026, 8:13:40 AM

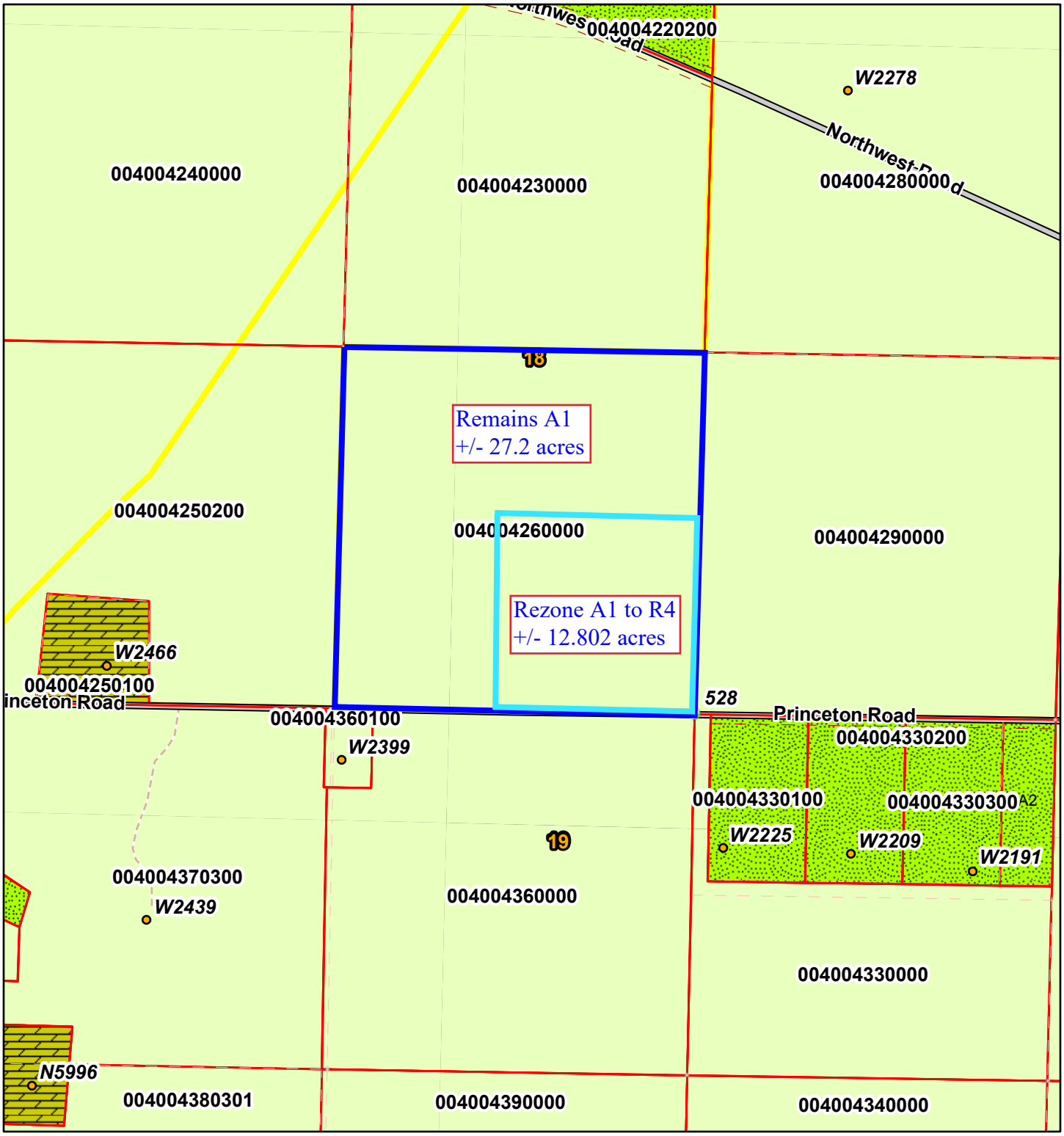
1:6,197

0 285 570 1,140 ft

0 87.5 175 350 m

Green Lake County, WI
www.greenlakecountywi.gov

Witte Rezone Zoning Map



1/13/2026, 8:26:33 AM

1:6,197

0 285 570 1,140 ft

0 87.5 175 350 m

Green Lake County, WI
www.greenlakecountywi.gov

Green Lake County, WI
Land Use Planning & Zoning

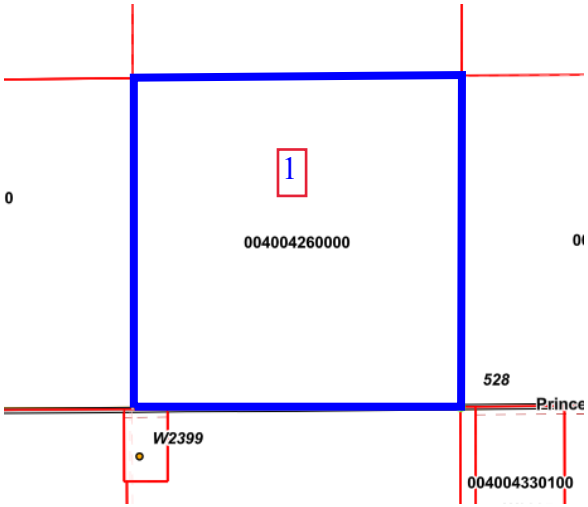
Zoning Ordinance Map Districts

- A1 Farmland Preservation
- A2 General Agriculture
- C1 General Commercial
- C2 Extensive Commercial
- I Industrial
- M1 Mineral Extraction
- M2 Sanitary Landfill
- NRC Natural Resource Conservancy
- R1 Single Family Residence
