

Chapter 396

SHORELAND, WETLAND AND HABITAT PROTECTION

GENERAL REFERENCES

Building construction — See Ch. 166.

Stormwater management — See Ch. 313.

Comprehensive Plan — See Ch. 365.

Floodplain zoning — See Ch. 370.

Land division — See Ch. 382.

Planning and zoning permits — See Ch. 391.

Zoning — See Ch. 405.

ARTICLE I

Statutory Authorization; Finding of Fact; Purpose**§ 396-1. Statutory authorization.**

This Shoreland, Wetland and Habitat Protection Ordinance is adopted under the authority of § 59.692, Wis. Stats., in order to satisfy the requirements of §§ 59.692 and 87.30, Wis. Stats., and to implement §§ 59.69, 59.694, 281.31 and 236.45, Wis. Stats.

§ 396-2. Finding of fact.

Uncontrolled use of the shorelands and wetlands and pollution of the navigable waters of Adams County, Wisconsin, adversely affect the public health, safety, convenience and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibilities to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect fish spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and preserve shore cover, natural beauty and habitat; this is the responsibility recognized by Adams County, Wisconsin.

§ 396-3. Purpose and intent.

For the purpose of promoting the public health, safety, convenience and welfare and to 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 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 earthmoving activities.
 - (4) Regulating the use and placement of boathouses and other structures.

ARTICLE II
General Provisions

§ 396-4. Areas to be regulated.

- A. The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas. Unless specifically exempted by law, all cities, villages, towns, counties and, when § 13.48(13), Wis. Stats., applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland zoning ordinances if § 30.2022(1m), Wis. Stats., applies. Shoreland zoning requirements in annexed or incorporated areas are provided in § 61.353 or § 62.233, Wis. Stats. **[Amended 4-17-2019 by Ord. No. 8-2019]**
- B. Determinations of navigability and ordinary high-water mark location shall initially be made by the Planning and Zoning Administrator. When questions arise, the Planning and Zoning Administrator shall contact the appropriate office of the Department of Natural Resources (DNR) for a final determination of navigability or ordinary high-water mark. Adams County may work with surveyors with regard to § 59.692(1h), Wis. Stats. **[Amended 4-17-2019 by Ord. No. 8-2019]**
- C. Areas regulated by this chapter shall include all the lands (referred to herein as "shorelands," "wetlands," "conservancy," "recreational-residential" and "general purpose") in the unincorporated areas of Adams County that are: **[Amended 6-20-2017 by Ord. No. 18-2017]**
- (1) Within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in Adams County shall be presumed to be navigable as defined by this chapter if they are shown on United States Geological Survey (USGS) maps or are listed in the Wisconsin Department of Natural Resources publication FH-800 2009 "Wisconsin Lakes" book or other zoning base maps which have been incorporated by reference and made a part of this chapter in Article XIII of this chapter. If evidence to the contrary is presented, the County Planning and Zoning Administrator shall make the initial determination whether or not the lake, pond or flowage in question is navigable under the laws of this state. The County Planning and Zoning Administrator shall also make the initial determination of the location of the ordinary high-water mark. When questions arise, the County Planning and Zoning Administrator shall contact the appropriate area or district DNR office for a determination of navigability or ordinary high-water mark.
 - (2) 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. Rivers and streams in Adams County shall be presumed to be navigable as defined by this chapter if they are designated as either continuous or intermittent waterways on the USGS quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this chapter in Article XIII of this chapter. If evidence to the contrary is presented, the County Planning and Zoning Administrator shall make the initial determination

whether or not the river or stream in question is navigable under the laws of this state. The County Planning and Zoning Administrator shall also make the initial determination of the location of the ordinary high-water mark. When questions arise, the County Planning and Zoning Administrator shall contact the appropriate area or district DNR office for a determination of navigability or ordinary high-water mark. Flood Hazard Boundary Maps, Flood Insurance Study maps, soil maps or other existing County maps used to delineate floodplain areas, which have been adopted by Adams County, shall be used to determine the extent of the floodplain of rivers or streams in Adams County.

- D. 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; and
 - (b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching.
 - (2) Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.
- E. 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. The maps can be viewed at <https://dnrmaps.wi.gov/H5/?Viewer=SWDV>. [Amended 4-17-2019 by Ord. No. 8-2019]
- F. Critical habitat areas of County lakes as determined by the Wisconsin DNR maps and descriptions of these areas are available in the Adams County Land and Water Conservation Department. No alteration of these areas can occur without a permit from Adams County Planning and Zoning and the WDNR. In determining whether to grant a permit, preserving the designated area will be the paramount consideration. No permit will be issued for an activity that will degrade or alter the designated area in a manner so that it no longer serves the purpose for its original designation.

§ 396-5. Compliance required.

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

§ 396-6. Abrogation and greater restrictions.

The provisions of this chapter supersede any provisions in a County zoning ordinance that solely relate to shorelands. If a zoning standard 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 an ordinance adopted under a statute other than § 59.692, Wis. Stats., does not solely relate to shorelands and is more restrictive than this chapter, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions.

- A. This chapter shall not require approval or be subject to disapproval by any town or town board.
- B. If an existing town ordinance relating to shorelands is more restrictive than this chapter or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.
- C. This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.
- D. This chapter may establish standards to regulate matters that are not regulated in Ch. NR 115, Wis. Adm. Code, but that further the purposes of shoreland zoning as described in § 396-3 of this chapter.
- E. Counties may not establish shoreland zoning standards in a shoreland zoning ordinance that require 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) Any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.
- F. The construction and maintenance of a facility are considered to satisfy the requirements of a shoreland zoning ordinance if the Department has issued all required permits or approvals authorizing the construction or maintenance under Ch. 30, 31, 281, or 283, Wis. Stats.

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.

§ 396-7. 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 Ch. 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.

ARTICLE III
Setbacks and Use Restrictions

§ 396-8. Highway setbacks and visual clearances.

- A. For the purpose of determining the distance buildings and other structures shall be set back from the street and highways, the highways of Adams County are divided into the following classes:
- (1) Class A highways.
 - (a) All state and federal highways are hereby designated as Class A highways.
 - (b) The setback from Class A highways shall be 110 feet from the center line of the highway or 50 feet from the right-of-way line, whichever is greater.
 - (2) Class B highways.
 - (a) All County trunks are hereby designated as Class B highways.
 - (b) The setback from Class B highways shall be 83 feet from the center line of such highway or 50 feet from the right-of-way line, whichever is greater.
 - (3) Class C highways.
 - (a) All town roads, public streets and highways not otherwise classified are hereby designated as Class C highways.
 - (b) The setback from Class C highways shall be 63 feet from the center line of such highway or 30 feet from the right-of-way line, whichever is greater.
- B. Visual clearance triangle.
- (1) In each quadrant of every public street intersection there shall be a visual clearance triangle bounded by the street center lines and a line connecting points on them 300 feet from a Class A highway intersection, 200 feet from a Class B highway intersection and 150 feet from a Class C highway intersection.
 - (2) Objects permitted within highway setback lines and visual clearance triangles:
 - (a) Open fences.
 - (b) Telephone and power transmission poles, lines and pedestals.
 - (c) The planting and harvesting of field crops, shrubbery and trees except that no trees, shrubbery or crops shall be planted within a visual clearance triangle so as to obstruct the view.
- C. Setbacks from private roads and access easements. When serving more than one residence or parcel, the setback shall be 30 feet from the described private road or easement; in case of a private road or easement that does not have a legal

description, 30 feet from the nearest point on the edge of the traveled way.

§ 396-9. Setbacks from water; exemptions.

- A. Building setbacks are established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution. All buildings and structures shall be set back at least 75 feet from the ordinary high-water mark of navigable waters. Exceptions: Boathouses, stairways, walkways, piers, and patios may require a lesser setback.

NOTE: There are increased setbacks and other zoning restrictions in some areas. Retaining walls are prohibited within the seventy-five-foot setback area. In situations where overlapping setbacks (e.g., road and water) exist, a variance is required.

- (1) Stairs, elevated walkways and rail systems and that portion of piers landward of the ordinary high-water mark are exempted from the shoreline setback requirement provided:
 - (a) The structure is necessary to access the shoreline because of steep slopes or wet, unstable soils.
 - (b) The structure shall be located so as to minimize earth disturbing activities and shoreline vegetation removal during construction and to be visually inconspicuous as viewed from the adjacent waterways and public thoroughfares.
 - (c) The structure shall be no more than five feet wide.
 - (d) Structures shall be inconspicuously colored.
 - (e) Railings are permitted only where required by safety concerns.
 - (f) Canopies and roofs on such structures are prohibited.
 - (g) Stairways shall be supported on piles or footings rather than being excavated from erodible soils or steep slopes.
 - (h) Landings for stairways or docks are permitted only where required by safety concerns and shall not exceed 40 square feet in area.
 - (i) Stairway and landing structures shall be a minimum of six inches above average grade at the lowest point.
 - (j) Measures shall be taken to prevent erosion of the area beneath stairs and landings. An erosion control plan shall define the measures and a long-term maintenance plan approved by Adams County shall be included with the zoning permit application and implemented upon completion of the project.
 - (k) Elevated walkways over shore wetland areas must be installed in a manner involving the least amount of wetland disturbance possible.
- (2) Patios. The Planning and Zoning Department shall grant special zoning

permission for the construction or placement of a structure on property in a shoreland setback area if all of the following apply (see Article V, Mitigation):

- (a) The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary high-water mark.
 - (b) Total area of all structures in the shoreland setback area of the property will not exceed 200 square feet. In calculating this square footage, boathouses shall be excluded.
 - (c) The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
 - (d) Adams County shall 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.
- (3) 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.
- (a) The construction or placement of boathouses below the ordinary high-water mark of any navigable waters shall be prohibited.
 - (b) Boathouses shall be designed and constructed solely for the storage of boats and related equipment.
 - (c) One boathouse is permitted on a lot as an accessory structure.
 - (d) Boathouses shall be constructed in conformity with local floodplain zoning standards.
 - (e) Boathouses shall not exceed one story and 450 square feet in area.
 - (f) New boathouse (constructed after January 4, 2017) roofs shall have a pitched roof that is no flatter than 4/12 pitch, and shall not be designed or used as decks, observation platforms or for other similar uses. **[Amended 4-17-2019 by Ord. No. 8-2019]**
 - (g) Boathouse eaves (roof overhang) shall not exceed 24 inches.
 - (h) Boathouse walls shall not exceed a height of 10 feet above lowest finished grade.
 - (i) Boathouses shall meet the minimum side yard setbacks for a structure of the applicable zoning district.
 - (j) Subdued earth-toned color shall be required for all exterior surfaces of a boathouse.
 - (k) The main door shall face the water and one service door not exceeding 38 inches is allowed.
 - (l) Patio doors, fireplaces, plumbing and other features inconsistent with the

use of the structure exclusively as a boathouse are not permitted.

- (m) Use of a boathouse for habitation by humans or animals is prohibited.
 - (n) Boathouses shall be placed entirely within the view/access corridor.
 - (o) Existing boathouse: The roof may be used as a deck, provided that:
 - [Added 4-17-2019 by Ord. No. 8-2019]**
 - [1] The boathouse has a flat roof.
 - [2] The roof has no side wags or screens.
 - [3] The roof shall have a railing and access stairs that meet the Department of Safety and professional services standards.
- (4) Other exemptions.
- (a) 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.
 - (b) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with Ch. SPS 383, Wis. Adm. 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.
 - (c) Devices or systems used to treat runoff from impervious surfaces.
- B. Existing exempt structures. 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. Expansion of a structure beyond the existing footprint may be allowed if the expansion is necessary to comply with applicable state or federal requirements. Mitigation is not required.
- C. Livestock shall be prohibited closer than 35 feet to any navigable water body with the exception of a stream crossing that meets United States Department of Agriculture (USDA) Natural Resources Conservation Service Standard 578, Stream Crossing, and does not exceed 10 feet in width.

§ 396-10. Height and setbacks.

- A. Basic requirements.
- (1) Height. All buildings and structures shall comply with the applicable zoning district requirements; however, to protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, any construction that results in a structure taller than 35 feet within 75 feet of the ordinary high-water mark of any navigable waters is prohibited.
 - (2) To protect and preserve wildlife habitat and natural scenic beauty, on or after

February 1, 2010, a county may not permit any construction that result in a structure taller than 35 feet within 75 feet of the ordinary high-water mark of any navigable waters.

- (3) Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersect with the ground to a line horizontal to the highest point of a structure, unless specified under other sections of this chapter.

B. Setbacks.

- (1) All buildings and structures shall be set back per the applicable zoning district yard requirements, including a minimum seventy-five-foot setback from the ordinary high-water mark.
- (2) Zoning district yard setback exceptions. **[Amended 4-17-2019 by Ord. No. 8-2019]**
 - (a) Residential fences, hedges, and tree plantings are permitted along the inside of property lines or in the yards of residential districts.
 - [1] Residential fences shall not exceed a height of six feet. No height limitation shall be placed on tree plantings or hedges.
 - [2] The finished side of the fence must face to the outside if abutting a road right-of-way.
 - (b) Security fences are permitted along the property lines in all districts but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
 - (c) Farm-related fencing is permitted along the property lines or in the yards of General Purpose Districts provided that a substantial impediment to visibility is not thereby created.
 - (d) Vegetation and certain accessory structures used for landscaping and decorating in the required front, rear and side yards. Structures and vegetation include, but are not limited to, flagpoles, ornamental light standards, ornamental ponds and fountains, lawn furniture, sundials, birdbaths, trees, shrubs and flowers.
 - (e) Signs as permitted in Article XIX.

§ 396-11. Reduced building setbacks.

- A. Reduced principal structure setback. A setback less than the seventy-five-foot required setback from the ordinary high-water mark shall be permitted for a proposed principal structure and shall be determined as follows:
 - (1) Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high-water mark provided all of the following are met:

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

§ 396-12. Maintenance and use of setback areas.

Any such required setback area shall be kept clean and free from the accumulation of debris and refuse. Such required setback areas shall not be used for the storage or display of equipment, products, vehicles, or other materials for a period to exceed six consecutive months.

§ 396-13. Use restrictions.

The following use restrictions and regulations shall apply:

- A. Only those principal uses specified for a district and their essential services shall be permitted in that district.
- B. Only one principal structure shall be located, erected or moved onto a lot, except in the General Purpose District, a permitted manufactured home park or an approved and platted condominium.
- C. Customary accessory uses and structures are permitted in any district. Accessory structures, including those for storage or occasional use such as hunting quarters, shall not consist of truck bodies, recreational vehicles, or mobile or manufactured homes. Residential accessory uses shall not involve the conduct of any business, trade, or industry, except in a residential district, home occupations and professional home offices are permitted.

- D. Special exceptions and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Board of Adjustment in accordance with § 396-84 of this chapter.
- E. The regular outside parking of more than one truck, other than panel or pickup trucks, or of other vehicular equipment, which exceeds 30 feet in length, shall be prohibited in all residential districts.
- F. Unclassified or unspecified uses shall not be permitted until the Board of Adjustment has reviewed and approved an application in accordance with the requirements of § 396-84 of this chapter.
- G. Temporary uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, are permitted upon obtaining a permit from the Planning and Zoning Department.
- H. No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so that it does not meet the provisions of this chapter. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

§ 396-14. Land division review.

The County shall review, pursuant to § 236.45, Wis. Stats., all land divisions in shoreland areas which create three or more parcels or building sites of five acres each or less within a five-year period. In such review 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.

§ 396-15. Sanitary regulations.

The County shall enforce 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.¹

1. Editor's Note: See Ch. 294, Sewers and Sewage Disposal, Art. I, Private On-Site Wastewater Treatment Systems.

ARTICLE IV
Impervious Surface Standards

§ 396-16. Purpose.²

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

§ 396-17. Calculation of percentage of impervious surface.

- A. Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the lot or parcel by the total surface area of that lot or parcel and multiplied by 100. Impervious surfaces described in § 396-20 shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high-water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.
- B. For properties that have been "condominiumized" the impervious surface calculations apply to the entire property. The property is still under one legal description and the proposed expansion to a unit is not the only impervious surface calculated since the regulation states lot or parcel and not a unit. Mitigation applies to the property as a whole and not just to the portion of the frontage that might be in front of the unit impacted.

§ 396-18. General impervious surface standard.

Except as otherwise allowed in §§ 396-19 through 396-21, the County shall allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.

§ 396-19. Maximum impervious surface standard.

A property may exceed the impervious surface standard under § 396-18 provided the following standards are met:

- A. For properties where the general impervious surface standard applies under § 396-18, a property owner may have more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.
- B. For properties that exceed the standard under § 396-18 but do not exceed the maximum standard under this section a permit can be issued for development with a mitigation plan that meets the standards found in Article V.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 396-20. Treated impervious surfaces.

- A. Impervious surfaces that can be documented to demonstrate they meet either of the following standards shall be excluded from the impervious surface calculations under § 396-17:
- (1) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bioswales or other engineered systems.
 - (2) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.³

§ 396-21. Existing impervious surfaces.

For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in § 396-18 or the maximum impervious surface standard in § 396-19, the property owner may do any of the following:

- A. Maintain and repair the existing impervious surfaces;
- B. Replace existing impervious surfaces with similar surfaces within the existing impervious surface envelope; or
- 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 this chapter, and the impervious surface meets the applicable setback requirements in § 396-9 or 396-11.

Note: The impervious surface standards in this chapter shall not be construed to supersede other provisions in this chapter. All of the provisions of this chapter continue to apply to new or existing development.

3. Editor's Note: Former Subsection B, regarding decks, which immediately followed, was repealed 4-17-2019 by Ord. No. 8-2019.

**ARTICLE V
Mitigation**

§ 396-22. Contents of application.

When the County issues a permit requiring mitigation under §§ 396-19, 396-38 and 396-40 the property owner must submit a complete permit application that is reviewed and approved by the County. The application shall include the following:

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

Proposed Development	Mitigation Required
Impervious surface coverage is greater than 15% but less than 20%	2 points
Impervious surface coverage is from 20% to 30%	3 points
Lateral expansion of nonconforming principal structure within the shoreland setback	3 points
Relocation of nonconforming principal structure within the shoreland setback	1 point

Mitigation Measures	Mitigation Points Earned
1. Removal of structure(s) within the shoreland setback (75 feet)	Up to 3 points
A. 250 square feet	1 point
B. 500 square feet	2 points
C. 750 square feet	3 points
2. Removal of structure(s) within 35 feet of the ordinary high-water mark	Up to 3 points
A. 175 square feet	1 point
B. 350 square feet	2 points
C. 500 square feet	3 points
3. Installation of rain garden(s)	Up to 3 points
A. 250 square feet	1 point

Mitigation Measures	Mitigation Points Earned
B. 500 square feet	2 points
C. 750 square feet	3 points
4. Installation of a stormwater infiltration system	3 points
5. Existing compliant shoreland buffer	2 points
6. Active restoration (accelerated recovery) of a compliant shoreland buffer	3 points
7. Passive restoration (natural recovery) of a compliant shoreland buffer	1 point
8. Increasing depth of an existing compliant shoreland buffer	2 points for every 15-foot increase
9. Reducing width of allowable view and access corridor(s)	1 point for every 15-foot reduction
10. Lot size is larger than prescribed minimum	1 point for every 10,000 square foot increment of lot area which may not be subdivided from remaining parcel
11. Sea wall removal and bank stabilization	3 points
12. Increasing shoreland setback of a proposed structure	1 point for every 15-foot increase beyond required (maximum of 3 points)
13. Removal of an existing artificial sand beach with active restoration (accelerated recovery) of area	1 point

ARTICLE VI
Floodplain Structures

§ 396-23. Compliance with floodplain zoning requirements.

Buildings and structures to be constructed or placed in a floodplain shall be required to comply with Chapter 370, Floodplain Zoning, of the County Code.

ARTICLE VII
Recreational Vehicles and Camping

§ 396-24. General regulations.

NOTE: All recreational vehicles and camping units must be set back a minimum of 75 feet from the ordinary high-water mark.

A. Recreational vehicles/camping units.

- (1) Buses, construction trailers, truck bodies and trailers and other similar items not intended for use as recreational vehicles or camping units are prohibited from such use.
- (2) Recreational vehicles/camping units shall have a length of 45 feet or less and a body width of eight feet or less.
- (3) Park model trailers are allowed only in licensed campgrounds.

B. Camping. In districts where camping is a permitted use, a self-contained recreational vehicle or camping unit may be placed on an individual lot without a permit provided:

- (1) No more than two camping units shall be located on any parcel;
- (2) The unit is not a permanent installation (e.g., no continuous connection to sanitary system; dump use only; no foundation);
- (3) The unit remains mobile (e.g., no skirting; no hitch removal or wheel removal);
- (4) The unit is licensed for highway use (if applicable); and
- (5) An acceptable method of sewage and gray water disposal is provided in compliance with Chapter 294, Article I, Private On-Site Wastewater Treatment Systems, of the County Code.

ARTICLE VIII
Vegetation

§ 396-25. Purpose.