- R2 Single Family Mobile Home Residence
- R3 Multiple Family Residence
- R4 Rural Residential
- RC Recreation
- AO Adult Orientated Establishment
- UNZ Unzoned
- MUN Municipality
- SPLIT Split Zoning
- PEND Map Update Pending

John R. Witte Trust
Town of Brooklyn
Princeton Road, Parcel #004-00426-0000
SE ¼ of SW ¼, Section 18, T16N, R13E

Existing Configuration

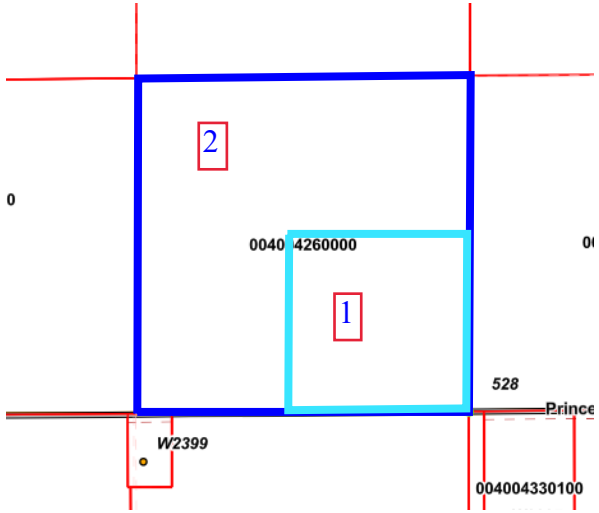
1 = ±40-acre parcel zoned A1, Farmland Preservation District.



Proposed Configuration

1 = ±12.802-acre parcel zoned R4, Rural Residential District.

2 = ±27.2-acre parcel zoned A1, Farmland Preservation District.