To protect natural scenic beauty, fish and wildlife habitat, and water quality, the removal of vegetation in shoreland areas shall be consistent with the following: standards that consider sound forestry and soil conservation practices, as well as the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.

§ 396-26. Activities allowed within vegetative buffer zone.

To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, land that extends from the ordinary high-water mark to a minimum of 35 feet inland shall be designated as a vegetative buffer zone and removal of vegetation in the vegetative buffer zone is prohibited except as follows:

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

Note: The County shall not require 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 shoreland mitigation plan, the establishment or expansion of the vegetative buffer remains an option.

ARTICLE IX

Filling, Grading, Lagooning, Dredging, Ditching and Excavating**§ 396-27. Erosion control.**

All filling, rototilling, grading, lagooning, dredging, ditching or excavating shall be done in accordance with a Planning and Zoning Department approved erosion control and maintenance plan designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat. Such activities may be permitted provided a design and maintenance plan is submitted to the Planning and Zoning Department and approved by the proper authority.

§ 396-28. Other internal requirements.

Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland district may be permitted only if the requirements of § 396-45B and C of this chapter are met.

§ 396-29. State and federal requirements.

A state or federal permit may be required, in addition to a permit under this chapter, if state or federal laws are applicable to the filling, grading, lagooning, dredging, ditching or excavating that is proposed.

§ 396-30. Special exception permit required.

A. A special exception permit is required for any filling or grading of any area which is within 300 feet of the ordinary high-water mark and which has surface drainage toward the water and on which there is either:

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

NOTE: In addition, a permit shall be obtained from the Department of Natural Resources for any filling, grading or dredging of the bed of a navigable body of water or where more than 10,000 square feet of grading and/or filling is to be completed on the banks of any navigable water body, as provided in § 30.19, Wis. Stats.

B. Exceptions to this section. A zoning permit may be obtained in lieu of the special exception permit for:

- (1) Riprap or similar shoreline stabilization projects involving less than 1,000 square feet of filling or grading, for which a permit has been issued by the Department of Natural Resources.
- (2) The placement of sod or seed including site preparation outside the thirty-five-foot buffer area.

NOTE: Section 396-30A(3) does not apply to soil conservation practices such as terraces, runoff diversions and grassed waterways that are used for sediment retardation.

§ 396-31. Lagooning or dredging.

A special exception permit shall be required before constructing, dredging or commencing work on an artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 500 feet of the ordinary high-water mark of a navigable body of water. The Board of Adjustment shall evaluate each application according to the standards as set out in § 396-84B and C of this chapter and may request the County Planning and Zoning Committee to make available expert assistance from those state and federal agencies which are assisting said district under a memorandum of understanding.

NOTE: A permit shall be obtained from the Department of Natural Resources under the provisions of § 30.19, Wis. Stats.

§ 396-32. Special exception conditions.

In granting a special exception permit the Board may attach the following conditions, in addition to the provisions specified in § 396-84 of this chapter:

- A. That the smallest amount of bare ground be exposed for as short a time as feasible.
- B. That temporary ground cover, such as mulch, be used and permanent cover, such as sod, be planted.
- C. That diversions, silting basins, terraces and other methods to trap sediment be used.
- D. That lagooning be conducted in such a manner as to avoid creation of fish trap conditions.
- E. That fill is stabilized according to accepted engineering standards.
- F. That fill will not restrict a floodway or destroy the storage capacity of a floodplain.
- G. That sides of a channel or artificial watercourse be stabilized to prevent slumping.
- H. That sides of channels or artificial watercourses be constructed with side slopes of two units horizontal distance to one unit vertical or flatter, unless bulkheads or riprapping is provided.
- I. That a design and maintenance plan be submitted to the County for approval.

ARTICLE X
Standard Lots and Substandard Lots
[Amended 4-17-2019 by Ord. No. 8-2019]

§ 396-33. Minimum lot size.

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

- A. Sewered lots; minimum area and width for each lot. The minimum lot area shall be 10,000 square feet and the minimum average lot width shall be 65 feet. The width shall be calculated by averaging the measurements at the following locations:
- (1) The ordinary high-water mark.
 - (2) The building setback line.
 - (3) The rear lot line.
- B. Unsewered lots; minimum area and width for each lot. The minimum lot area shall be 20,000 square feet and the minimum average lot width shall be 100 feet with at least 100 feet of frontage at the ordinary high-water mark. The width shall be calculated by averaging the measurements at the following locations:
- (1) The ordinary high-water mark.
 - (2) The building setback line.
 - (3) The rear lot line.

§ 396-34. Substandard lot or parcel.

NOTE: Lots that were legally created that currently do not meet the minimum lot width and area requirements shall be considered a building site provided all other ordinance requirements can be met. Substandard lots that have been reconfigured by a certified survey map or consolidated into one legal description with the Register of Deeds which results in a larger (closer to conforming) lot shall 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 shall be considered separate building sites and will not be considered consolidated. Lots that have had development over the lot lines shall be combined by a certified survey map or with a legal description and recorded with a new deed prior to new development occurring.

- A. 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, 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 ordinance requirements.
- B. Other substandard lots. Except for lots which meet the requirements of Subsection A(1), a building permit for the improvement of a lot having lesser dimensions than those stated in § 396-33A and B shall be issued only if a variance is granted by the Board of Adjustment.

ARTICLE XI
Nonconforming Uses and Structures

§ 396-35. Discontinued nonconforming use.

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

§ 396-36. Maintenance, repair or replacement of nonconforming structure. [Amended 4-17-2019 by Ord. No. 8-2019]

An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. The County may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Note: Structures that are exempt from the shoreland setback are considered conforming structures and are not considered nonconforming structures. Structures that were granted variances or illegally constructed structures are not considered nonconforming structures.

§ 396-37. Vertical expansion of nonconforming structures. [Amended 4-17-2019 by Ord. No. 8-2019]

Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level.

Note: The County shall not require any approval or impose any fee or mitigation requirement for the activities specified in §§ 396-36 and 396-37. However, property owners may be required to obtain permits or approvals and pay fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, comprehensive zoning, sanitary codes, building codes, or stormwater erosion control.

§ 396-38. Lateral expansion of nonconforming principal structures within setback.

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per § 396-9 may be expanded 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 County shall issue a permit that requires a mitigation plan that shall be approved by the County and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Article V.
- E. All other provisions of this chapter shall be met.

§ 396-39. Expansion of nonconforming principal structures beyond setback.

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under § 396-9 may be expanded horizontally, landward, or vertically provided that the expanded area meets the building setback requirements per § 396-9 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 IV.

§ 396-40. Relocation of nonconforming principal structures.

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per § 396-9 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 County determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement per § 396-9.
- E. The County shall issue a permit that requires a mitigation plan that shall be approved by the County and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Article V and include enforceable obligations of the property owner to establish or maintain measures that the County determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property 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.

ARTICLE XII
Structures Authorized by Variance
[Amended 4-17-2019 by Ord. No. 8-2019]

§ 396-41. Maintenance, repair, replacement or vertical expansion.

A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 15, 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.

Note: The County shall not require any approval or impose any fee or mitigation requirement for the activities specified in this section. However, property owners may be required to obtain permits or approvals and pay fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, comprehensive zoning, sanitary codes, building codes, or stormwater erosion control.

§ 396-41.1. Maintenance, repair, replacement of illegal structures
[§ 59.692(1k)(a)2c, Wis. Stats.].

A structure that was illegally constructed, which is older than 10 years and may not be enforced under the shoreland ordinance [§ 59.692(1t), Wis. Stats.] may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the structure. (No vertical or lateral expansion allowed for structures in violation.)

Note: The County shall not require any approval or impose any fee or mitigation requirement for the activities specified in this section. However, property owners may be required to obtain permits or approvals and pay fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, comprehensive zoning, sanitary codes, building codes, or stormwater erosion control.

ARTICLE XIII
Zoning District Maps

§ 396-42. Districts established; adoption of maps.

A. The shorelands and wetlands of Adams County are hereby divided into the following districts: Shoreland-Wetland District, Recreational-Residential District, General Purpose District and Conservancy District, which are described in Articles XIV, XV, XVI, XVII and XVIII of this chapter. These districts are designated on maps which are on file in the office of the Planning and Zoning Administrator for Adams County. The district maps and the following maps are hereby adopted and made a part of this chapter:

- (1) The Wisconsin DNR Surface Water Data Viewer (SWDV) Wetland Inventory Maps. maps can be viewed at <https://dnrmaps.wi.gov/H5/?Viewer=SWDV>.
- (2) The Adams County Official Shoreland Zoning Maps dated January 1, 1971, including all subsequent revisions.
- (3) The following USGS quadrangle maps, including all subsequent revisions:
 - (a) Arkdale NW.
 - (b) Arkdale NE.
 - (c) Arkdale.
 - (d) Roche-A-Cri.
 - (e) Coloma NW.
 - (f) Coloma SW.
 - (g) Coloma.
 - (h) Hancock.
 - (i) Necedah.
 - (j) Adams.
 - (k) Grand Marsh.
 - (l) Westfield.
 - (m) Brooks.
 - (n) Oxford.
 - (o) Wisconsin Dells North.
 - (p) Big Spring.
 - (q) Briggsville.
 - (r) Dellwood.

- (s) Round Bluff.
 - (t) Easton.
 - (4) The Adams County Critical Habitat Area Maps dated December 2006 and January 2007.
 - (5) The Flood Insurance Rate Map (FIRM) panels 55001C0006D through 55001C0500D and the Flood Insurance Study (FIS) 55001CV000A both dated June 17, 2008.
- B. All pertinent notations and information shown on the Official Adams County Shoreland Zoning Maps, the Wisconsin Wetland Inventory Maps and the USGS maps are as much a part of this chapter as if the matter set forth by the maps was fully described herein.

ARTICLE XIV
Shoreland-Wetland District

§ 396-43. Designation.

- A. This district shall include all shorelands within the jurisdiction of this chapter that are designated as wetlands, including all point symbols, on the most recent Wisconsin Wetland Inventory Maps which have been adopted in § 396-42 of this chapter.
- B. 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 Planning and Zoning 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 zoning 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. **[Amended 6-20-2017 by Ord. No. 18-2017; 4-17-2019 by Ord. No. 8-2019]**

§ 396-44. Purpose.

This chapter is adopted 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.

§ 396-45. Permitted uses.

The following uses shall be allowed, subject to the general zoning regulations in this chapter, the provisions of Chs. 30 and 31 and § 281.36, Wis. Stats., and the provisions of other state and federal laws, if applicable:

- A. Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without filling, flooding, draining, dredging, ditching, tiling or excavating:
- (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 practice of silviculture, including the planting, thinning and harvesting of timber, provided it is done in accordance with Article VIII of this chapter;
 - (4) The pasturing of livestock and the construction and maintenance of fences;
 - (5) The cultivation of agricultural crops;

- (6) The construction and maintenance of duck blinds;
 - (7) The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
 - (8) 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.
- B. Uses which do not require the issuance of a zoning permit and which may involve filling, flooding, draining, dredging, ditching, tiling or excavating to the extent specifically provided below:
- (1) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
 - (2) The cultivation of cranberries, including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries;
 - (3) The maintenance and repair of existing agricultural drainage systems, including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system, provided that dredged spoil is placed on existing spoil banks where possible;
 - (4) The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - (5) The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
 - (6) The maintenance, repair, replacement or reconstruction of existing town and County highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- C. Uses which require the issuance of a zoning 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 are necessary for agricultural cultivation, provided that:
 - (a) The road cannot as a practical matter be located outside the wetland; and
 - (b) The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland and meets the following standards:

- [1] The road shall be designed and constructed as a single-lane roadway with only such depth and width necessary to accommodate the machinery required to conduct agricultural and silvicultural activities;
 - [2] Road construction activities are to be carried out in the immediate area of the roadbed only;
 - [3] Any filling, flooding, draining, dredging, ditching, tiling or excavating that is to be done must be necessary for the construction or maintenance of the road; and
 - [4] Roads constructed for silviculture and intermittent agriculture activity are completely removed and the area restored to natural condition upon completion of the activity or inactivity for a period of 12 months.
- (2) The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation, if such building cannot as a practical matter be located outside the wetland, provided that:
 - (a) Any such building does not exceed 500 square feet in floor area and is not designed for human habitation; and
 - (b) No filling, flooding, draining, dredging, ditching, tiling or excavating is to be done except limited excavating necessary to provide structural support for the building.
 - (3) The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, provided that:
 - (a) Any private recreation or wildlife habitat area must be used exclusively for that purpose and the applicant has received a permit or license under Ch. 29, Wis. Stats., where applicable;
 - (b) Limited filling and excavating necessary for the development of public boat launching ramps and access roads may be allowed provided that they cannot, as a practical matter, be located outside the wetland; and
 - (c) Ditching, excavating, dredging, and dike and dam construction may be done in wildlife refuges, game preserves and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
 - (4) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related 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:

- (a) The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland; and
 - (b) Any filling, excavating, ditching or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.
- (5) The construction and maintenance of railroad lines, provided that:
- (a) The railroad lines cannot as a practical matter be located outside the wetland; and
 - (b) Any filling, excavating, ditching or draining that is to be done must be necessary for such construction or maintenance and must be done in manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.

§ 396-46. Prohibited uses.

Any use not listed in § 396-45A, B or C is prohibited, unless the Shoreland-Wetland District or a portion of the district has been rezoned by amendment of this chapter in accordance with § 59.69(5)(e), Wis. Stats., Ch. NR 115, Wis. Adm. Code, and § 396-48 of this chapter.

§ 396-47. Site requirements.

A. Yard requirements. All structural uses except for utilities and transportation shall meet the following minimum setback requirements:

- (1) Class A highway (state highway): 110 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.
- (2) Class B highway (County trunk): 83 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.
- (3) Class C highway (town road): 63 feet from center line or 30 feet from lot line, whichever measures furthest into the lot.
- (4) Front lot line: 30 feet for all structures.
- (5) Rear lot line: 30 feet for dwelling and attached accessory structures; 10 feet for detached accessory building.
- (6) Side lot line: 10 feet for all structures.
- (7) Ordinary high-water mark: minimum 75 feet (see § 396-10B and Article XI).

NOTE: Subsection A(4), (5) and (6) are subject to Subsection A(1), (2) and (3) above.

B. Height requirements. **[Amended 4-17-2019 by Ord. No. 8-2019]**

- (1) All structures: maximum 35 feet (see § 396-10A and Article XI).

C. Lot/area requirements. **[Amended 4-17-2019 by Ord. No. 8-2019]**

- (1) For parcels zoned conservancy or shoreland-wetland in their entirety, the following requirements apply:
 - (a) Sewered lots [§ NR 115.05(l)(a)1, Wis. Adm. Code]: minimum area and width for each lot. The minimum lot area shall be 10,000 square feet and the minimum average lot width shall be 65 feet.
 - (b) Unsewered lots [§ NR 115.05(l)(a)2, Wis. Adm. Code]: minimum area and width for each lot. The minimum lot area shall be 20,000 square feet and the minimum average lot width shall be 100 feet.
- (2) For parcels not zoned conservancy or shoreland-wetland in their entirety, the following requirements apply:
 - (a) Sewered lots [§ NR 115.05(l)(a)1, Wis. Adm. Code]: minimum area and width for each lot. The minimum lot area shall be 10,000 square feet and the minimum average lot width shall be 65 feet.
 - (b) Unsewered lots [§ NR 115.05(l)(a)2, Wis. Adm. Code]: minimum area and width for each lot. The minimum lot area shall be 20,000 square feet and the minimum average lot width shall be 100 feet.

§ 396-48. Rezoning of lands in Shoreland-Wetland District.

NOTE: Only the minimum area of the lot required for the proposed use shall be considered for rezoning.

- A. For all proposed text and map amendments to the Shoreland-Wetland District, the appropriate district and area offices of the Department of Natural Resources shall be provided with the following:
 - (1) A copy of every petition for a text or map amendment to the Shoreland-Wetland District, within five days of filing such petition with the Planning and Zoning Department. Such petition shall include a copy of the Wisconsin Wetland Inventory Map adopted as part of this chapter describing any proposed rezoning of a shoreland-wetland;
 - (2) Written notice of the public hearing to be held on a proposed amendment, at least 10 days prior to such hearing;
 - (3) A copy of the Planning and Zoning Committee's findings and recommendations on each proposed amendment, within 10 days after the submission of those findings and recommendations to the County Board; and
 - (4) Written notice of the County Board's decision on the proposed amendment, within 10 days after it is issued.
- B. Shoreland-wetland or portion thereof shall not be rezoned unless in the best interest of Adams County citizens and protection of the local natural resources. The petitioner shall have the burden to demonstrate the proposed rezone of a previously established district is in the best interest of Adams County citizens.

- (1) A wetland district or portion thereof shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
 - (a) Stormwater and floodwater storage capacity;
 - (b) Maintenance of dry stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
 - (c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - (d) Shoreline protection against soil erosion;
 - (e) Fish spawning, breeding, nursery or feeding grounds;
 - (f) Wildlife habitat;
 - (g) Areas of special recreational, scenic or scientific interest, including scarce wetland types; or
 - (h) 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.
 - (2) The burden of proof that the proposed rezone will not have "significant adverse impact" shall fall upon the petitioner. Petitioner shall supply the information requested on the appropriate inventory checklist and present the information to the Planning and Zoning Committee at the time of rezoning request.
- C. If the Department of Natural Resources has notified the Planning and Zoning Committee that a proposed amendment to the Shoreland-Wetland District may have a significant adverse impact upon any of the criteria listed in Subsection B of this section, that amendment, if approved by the County Board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed since written notice of the County Board's approval of this amendment was 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."

§ 396-49. Special exceptions.

The following uses shall be allowed upon issuance of a special exception permit as provided in § 396-84 of this chapter and issuance of a Department of Natural Resources permit, where required by Chs. 30 and 31, Wis. Stats.:

A. Dams, power plants, flowages and ponds.

NOTE: Wildlife ponds and wetland scrapes approved as appropriate by the Planning and Zoning Administrator, Planning and Zoning Committee, federal or state authorities and/or the USDA Farm Service Agency and/or the USDA Natural Resources Conservation Service are exempted from obtaining a special exception permit (a zoning permit may be required).

B. Relocation of any watercourse.

ARTICLE XV
Conservancy District

§ 396-50. Designation.

This district includes all lands within the jurisdiction of this chapter which are designated as Conservancy District on the Official Shoreland, Wetland and Habitat Protection Zoning Maps for Adams County which have been adopted under § 396-42 of this chapter. Conservancy districts are often comprised of areas of intermittent wetlands dispersed within an area characterized largely and generally by wetlands and may or may not be wetlands in their entirety.

§ 396-51. Purpose.

The purpose of the Conservancy District is 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 of shorelands; to protect and preserve 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; and to control building and development in in these areas whenever possible (also see § 396-4C). When development is permitted in a Conservancy District, the development should occur in a manner that minimizes adverse impacts upon the land and overall environment.

§ 396-52. Permitted uses.

The following uses shall be allowed, subject to the general zoning regulations in this chapter, the provisions of Chs. 30 and 31, Wis. Stats., and the provisions of other state and federal laws, if applicable:

- A. Any use permitted under § 396-45 of this chapter.
- B. Nonresidential buildings used exclusively for farm operations, provided that no filling is necessary for the construction of such building. Excavation is allowed for placement of gravel base and/or concrete; however, final grade shall not exceed original elevation.

§ 396-53. Prohibited uses.

Any use prohibited under § 396-46 of this chapter.

§ 396-54. Site requirements.

- A. Yard requirements. All structural uses except for utilities and transportation shall meet the following minimum setback requirements:
 - (1) Class A highway (state highway): 110 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.
 - (2) Class B highway (County trunk): 83 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.

- (3) Class C highway (town road): 63 feet from center line or 30 feet from lot line, whichever measures furthest into the lot.
- (4) Front lot line: 30 feet for all structures.
- (5) Rear lot line: 30 feet for dwelling and attached accessory structures; 10 feet for detached accessory building.
- (6) Side lot line: 10 feet for all structures.
- (7) Ordinary high-water mark: minimum 75 feet (see § 396-10B and Article XI).

NOTE: Subsection A(4), (5) and (6) are subject to Subsection A(1), (2) and (3) above.

B. Height requirements. [Amended 4-17-2019 by Ord. No. 8-2019]

- (1) All structures: maximum 35 feet (see § 396-10A and Article XI).

C. Lot/area requirements. The following requirements apply: [Amended 4-17-2019 by Ord. No. 8-2019]

- (1) Sewered lots [§ NR 115.05(1)(a)1, Wis. Adm. Code]: minimum area and width for each lot. The minimum lot area shall be 10,000 square feet and the minimum average lot width shall be 65 feet.
- (2) Unsewered lots [§ NR 115.05(1)(a)2, Wis. Adm. Code]: minimum area and width for each lot. The minimum lot area shall be 20,000 square feet and the minimum average lot width shall be 100 feet.

§ 396-55. Rezoning of lands in Conservancy District.

NOTE: Only the minimum area of the lot required for the proposed use shall be considered for rezoning.