Land Use Planning & Zoning Public Hearing 3/5/2026

ORDINANCE NO. –2026

Relating to: Rezone in the Town of Brooklyn
Owner: John R. Witte

The County Board of Supervisors of Green Lake County, Green Lake, Wisconsin, duly assembled at its regular meeting begun on the 17th of March 2026, does ordain as follows:

NOW, THEREFORE, BE IT ORDAINED that the Green Lake County Zoning Ordinance, Chapter 350 as amended, Article IV Zoning Districts, Section 350-26 Official Map, as relates to the Town of Brooklyn, shall be amended as follows:

Owner: John R. Witte, **Location:** Princeton Road, **Parcel:** 004-00426-0000. **Legal Description:** Located in the SE ¼ of SW ¼ of Section 18, T16N, R13E, Town of Brooklyn, ±12.802 acres. **Request:** The owners are requesting a rezone of ±12.802 acres zoned A1, Farmland Preservation District, to R4, Rural Residential District. To be identified by Certified Survey Map.

BE IT FURTHER ORDAINED, that this ordinance shall become effective upon passage and publication.

Roll Call on Ordinance No. -2026

Ayes , Nays , Absent , Abstain

Passed and Enacted/Rejected this 17th Day of March 2026.

_____
County Board Chairman

_____
ATTEST: County Clerk
Approve as to Form:

_____
Jeffrey Mann, Corporation Counsel

Submitted by Land Use Planning & Zoning Committee:

_____
Chuck Buss, Chair

_____
William Boutwell, Vice Chair

_____
Sue Wendt

_____
Gene Thom

_____
Curt Talma

Item #2:

Owner: Eugene F. & Kathleen A. Thom, **Location:** East Waushara Street, **Parcel(s):** 002-00001-0000, -0100, -0200, & -0300, **Legal Description:** Lots 1-4 of CSM #1400, Located in the NE ¼ of NE ¼ of Section 1, T17N, R13E, Town of Berlin, ±9.09 acres, **Request:** The owners are requesting a rezone of ±9.09 acres zoned R1, Single-Family Residence District, to A2, General Agriculture District. To be identified by Certified Survey Map. *Item postponed from February 5, 2026, Public Hearing.*

LAND USE PLANNING AND ZONING COMMITTEE STAFF REPORT

PUBLIC HEARING March 5, 2026

ITEM II: ZONING CHANGE

OWNER:
Eugene & Kathleen Thom

APPLICANT:
Same as Owner

REQUEST: The owners are requesting a zoning change for ±9.08 acres from R1, Single-Family Residence District, to A2, General Agriculture District to be identified by Certified Survey Map.

PARCEL NUMBER / LOCATION: The request affects parcels numbered 002-00001-0000, 0100, 0200 and 0300 (±9.08 acres). The parcels are located in the NE ¼ of the NE ¼ Section 1, T17N, R13E, Town of Berlin.

EXISTING ZONING AND USES OF ADJACENT AREA: The current zoning of the subject parcel is R1, Single-Family Residence District and is used recreationally with not much agricultural uses present. All of the surrounding parcels are zoned A1 and are used for agriculture and rural residential use.

ADDITIONAL INFORMATION / ANALYSIS: The current use of the proposed rezone area is 3 acres of old farm field, with a large pond/wetland that has been present from at least 1992 . The proposed use of the rezone area is to be agricultural, pasture, with a rural residential use. The proposed rezone area does not fall within floodplain jurisdiction.

REZONING CRITERIA PER §350-75.A.: Land may be rezoned if all of the following are found after public hearing: **(Staff comments in bold)**

The amendment is consistent with community land use plan (comprehensive plan). **The proposed rezone is consistent with the county's comprehensive plan as the A2 district was designed to be consistent with other agricultural zoning districts.**

The amendment will not be detrimental to property in the immediate vicinity or to the community as a whole. **The rezone has little potential to be detrimental to neighboring properties or properties abroad.**

The amendment will not have a significant adverse impact on the natural environment (i.e., air, water, noise, stormwater management, soils, wildlife, vegetation, etc.), or the impact could be mitigated by management practices on the site or in the immediate vicinity. **There is no indication that an adverse impacts on the natural environment would occur if the amendment were to be approved.**

The amendment will not have a significant adverse impact on the ability to provide adequate public facilities or services (i.e., highways, streets, water, sewage, drainage, schools, emergency services, etc.). **This rezone will not have a significant adverse effect on public facilities or services.**

The amendment allows a more viable transition to planned land uses on adjacent properties than the current zoning designation**. The amendment has no negative effect on planned land uses as the A1 and A2 districts are both agricultural.**

The amendment will not result in inappropriate spot-zoning (i.e., use is inconsistent with surrounding properties and serves only a private, rather than public interests). **As there are only A1 zoning districts surrounding this parcel, this rezone would not be considered spot-zoning. A2 is still considered agriculture.**

TOWN OF BERLIN : An Action Form requesting the Town's input related to this zoning change request was sent to the Town Clerk. At their town board meeting on January 19th, 2026, the Town Board did not object to and approved of the request.

TOWN BOARD ACTION

Dear Land Use Planning and Zoning Committee:

Please be advised that the Town Board of Berlin, County of Green Lake, took the following action on – (Date) Jan. 19, 2026.

Owner/Applicant: Owner: Eugene F. & Kathleen A. Thom

Site Location: East Waushara Street

General legal description: Parcel(s) #002-00001-0000, -0100, -0200, & -0300, Lots 1-4 of CSM #1400, Located in NE ¼ of NE ¼ of Section 1, T17N, R13E, Town of Berlin, ±9.09 acres.

Request: Rezone ±9.09 acres zoned R1, Single-Family Residence District, to A2, General Agriculture District. To be identified by Certified Survey Map.

Planned public hearing date for the above requests: February 5, 2026

_X_ **Town Does Not object to and Approves of request**

_____ **No action taken**

_____ **Objects to and requests denial of request**

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

If no action taken – please include reason for inaction.

- Reason(s) for objection/inaction:

Brenda Murkley
Town Representative

1/19/2026
Date Signed

NOTES:

Please return this form to the Land Use Planning & Zoning Office by: January 23, 2026

Please type or use black ink

Return to: Green Lake County
Planning & Zoning Department
571 County Road A
Green Lake, WI 54941
(920) 294-4156

GENERAL APPLICATION

Fee 375 (not refundable) Date 10/16/25

Zone Change from R-1 to A-2

Conditional Use Permit for

Other

PROPERTY OWNER / APPLICANT (1)

Name Gene Thom

Mailing Address 143 S Kossuth St

Phone Number 920-361-0305

Signature Eugene Thom Date 10-8-25

PROPERTY OWNER / APPLICANT (2)

Name

Mailing Address

Phone Number

Signature Date

PROPERTY INFORMATION

Town of Berlin Parcel Number(s) 002-00001-0000, -0100, -0200, -0300

Acres 9 Lot 1-4 Block Subdivision

Section 1 Town 17 North Range 13 East

Location of Property

Legal Description Lots one, two, three, and four of Certified Survey Map No. 1400 as recorded in Volume 5 of Certified Survey Maps, Pages 1400-1400A.