- A. For all proposed text and map amendments to the Conservancy District, the appropriate district and area offices of the Department of Natural Resources shall be provided with the following:
 - (1) A copy of every petition for a text or map amendment to the Conservancy District, within five days of filing such petition with the Planning and Zoning Department;
 - (2) Written notice of the public hearing to be held on a proposed amendment, at least 10 days prior to such hearing;
 - (3) A copy of the Planning and Zoning Committee's findings and recommendations on each proposed amendment, within 10 days after the submission of those findings and recommendations to the County Board; and
 - (4) Written notice of the County Board's decision on the proposed amendment, within 10 days after it is issued.
- B. A conservancy district or portion thereof shall not be rezoned unless in the best

interest of Adams County citizens. The petitioner shall have the burden to demonstrate the proposed rezone of a previously established district is in the best interest of Adams County citizens.

- (1) A conservancy district or portion thereof shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
 - (a) Stormwater and floodwater storage capacity;
 - (b) Maintenance of dry stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
 - (c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - (d) Shoreline protection against soil erosion;
 - (e) Fish spawning, breeding, nursery or feeding grounds;
 - (f) Wildlife habitat; or
 - (g) Areas of special recreational, scenic or scientific interest, including scarce wetland types.
- (2) The burden of proof that the proposed rezone will not have "significant adverse impact" shall fall upon the petitioner. Petitioner shall supply the information requested on the appropriate inventory checklist and present the information to the Planning and Zoning Committee at the time of rezoning request.

§ 396-56. Special exceptions.

Any special exception allowed under § 396-49 of this chapter.

ARTICLE XVI
Recreational-Residential District

§ 396-57. Designation.

This district shall include all lands within the jurisdiction of this chapter that are designated as Recreational-Residential District on the Adams County Official Shoreland, Wetland and Habitat Protection Zoning Maps which have been adopted in § 396-42 of this chapter.

§ 396-58. Purpose.

The purpose of the Recreational-Residential District is to protect the waters, shorelands and wetlands of Adams County by providing for safe and orderly development in these areas. Recreational-Residential Districts are particularly suited for residential and recreational uses. In this district, residential, recreational and various other uses are permitted, and a limited number of commercial uses serving recreational needs are allowed as special exceptions.

§ 396-59. Permitted uses. [Amended 4-17-2019 by Ord. No. 8-2019]

- A. Year-round single-family dwellings for owner occupancy and non-temporary rent or lease (see Article XXIII).
- B. Seasonal single-family dwellings for owner occupancy and non-temporary rent or lease.
- C. Home occupations and professional home offices.
- D. Domestic animals: limit of two per dwelling unit.
- E. Accessory structures and uses.
- F. Essential utility services.
- G. Signs, as specified in § 396-76 of this chapter.
- H. Hiking, fishing, trapping, hunting, swimming, boating and self-contained recreational vehicle camping: maximum of two camping units per parcel. (NOTE: Park model trailers are allowed only in licensed campgrounds.)
- I. 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.
- J. The practice of silviculture, including the planting, thinning and harvesting of timber, provided it is done in accordance with Article VIII and § 396-45C of this chapter.
- K. The construction and maintenance of duck blinds.
- L. The construction and maintenance of piers, docks and walkways in accordance with § 396-9 of this chapter.

- M. The maintenance, repair, replacement, and reconstruction of existing town, County, and state highways and bridges.
- N. The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, provided that:
 - (1) Any private recreation or wildlife habitat area must be used exclusively for that purpose.
 - (2) Limited filling and excavating necessary for the development of boat launching ramps and access roads may be allowed provided that they are designed and constructed to minimize the adverse impact upon the natural functions of the area.
 - (3) Ditching, excavating, dredging, and dike and dam construction may be done in wildlife refuges, game preserves and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

§ 396-60. Site requirements.

- A. Yard requirements. All uses shall meet the following minimum setback requirements:
 - (1) Class A highway (state highway): 110 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.
 - (2) Class B highway (County trunk): 83 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.
 - (3) Class C highway (town road): 63 feet from center line or 30 feet from lot line, whichever measures furthest into the lot.
 - (4) Front lot line: 30 feet for all structures.
 - (5) Rear lot line: 30 feet for dwelling and attached accessory structures; 10 feet for detached accessory building.
 - (6) Side lot line: 10 feet for all structures.
 - (7) Ordinary high-water mark: minimum 75 feet (see § 396-10B and Article XI).

NOTE: Subsection A(4), (5) and (6) are subject to Subsection A(1), (2) and (3) above.
- B. Height requirements.
 - (1) The following requirements apply:
 - (a) Primary structures maximum: 35 feet.
 - (b) Accessory structure maximum: 35 feet (see § 396-10A and Article XI).

[Amended 4-17-2019 by Ord. No. 8-2019]

- (2) Exceptions.
 - (a) Chimneys and flues.
 - (b) Electric power and communication transmission lines.
- C. Lot/area requirements. **[Amended 4-17-2019 by Ord. No. 8-2019]**
 - (1) Sewered lots [§ NR 115.05(1)(a)1, Wis. Adm. Code]: minimum area and width for each lot. The minimum lot area shall be 10,000 square feet and the minimum average lot width shall be 65 feet.
 - (2) Unsewered lots [§ NR 115.05(1)(a)2, Wis. Adm. Code]: minimum area and width for each lot. The minimum lot area shall be 20,000 square feet and the minimum average lot width shall be 100 feet.

§ 396-61. Special exceptions.

The following uses are permitted upon issuance of a special exception permit according to the procedure set forth in § 396-84 of this chapter: (NOTE: Unless otherwise specified in the special exception permit, any structure shall be set back at least 75 feet from a property line.)

- A. Single-wide manufactured homes.
- B. Duplexes and multiple residential dwelling unit structures serving up to and including four-family buildings.
- C. Temporary rent or lease of single-family, duplex and multifamily dwellings.
- D. Accessory structures and uses prior to primary structures and uses.
- E. Hotels, resorts, taverns and private clubs.
- F. Institutions of a philanthropic or educational nature.
- G. Recreational camps and campgrounds. Recreational and educational camps shall conform to Ch. ATCP 78, Wis. Adm. Code, and campgrounds shall conform to Ch. ATCP 79, Wis. Adm. Code, which shall apply until amended and then apply as amended.
- H. Community-based residential facility (CBRF).
- I. Day-care center.
- J. Nursing home.
- K. Gift and specialty shops customarily found in recreational areas.
- L. Marinas, boat liveries, sale of bait, fishing equipment, boats and motors, and golf courses.
- M. Fish farms and forest industries.

- N. Manufactured home parks, provided:
- (1) The minimum area for each manufactured home park shall be five acres.
 - (2) Every manufactured home lot shall have the following minimum dimensions exclusive of park streets:
 - (a) Area: 12,500 square feet.
 - (b) Width (at manufactured home): 80 feet.
 - (c) Depth: 100 feet.
 - (3) Occupied lot area ratio. The accumulated area of the manufactured home and its accessory structures on a manufactured home lot shall not exceed 20% of the respective lot area.
 - (4) Required setbacks.
 - (a) Each manufactured home shall be located at least 10 feet from any manufactured home lot line.
 - (b) All manufactured homes shall meet the setback requirements in Article III of this chapter.
- O. Recreational vehicle park, provided it shall conform to the requirements of Ch. ATCP 79, Wis. Adm. Code, which shall apply until amended and then apply as amended.
- P. Signs not permitted by Article XIX of this chapter.
- Q. All special exceptions listed in § 396-49 of this chapter.

§ 396-62. Vegetation removal and cutting.

Vegetation removal/cutting regulations as set forth in Article VIII of this chapter shall apply.

ARTICLE XVII

Recreational-Residential Single-Family Conservation (R-RC) District**§ 396-63. Designation.**

This district shall include all lands within the jurisdiction of this chapter that are designated as Recreational-Residential Single-Family Conservation District on the Adams County Official Shoreland, Wetland and Habitat Protection Zoning Maps which have been adopted in § 396-42 of this chapter.

§ 396-64. Purpose.

The R-RC District is intended to require the use of nontraditional residential subdivision design known as "conservation subdivision," that will cluster the residential parcels and preserve open space and forest land, but so designed to be spacious and protected from encroachment of noncompatible land use, noise and traffic hazard. The district is also intended to avoid overcrowding by requiring certain minimum yards, open spaces and site area while making available dwellings designed for and occupied exclusively by one family.

§ 396-65. Permitted uses.

A. Development area.

- (1) Single-family dwelling (seasonal or year round) for owner occupancy or long-term rent or lease.
- (2) Signs, as specified in Article XIX of this chapter.
- (3) Residential condominium.
- (4) Accessory apartment.
- (5) Accessory buildings.
- (6) Home occupation.
- (7) Professional home office.
- (8) Essential utility services.
- (9) Customary accessory uses.

B. Preservation area (collectively, building structures shall not exceed 10% of the undivided permanent open space).

- (1) Park.
- (2) Playground.
- (3) Sport and recreation court/field.
- (4) Pond.
- (5) Temporary use of an office or shelter for material and equipment being used

in the construction of a permanent structure may be permitted by the Planning and Zoning Administrator.

§ 396-66. Site requirements.

A. Yard requirements. All uses shall meet the following minimum setback requirements:

- (1) Class A highway (state highway): 110 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.
- (2) Class B highway (County trunk): 83 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.
- (3) Class C highway (town road): 63 feet from center line or 30 feet from lot line, whichever measures furthest into the lot.
- (4) Front lot line: 30 feet for all structures.
- (5) Rear lot line: 30 feet for dwelling and attached accessory structures; 10 feet for detached accessory building.
- (6) Side lot line: 10 feet for all structures.
- (7) Ordinary high water mark: 75 feet for all structures. **[Added 4-17-2019 by Ord. No. 8-2019]**

NOTE: Subsection A(4), (5) and (6) are subject to Subsection A(1), (2) and (3) above.

B. Height requirements.

- (1) Residential structure and attached accessory structure maximum: 35 feet.
- (2) Detached residential accessory structure maximum: 35 feet. **[Amended 4-17-2019 by Ord. No. 8-2019]**
- (3) All other structures and facilities maximum: 35 feet.
- (4) Exceptions:
 - (a) Chimneys and flues.
 - (b) Electric power and communication transmission lines.

C. Lot/area requirements.

- (1) Project area: minimum 20 acres.
- (2) Development lots: **[Amended 4-17-2019 by Ord. No. 8-2019]**
 - (a) Sewered lots [§ NR 115.05(1)(a)1, Wis. Adm. Code]: minimum area and width for each lot. The minimum lot area shall be 10,000 square feet and the minimum average lot width shall be 65 feet.
 - (b) Unsewered lots [§ NR 115.05(1)(a)2, Wis. Adm. Code]: minimum area

and width for each lot. The minimum lot area shall be 20,000 square feet and the minimum average lot width shall be 100 feet.

(3) Preservation area:

- (a) Fifty percent or more of the developable land, and all undevelopable land area shall be designated as undivided permanent open space.
- (b) All the land which is not divided into development land shall be designated as permanent open space, not to be further subdivided, and protected through conservation easement held by the County, by a recognized land trust or conservancy, or shall be held in common by equal shares by the owners of the development lots. All development lots capable of being further divided shall be restricted from further division by setting forth such restrictions in a recordable document naming the County as an interested party with standing to enforce such restrictions.

§ 396-67. Special exceptions.

A. Preservation area:

- (1) Association lodge.
- (2) Public emergency shelter.
- (3) Marina.

B. Development lot:

- (1) Multifamily dwelling.
- (2) Temporary rental of dwelling (30 days or less).

§ 396-68. Vegetation removal and cutting.

Vegetation removal/cutting regulations as set forth in Article VIII of this chapter shall apply.

ARTICLE XVIII
General Purpose District

§ 396-69. Designation.

This district shall include all lands within the jurisdiction of this chapter that are not included in the: Shoreland-Wetland District, Recreational-Residential Districts or Conservancy District.

§ 396-70. Purpose.

Areas other than those contained in the above-referenced districts under § 396-69 are potentially suited to a wide range of uses, including industrial, commercial, agricultural, residential, forestry and recreational uses. The General Purpose District will be used to allow a wide range of uses, subject to the general provisions of this chapter, which are designed and intended to further the maintenance of safe and healthful conditions; protect spawning grounds, fish and aquatic life; and preserve shore cover, wetlands, habitat and natural beauty. Minimum separating distances are provided to reduce conflicting land uses between potentially incompatible uses.

§ 396-71. Permitted uses.

The following uses shall be allowed, subject to the general zoning regulations in this chapter. Various permits are required for some of the following uses:

- A. Retail commercial uses (examples include hotel, resort, tavern, department store, grocery store, and gift shop).
- B. Noncommercial recreational uses, including hiking, fishing, swimming, boating and self-contained recreational vehicle camping (two camping units per parcel).
- C. Year-round single-family dwellings for owner occupancy and non-temporary rent or lease (see Article XXIII).
- D. Seasonal single-family dwellings for owner occupancy and non-temporary rent or lease.
- E. Medical clinics and hospitals.
- F. Day-care center.
- G. Home occupations.
- H. Essential utility services.
- I. Accessory structures and uses.
- J. Signs, as specified in Article XIX of this chapter.
- K. Hiking, fishing, trapping, hunting, swimming, boating and self-contained recreational vehicle camping (two camping units per parcel).
- L. 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.

- M. The practice of silviculture, including the planting, thinning and harvesting of timber, provided it is done in accordance with Article VIII and § 396-45C of this chapter.
- N. The construction and maintenance of duck blinds.
- O. The construction and maintenance of piers, docks and walkways in accordance with § 396-9 of this chapter.
- P. The maintenance, repair, replacement, and reconstruction of existing town, County, and state highways and bridges.
- Q. The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, provided that:
 - (1) Any private recreation or wildlife habitat area must be used exclusively for that purpose allowed only if permits per Ch. 29, Wis. Stats., have been approved. **[Amended 4-17-2019 by Ord. No. 8-2019]**
 - (2) Limited filling and excavating necessary for the development of boat launching ramps and access roads may be allowed provided that they are designed and constructed to minimize the adverse impact upon the natural functions of the area.
 - (3) Ditching, excavating, dredging, and dike and dam construction may be done in wildlife refuges, game preserves and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

§ 396-72. Special exceptions.

The following uses and related structures may be allowed by petitioning for a special exception permit:

- A. Wholesale commercial and industrial uses may be permitted upon issuance of a special exception permit by the Board of Adjustment as provided in § 396-84 of this chapter. Any intended discharge of new waste into surface waters must be reported to the Department of Natural Resources and approved by the Department as provided in the Wisconsin Statutes and Wisconsin Administrative Code.
- B. Agricultural uses, provided livestock shall not be housed, pastured or otherwise permitted closer than 100 feet to any navigable water and shall be located so that no wastes or runoff will drain into any navigable water. Livestock raising is limited to fewer than 25 animal units per acres.
- C. Temporary rent or lease of single-family, duplex and multifamily dwellings.
- D. Accessory structures and uses prior to primary structures and uses.
- E. Single-wide manufactured homes.

- F. Community-based residential facility (CBRF) and boardinghouses.
- G. Nursing homes.
- H. Kennel.
- I. Institutions of a philanthropic or educational nature.
- J. Recreational camps, recreational vehicle (RV) parks and campgrounds. Recreational and educational camps shall conform to Ch. ATCP 78, Wis. Adm. Code, and RV parks and campgrounds shall conform to Ch. ATCP 79, Wis. Adm. Code, which shall apply until amended and then apply as amended.
- K. Marinas, boat liveries, sale of bait, fishing equipment, boats and motors, fish farms, forest industries and golf courses.
- L. Manufactured home parks, provided:
 - (1) The minimum area for each manufactured home park shall be five acres.
 - (2) Every manufactured home lot shall have the following minimum dimensions exclusive of park streets:
 - (a) Area: 12,500 square feet.
 - (b) Width (at manufactured home): 80 feet.
 - (c) Depth: 100 feet.
 - (3) Occupied lot area ratio. The accumulated area of the manufactured home and its accessory structures on a manufactured home lot shall not exceed 20% of the respective lot area.
 - (4) Required setbacks.
 - (a) Each manufactured home shall be located at least 10 feet from any manufactured home lot line.
 - (b) All manufactured homes shall meet the setback requirements in Article III of this chapter.
- M. Planned residential community (see § 396-75).

§ 396-73. Vegetation removal and cutting.

Vegetation removal/cutting regulations as set forth in Article VIII of this chapter shall apply.

§ 396-74. Site requirements.

- A. Yard requirements. All uses shall meet the following minimum setback requirements:
 - (1) Class A highway (state highway): 110 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.

- (2) Class B highway (County trunk): 83 feet from center line or 50 feet from lot line, whichever measures furthest into the lot.
 - (3) Class C highway (town road): 63 feet from center line or 30 feet from lot line, whichever measures furthest into the lot.
 - (4) Front lot line: 30 feet for all structures.
 - (5) Rear lot line: 30 feet for dwelling and attached accessory structures; 10 feet for detached accessory building.
 - (6) Side lot line: 10 feet for all structures.
 - (7) Any lot line abutting any Recreational-Residential or Planned Residential District: 100 feet for all structures.
 - (8) Ordinary high-water mark: minimum 75 feet (see § 396-10B and Article XI).
- NOTE: Subsection A(4), (5) and (6) are subject to Subsection A(1), (2) and (3) above.

B. Height requirements.

- (1) Principal structure maximum: 35 feet.
- (2) Accessory structure maximum: 35 feet (see § 396-10A and Article XI).
[Amended 4-17-2019 by Ord. No. 8-2019]

C. Lot/area requirements. **[Amended 4-17-2019 by Ord. No. 8-2019]**

- (1) Sewered lots [§ NR 115.05(1)(a)1, Wis. Adm. Code]: minimum area and width for each lot. The minimum lot area shall be 10,000 square feet and the minimum average lot width shall be 65 feet.
- (2) Unsewered lots [§ NR 115.05(1)(a)2, Wis. Adm. Code]: minimum area and width for each lot. The minimum lot area shall be 20,000 square feet and the minimum average lot width shall be 100 feet.

§ 396-75. Planned residential community.

- A. Purpose. The planned residential community is intended to permit residential and compatible mixed-use development where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed as a conventional subdivision. A condition of all planned residential community development is the preservation of certain open space, preferably in the shoreland area, in perpetuity.
- B. Requirements for planned residential community. All planned residential community development shall meet the following requirements:
 - (1) Project area. The area proposed for the planned residential community shall be at least five acres in size.
 - (2) Project water frontage (if applicable): minimum of 200 feet.

- (3) Density. Whether multifamily or individual, the number of dwelling units shall not exceed that which would have been possible if the same land were platted in accordance with the minimum lot sizes and widths provided by the applicable provisions of Chapter 405, Zoning, of the County Code and other applicable ordinances.
 - (4) Vegetative buffer zone and preservation of ground cover. The location of lots and the dedication of part of the land for use by the public or residents of the planned residential community shall preserve the vegetative buffer zone and ground cover of the area to enhance scenic beauty of the navigable water and wetlands, prevent erosion, and provide wildlife habitat.
 - (5) Open space. All lands not used for lots and streets shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of lots in the development or to a corporation formed by them or by dedication to the County, town or municipality. Lands dedicated to the public must be accepted by action of the governing body of the accepting unit of government. If the land is to be conveyed to owners of lots in the development, a homeowners' association or similar legally constituted body shall be created to maintain the open space land. Any restriction placed on platted land by covenant, grant of easement or any other manner which was required by a public body or which names a public body as grantee, promisee or beneficiary shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction.
- C. Procedure for establishing a planned residential community. When considering approval of a planned residential community the County shall consider whether proposed structural density, lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways and wetlands. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions in Article VIII shall apply, except that the maximum width of a viewing corridor shall be 100 feet and the minimum vegetative buffer depth shall be increased proportionately based on site conditions to offset the impact of the proposed development. The procedure for establishing a planned residential community shall be as follows:
- (1) Petition. A petition setting forth all of the facts required in Subsection B shall be submitted to the Planning and Zoning Department.
 - (2) Review and hearing. The petition shall be submitted to the Board of Adjustment which shall hold a public hearing. Copies of the petition and notice of the hearing shall also be sent to the appropriate office of the Department as described in Article XX of this chapter.
 - (3) Findings and conditions of approval. The Board of Adjustment shall make written findings as to the compliance or noncompliance of the proposed planned residential community with each of the applicable requirements set forth in Subsection B. If the petition is granted in whole or part, the Board of Adjustment shall attach such written conditions to the approval as are required

by and consistent with Subsection B. 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. The findings of the Board of Adjustment shall reflect the recommendations of any federal, state or local agency with which the Board of Adjustment consults.

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

ARTICLE XIX

Signs**§ 396-76. Basic requirements.**

The following apply to all signs in all districts:

- A. No sign shall be located, erected, moved, reconstructed, enlarged or altered until a zoning permit has been issued, except as exempted in § 396-80 of this chapter.
- B. Any sign intended to be read from the water shall be set back at least 75 feet from the ordinary high-water mark and shall not exceed 30 square feet in area.
- C. The owner of any sign shall keep it in good maintenance and repair, including restoring, repainting, or replacing a worn or damaged legally existing sign to its original condition.