Current Zoning Classification R-1 Current Use of Property Recreation

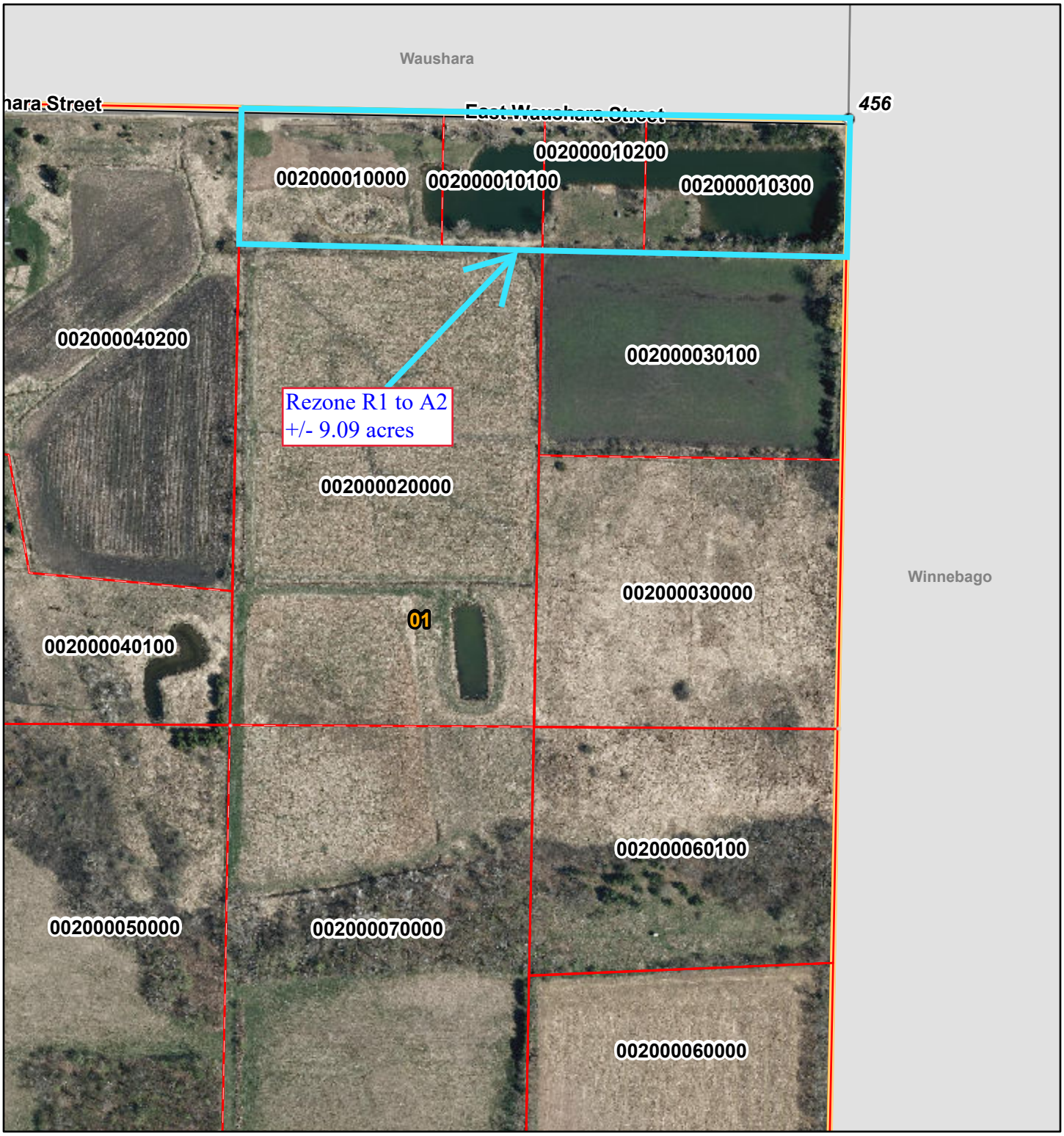
Detailed Description of Proposed Use Agricultural / Residential Use home with pasture and potential tree farming

PLEASE PROVIDE A DETAILED SITE PLAN WITH THE APPLICATION

Fees: Zone Change $375.00
Conditional Use Permit $375.00
Special Exception $375.00
Variance/Appeal $375.00

PZZ-311 (12/03)