§ 396-77. Recreational-Residential, Recreational-Residential Single-Family Conservation and Planned Residential Community Districts.

The following signs shall be permitted in Recreational-Residential, Recreational-Residential Single-Family Conservation and Planned Residential Community Districts:

- A. Signs specifically exempted in § 396-80 of this chapter.
- B. On-premises ground signs not exceeding 40 square feet, identifying an apartment, condominium, manufactured home park, subdivision, multiple-family use or a permitted business or commercial use.

§ 396-78. General Purpose District.

The following signs shall be permitted in a General Purpose District:

- A. Temporary signs when permitted by the County Planning and Zoning Committee as a conditional use. The Planning and Zoning Committee shall, in each case, determine the structural type of sign permitted, the maximum size permitted and the time period the sign may remain in use.
- B. Wall signs placed against the exterior walls of buildings and, for any one premises, not exceeding 40 square feet in area.
- C. Projecting signs not exceeding 40 square feet in area for any one premises.
- D. Awning and canopy signs not exceeding 40 square feet in area for any one premises.
- E. Ground signs not exceeding 40 feet in height above the mean center-line street grade. They shall not exceed 40 square feet on one side or 80 square feet on all sides. No ground sign shall be placed closer than 80 feet to another ground sign. Such signs may be placed at the right-of-way line.
- F. Roof signs not exceeding 10 feet in height above the roof. They shall not exceed 40 square feet on all sides for any one premises.

- G. Portable signs not exceeding 40 square feet on one side or 80 square feet on all sides.
- H. Window signs.
- I. Signs permitted in § 396-77 of this chapter.
- J. Signs specifically exempted in § 396-80 of this chapter.

NOTE: Larger signs may be permitted by the Board of Adjustment upon a finding of fact that increased size shall be necessary to inform the public.

§ 396-79. Shoreland-Wetland and Conservancy Districts.

The following signs shall be permitted in Shoreland-Wetland and Conservancy Districts: signs listed in § 396-80A, B, E, F, G, H and I.

§ 396-80. Signs permitted in all districts.

The following signs are permitted in all districts without permit, but subject to the following regulations:

- A. Real estate ground or wall signs not exceeding eight square feet in area which advertise the sale, rental, or lease of the premises upon which the signs are temporarily located. Such signs may be placed at the right-of-way line.
- B. Ground signs identifying the name and address of the resident, not exceeding six square feet in area, and located on the premises. Such signs may be located at the right-of-way line.
- C. Home occupation and professional home office signs not exceeding nine square feet in area on any one side, located on the premises, and not illuminated after 10:00 p.m. or before 8:00 a.m.
- D. Bulletin boards on ground or wall signs not exceeding 36 square feet in area, located on the premises, and used by public, charitable, or religious institutions. Such signs may be placed at the right-of-way line.
- E. Memorial signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal or wood and affixed flat against a structure.
- F. Official ground signs, such as traffic control, parking restrictions, information and notices. As allowed by the state, County and town, such signs may be placed up to the pavement edge.
- G. Political signs provided the following provisions are met:
 - (1) No sign is erected more than 60 days prior to the election.
 - (2) All signs are removed within seven days after the election.
 - (3) No sign shall be attached or placed on utility poles or traffic devices within a public right-of-way.

- (4) The graphic message must relate to candidates or beliefs at issue in the current election.
 - (5) Persons or committees authorizing the distribution or posting of campaign materials shall be responsible for compliance with the provisions of this chapter.
- H. Field demonstration and test plot signs.
- I. Incidental signs such as "No Trespassing," "No Hunting" and similar.

ARTICLE XX
Administration

§ 396-81. Planning and Zoning Administrator.

- A. The Planning and Zoning Administrator or his designee shall exercise the following duties and powers:
- (1) Advise applicants as to the provisions of this chapter and assist them in preparing permit applications.
 - (2) Issue permits and inspect properties for compliance with this chapter.
 - (3) Keep records of all permits issued, inspections made, work approved and other official actions.
 - (4) Have access to any structure or premises during reasonable hours for the purpose of performing his duties.
 - (5) Issue directives and orders and report violations of this chapter and other applicable regulations to the Planning and Zoning Committee and Corporation Counsel.

NOTE: Written notice shall be given to the appropriate district and area offices of the Department of Natural Resources at least 10 days prior to hearings on proposed shoreland variances, special exceptions, appeals for map or text interpretations and map or text amendments.

- B. Copies of decisions on shoreland variances, special exceptions, appeals for map or text interpretations and map or text amendments shall be submitted to the appropriate district or area offices of the Department of Natural Resources within 10 days after they are granted or denied.

§ 396-82. Zoning permits.

- A. Cases when a zoning permit is required:
- (1) Before any building or other structure is erected, moved or structurally altered so as to change its use or increase its floor space.
 - (2) Before placement of riprap or other nonvegetative erosion control devices and structures. Prior to installation, the County must approve the zoning permit which shall include the design and necessity for all erosion control devices and structures. Adams County shall issue the zoning permit only after the WDNR issues its approval.
 - (3) Before a special exception permit for filling and/or grading may be issued.
 - (4) Before any land use is substantially altered (including pond construction, land clearing and filling and grading for camper slabs).
- B. Application for zoning permit. An application for a zoning permit shall be made to the Planning and Zoning Administrator upon forms furnished and shall include, for the purpose of proper enforcement of these regulations, the following data:

- (1) Name and address of the applicant and property owner.
- (2) Legal description of the subject site, address of the subject site, type of structure or use and the zoning district within which the subject site lies.
- (3) Plat of survey or a location sketch showing the location, boundaries, dimensions, elevations, uses and sizes of the following:
 - (a) Subject site;
 - (b) Existing and proposed structures;
 - (c) Existing and proposed easements, streets and other public ways;
 - (d) Existing and proposed building setbacks; and
 - (e) The ordinary high-water mark of any abutting watercourse and watermark at the day of the sketch.
- (4) Any additional information as may be required by the County Planning and Zoning Committee or the Planning and Zoning Administrator.
- (5) If applicable, inventory checklist.

§ 396-83. Inspection; occupancy permit.

- A. As applicable and permitted, no land shall be occupied, used or altered and no building hereafter erected, altered or moved shall be occupied until the appropriate inspection(s) and/or a final occupancy permit has been issued by the Planning and Zoning Department. Inspection reports shall show that the building or premises or part thereof conforms to all provisions of this chapter.⁴
- B. The Planning and Zoning Administrator may issue a temporary occupancy permit for part of a building, pursuant to rules and regulations established by this chapter and other applicable codes and ordinances.⁵
- C. Upon written request from the owner, the Planning and Zoning Administrator shall issue a letter of compliance for any building or premises existing at the time of the adoption of this chapter, certifying, after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this chapter.

NOTE: An on-site inspection may require a fee.

§ 396-84. Special exception permit.

Unclassified or unspecified uses and any use listed as a special exception in this chapter may be permitted only upon application to the Planning and Zoning Administrator and issuance of a special exception permit by the Board of Adjustment.

- A. Application for a special exception permit. In order to secure information upon

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

which to base its determination, the Board of Adjustment may require the applicant to furnish, in addition to the information required for a zoning permit, the following information:

- (1) A plan of the area showing contours, soil types, driveways, walkways, groundwater conditions, bedrock, slope and vegetative cover.
 - (2) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open spaces and landscaping.
 - (3) Plans of buildings, sewage disposal facilities, water supply systems and arrangements for operation.
 - (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) If applicable, inventory checklist.
- B. Standards applicable to all special exceptions. In passing upon a special exception permit, 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) Existing topographic and drainage features and vegetative cover on the site;
 - (4) The location of the site with respect to floodplains of rivers or streams;
 - (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover;
 - (6) The location of the site with respect to existing or future access roads;
 - (7) The need of the proposed use for the particular location;
 - (8) Its compatibility with uses on adjacent land; and
 - (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.
- C. Conditions attached to special exceptions.
- (1) Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions, in addition to those required elsewhere in this chapter, that it deems necessary in furthering the purposes of this chapter. Such

conditions may include specifications for, without limitation because of specific enumeration, type of shore cover; increased setbacks; specified sewage disposal or water supply facilities; landscaping and planting screens; period of operation; operation control; sureties; deed restrictions; location of piers, docks, parking and signs; type of construction; or any other requirements necessary to fulfill the purpose and intent of this chapter.

- (2) The Board of Adjustment in evaluating each application may request the Planning and Zoning Administrator to make available expert assistance from those state and federal agencies which are assisting said district under a memorandum of understanding and any other state or federal agency which can provide technical assistance.
- D. Notice of public hearing. Before passing upon 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 shall be given in the manner specified in § 396-85D of this chapter, including mailed notice to the district and area offices of the Department of Natural Resources at least 10 days prior to the hearing.
- E. Recording. When a special exception permit is acted upon, an appropriate record shall be made of the land use and structures permitted or denied, and such grant shall be applicable solely to the structures, uses and property so described. A copy of any decision granting a special exception permit shall be mailed to the district and area offices of the Department of Natural Resources.
- NOTE: When a special exception permit is denied, the Board shall state in writing the grounds for refusing the permit.
- F. Termination. Where a special exception does not continue in conformity with the conditions of the original approval, the special exception shall be terminated by action of the Board of Adjustment.

§ 396-85. Board of Adjustment.

- A. Creation of the Board.
- (1) The Chair of the County Board is hereby directed to appoint a Board of Adjustment according to § 59.694, Wis. Stats., consisting of five members and two alternates.
 - (2) The members shall all reside within the County and outside of limits of incorporated cities and villages; provided, however, that no two members may reside in the same town. The Board shall choose its own Chair and other officers as may be needed.
 - (3) No member shall be a member of the Planning and Zoning Committee or be a member of the County Board of Supervisors or be a member of a town board.
 - (4) Term of office shall be for three years beginning July 1. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- B. Powers and duties of the Board.