Thom Rezone Aerial Map



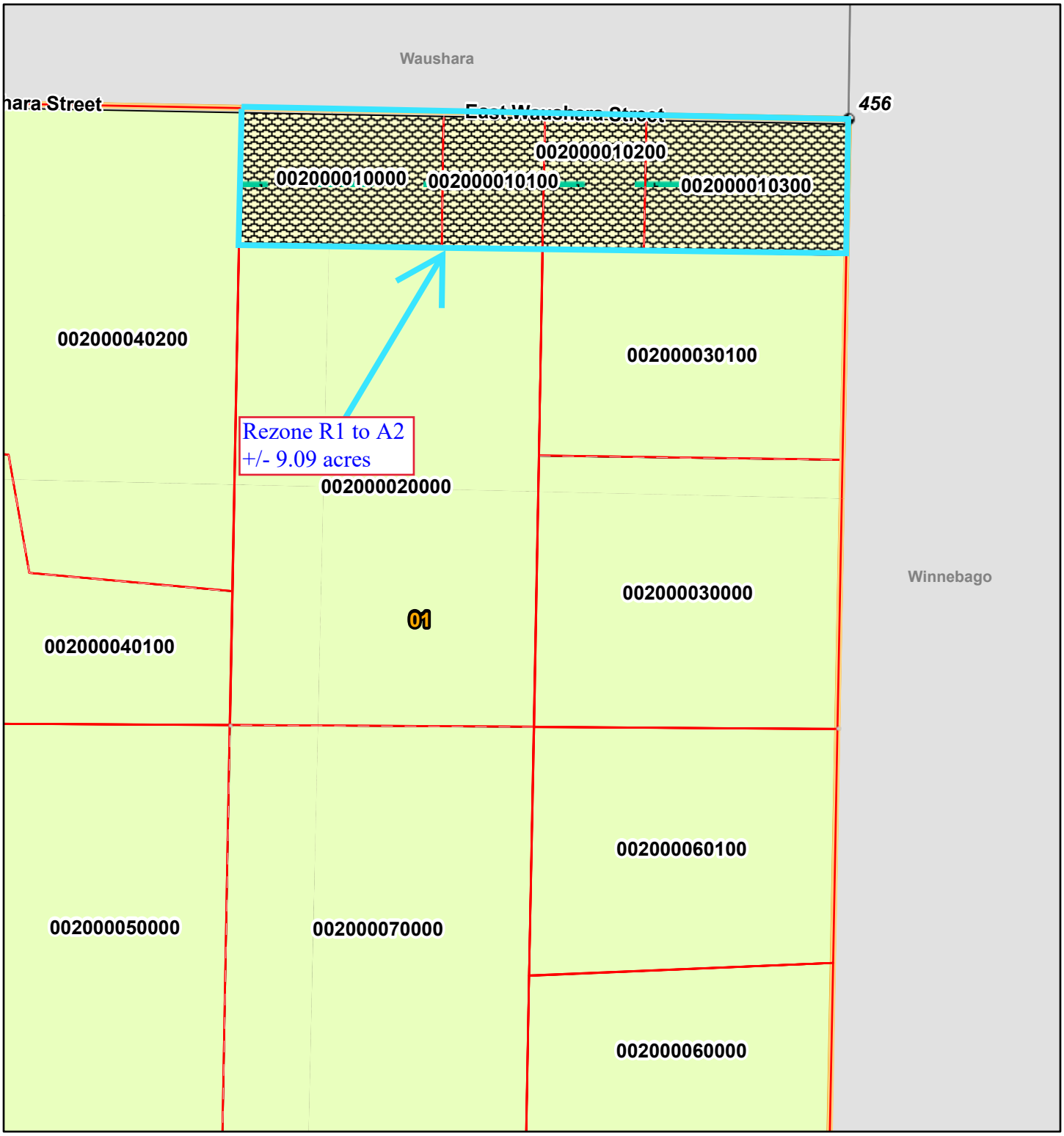
12/8/2025, 1:57:22 PM

1:3,706

0 170 340 680 ft

0 50 100 200 m

Thom Rezone Zoning Map



12/8/2025, 2:03:45 PM

1:3,706

0 170 340 680 ft

0 50 100 200 m

Eugene F. and Kathleen A. Thom
Town of Berlin
East Waushara Street, Parcel(s) #002-00001-0000, -0100, -0200, -0300
Lots 1-4 of CSM #1400, NE ¼ of NE ¼ of Section 35, T15N, R11E

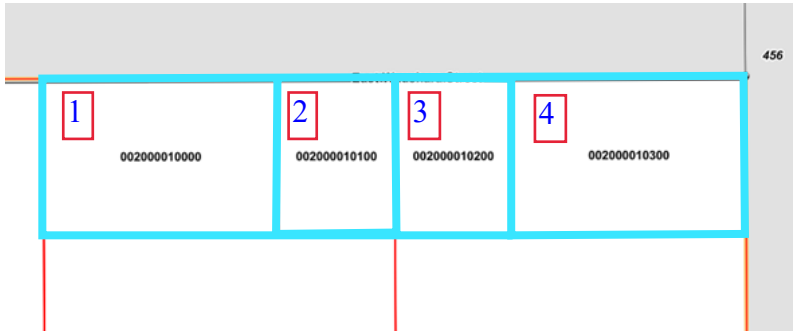
Existing Configuration

1 = ±3.03-acre parcel zoned R1, Single-Family Residential District.

2 = ±1.51-acre parcel zoned R1, Single-Family Residential District.

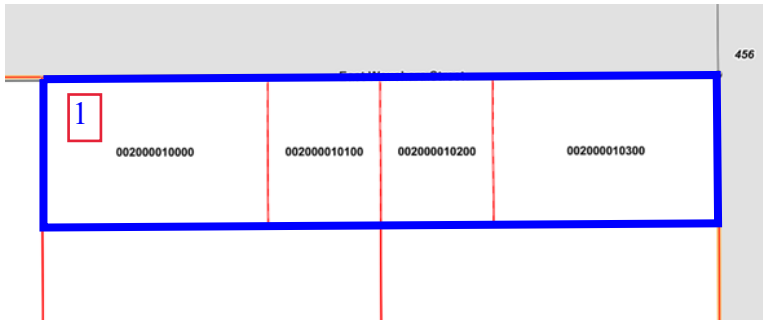
3 = ±1.51-acre parcel zoned R1, Single-Family Residential District.

4 = ±3.03-acre parcel zoned R1, Single-Family Residential District.



Proposed Configuration

1 = ±9.09-acre parcel zoned A2, General Agriculture District.



Land Use Planning & Zoning Public Hearing 2/5/2026

ORDINANCE NO. –2026

Relating to: Rezone in the Town of Berlin
Owner: Eugene F. & Kathleen A. Thom

The County Board of Supervisors of Green Lake County, Green Lake, Wisconsin, duly assembled at its regular meeting begun on the 17th of March 2026, does ordain as follows:

NOW, THEREFORE, BE IT ORDAINED that the Green Lake County Zoning Ordinance, Chapter 350 as amended, Article IV Zoning Districts, Section 350-26 Official Map, as relates to the Town of Berlin, shall be amended as follows:

Owner: Eugen F. & Kathleen A. Thom, **Location:** East Waushara Street, **Parcel(s):** 002-00001-0000, -0100, -0200, & -0300, **Legal Description:** Lots 1-4 of CSM #1400, Located in the NE ¼ of NE ¼ of Section 1, T17N, R13E, Town of Berlin, ±9.09 acres. **Request:** The owners are requesting a rezone of ±9.09 acres zoned R1, Single-Family Residence District, to A2, General Agriculture District. To be identified by Certified Survey Map.

BE IT FURTHER ORDAINED, that this ordinance shall become effective upon passage and publication.

Roll Call on Ordinance No. -2026

Ayes , Nays , Absent , Abstain

Passed and Enacted/Rejected this 17th Day of March 2026.

County Board Chairman

ATTEST: County Clerk
Approve as to Form:

Jeffrey Mann, Corporation Counsel

Submitted by Land Use Planning & Zoning Committee:

Chuck Buss, Chair

William Boutwell, Vice Chair

Sue Wendt

Gene Thom

Curt Talma