- (1) The Board of Adjustment shall adopt such rules as it deems necessary for the conduct of business and may exercise all of the powers conferred on such boards by § 59.694(7), Wis. Stats.
 - (2) It shall hear and decide appeals where it is alleged there is error in any order, requirements, decisions or determination made by an administrative official in the enforcement or administration of this chapter.
 - (3) It shall hear and decide special exceptions to the terms of this chapter upon which the Board is required to pass under this chapter.
 - (4) It may authorize upon appeal, in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest, where owing to special or unique site conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship, provided the purpose and intent of this chapter are observed. No variance shall have the effect of allowing in any district uses prohibited in that district or permit standards lower than those required by state law.
 - (a) For the purposes of this section, "unnecessary hardship" means whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. Self-created and economic hardship shall not be considered.
 - (b) All parties in interest shall be notified by United States mail of variances and special exceptions.
- C. Appeals to the Board. Appeals to the Board of Adjustment may be taken by a person aggrieved or by an officer, department, board or bureau of the County affected by a decision of the Planning and Zoning Administrator. Such appeal shall be taken within 30 days of written notice of the decision or order of the Planning and Zoning Administrator by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the ground thereof. The Planning and Zoning Administrator shall forthwith transmit to the Board all the documents constituting the record upon which the action appealed from was taken.⁶
- D. Hearing appeals.
- (1) The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and give public notice and such notice to be published in the official newspaper of the County by publishing a Class 2 notice thereof as defined in Ch. 985, Wis. Stats., as well as due notice to the parties in interest, including mailing notice to the district and area offices of the Department of Natural Resources at least 10 days prior to the hearing. Such notice shall specify the date, time and place of the hearing and matters to come before the Board.
 - (2) A decision regarding the appeal shall be made as soon as practicable.

6. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

- (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 Secretary of the Board. Such resolution shall state the specific facts that are the basis for the Board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.
- (4) A copy of any decision granting a variance shall be mailed to the district and area offices of the Department of Natural Resources. If a granted variance is not utilized within two years from the date granted, it becomes null and void.
- (5) Any party may appear in person or by agent or by attorney.
- (6) Review by court of record. Any person or persons aggrieved by any decision of the Board of Adjustment may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board of Adjustment.

§ 396-86. Fees.

- A. The applicant, upon filing of an application, shall pay a fee for the following purposes:
 - (1) Zoning permit;
 - (2) On-site inspections;
 - (3) Special exception permit;
 - (4) Petitions for Zoning Map amendments; and
 - (5) Appeals and variances.
- B. Fees shall be as set from time to time by the Adams County Board of Supervisors upon recommendation from the Planning and Zoning Committee.

ARTICLE XXI
Changes and Amendments

§ 396-87. Amendment procedure.

The County Board of Supervisors of Adams County, Wisconsin, may from time to time alter, supplement or change the boundaries of the use districts and the regulations contained in this chapter in the manner provided by law as follows:

- A. Amendments to this chapter may be made on petition of any interested party in accordance with the provisions of § 59.69(5)(e), Wis. Stats.
- B. Amendments to the Shoreland-Wetland District shall be done in accordance with § 396-48 of this chapter.
- C. Copies of any amendment proposed to the County Board of Supervisors, referred by that Board to the Planning and Zoning Committee, shall be mailed by the Planning and Zoning Department within five days after such referral to the district and area offices of the Department of Natural Resources. Written notice of the public hearing to be held on a proposed amendment shall be mailed to the district and area offices of the Department of Natural Resources at least 10 days prior to the hearing.
- D. A copy of the action taken by the County Board of Supervisors on all amendments shall be forwarded to the district and area offices of the Department of Natural Resources within 10 days after the decision is issued.

ARTICLE XXII
Enforcement and Penalties

§ 396-88. Unlawful structure or use.

Any building or structure hereinafter erected, enlarged, moved or structurally altered or any use hereinafter established in violation of the provisions of this chapter by any person, firm, association, or corporation (including contractors or their agents) shall be deemed as an unlawful structure or use.

§ 396-89. Enforcement.

The Planning and Zoning Administrator may sign a complaint, issue directives or orders, including stop-work orders, and report the violations to the County Corporation Counsel. It shall be the duty of the Corporation Counsel to expeditiously prosecute all such violators.

§ 396-90. Violations and penalties.

A violator shall, upon conviction, forfeit to the County a penalty of not less than \$50 together with the taxable cost in such action and not more than \$500 and every day of violation shall constitute a separate offense.

§ 396-91. Costs for correcting violation.

Additionally, the violator will be required to bear the costs for correcting the violation and may be required to post a cash bond to cover such costs. Any cash posted that is not needed to correct the violation will be returned to the violator.

ARTICLE XXIII
Interpretation and Definitions

§ 396-92. Interpretation.

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. Any word not defined below shall be presumed to have its customary dictionary definition.

§ 396-93. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESS AND VIEWING CORRIDOR — A strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

ACCESSORY STRUCTURE — A structure customarily incidental to another use or structure and on the same lot or parcel as the principal use or structure.

ACCESSORY USE — A use incidental to the principal use of a building. In buildings restricted to residential use, professional home offices, customary home occupations and workshops not conducted for compensation shall be deemed accessory uses.⁷

ACCESS STRIP — Any portion of a parcel that is 66 feet or less in width.

AGRICULTURAL USE [as provided in § 91.01(2), Wis. Stats.] — Beekeeping; commercial feed lots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint, and seed crops; raising of fruits, nuts, and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 U.S.C. §§ 3831 to 3836; participating in the milk conservation reserve program under 7 U.S.C. § 1446(d); and vegetable raising.

ANIMAL UNIT — One animal unit is equivalent to one cow, steer, horse, swine, llama, alpaca, deer, elk, buffalo and other animals similar by size and weight or two sheep or goats or five dogs, cats or other similar animals or 20 mink, rabbits, chickens, or similar animals. For young stock, divide the type of animals by two to determine animal unit equivalents [for example: two calves divided by two equals one cow (one cow equals one animal unit)].

BOARDINGHOUSE — A building, other than a hotel, restaurant or a community-based residential facility, where meals or lodging is regularly furnished for compensation for three or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.

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

7. Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).

BUILDABLE AREA — Land area not encumbered for construction of primary and accessory residential, commercial or industrial structures including on-site sanitary systems. Encumbrances include floodplain, wetland and other unbuildable site conditions.

BUILDING — Any structure, either temporary or permanent, having a roof or other covering and designed or used for the shelter or enclosure of any person, animal, equipment, machinery, materials, or property of any kind.

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

CAMPGROUND —

- A. Any premises established for overnight habitation by persons using equipment designed for the purpose of temporary camping and for which a fee of any sort is charged or exchanged.
- B. A contiguous parcel of land upon which three or more recreational vehicles are placed, located or parked.

CAMPING — Temporary recreational occupancy of a parcel for more than 24 hours utilizing a camping unit or recreational vehicle as a means of shelter.

CAMPING UNIT — Includes recreational vehicles; the basic entities are: conventional travel trailer, popup-type camping trailer, truck camper, motor home and tent.

CLINIC — A place where doctors or dentists provide medical or dental care to people on an outpatient basis.

COMMUNITY-BASED RESIDENTIAL FACILITY (CBRF) — A place where three or more unrelated adults reside in which care, treatment or services above the level of room and board are provided to persons residing in the facility, but not including nursing home.

CORNER LOT — A lot abutting two or more streets at their intersection where the interior angle formed by the street intersection is less than 135°. Any such lot shall be considered to have two front yards.

COUNTY ZONING AGENCY — The Planning and Zoning Committee created by the County Board under § 59.69(2)(a), Wis. Stats., to act in all designated matters pertaining to County planning and zoning.

CRITICAL HABITAT — Areas of aquatic vegetation identified as offering critical or unique fish and wildlife habitat or offering water quality or erosion control benefits to the body of water.

DAY-CARE CENTER — A licensed facility where a person, other than relative or guardian, provides care and supervision for four or more children under seven years of age, for less than 24 hours a day and for compensation.

DEPARTMENT — The Wisconsin Department of Natural Resources.

DISTRICT — A part or parts of the County for which the regulations of this chapter are uniform.

DOMESTIC ANIMAL — Any animal typically or atypically kept as a pet not for harvest of any sort.

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.

DRIVE-IN ESTABLISHMENT — A business establishment whose principal retail or service character depends upon providing a driveway approach or motor vehicle parking space to serve patrons while in their motor vehicles or to permit in-vehicle consumption of food or beverage obtained from the business establishment by the patron.

DUPLEX/TWO-FAMILY DWELLING — A detached structure containing two separate living units and designed for occupancy by not more than two families is a two-family dwelling.

EFFECTIVE DATE — The date this chapter became effective in the particular town.

EROSION CONTROL DEVICE/STRUCTURE — Any material placed at a slope of 2:1 or flatter intended to retard or eliminate the movement of soil resulting from the overland flow of water.

ESSENTIAL SERVICES — Services provided by public and private utilities, necessary for the exercise of a principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communication systems. Accessories, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings greater than 150 square feet in area, are also included.

EXISTING DEVELOPMENT PATTERN — Principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

FENCE — A barrier made of wood, iron, stone, or other materials.

FLOODPLAIN — That land which has been or may be hereafter covered by floodwater during the regional flood, as indicated by Chapter 370, Floodplain Zoning, of the County Code. The floodplain includes the floodway and the flood-fringe as those terms are defined in Ch. NR 116, Wis. Adm. Code.

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

HAND TOOL — An unpowered tool; a device for doing a particular job that does not use a motor, but is powered solely by the person using it.

HEIGHT OF A STRUCTURE — The average height measurement of all existing adjacent grade.

HIGHWAY - CLASS A — All state and federal highways.

HIGHWAY - CLASS B — All County trunks.

HIGHWAY - CLASS C — All town roads, public streets and highways not otherwise classified.

HOME OCCUPATION — Any occupation for gain or support conducted entirely within

a residential structure by its occupant. The use is incidental to the principal use of the premises, does not exceed 20% of the total floor area, employs no more than one nonresident employee, uses only household equipment, and does not keep or sell stock-in-trade except that made on the premises. A home occupation includes uses such as, but not limited to, baby-sitting, millinery, dressmaking, canning, laundering, music teaching to not more than two pupils at one time, and crafts, but does not include the display of any goods visible from the street nor such use as barber or beauty shops, dance schools, real estate brokerage, or photographic studios.

HOTEL — A structure designed, used, or offered for residential occupancy for any period less than one month, including tourist homes and motels but not including hospitals or nursing homes.

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

INCONSPICUOUSLY COLORED — Not readily noticeable or prominent.

JUNKYARD — An area consisting of buildings, structures, or premises where junk waste or discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including house wrecking and structural steel materials, and equipment yards, but not including auto salvage yards.

KENNEL — Any activity involving the permanent or temporary keeping or treatment of a greater number of animals of any type than permitted in any district.

LAGOON — An artificial enlargement of a waterway.

LIVESTOCK — Any horse, bovine, sheep, llama or other ruminants, goat, pig or domestic fowl or other animal whether or not raised for harvest of any sort, including fur-bearing animals and game fowl raised in captivity.

LOT — A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this chapter.

LOT AREA — The total area within the lot lines of the lot or parcel, except that any portion of a lot less than 33 feet wide shall not be used in computing lot area.

LOT LINE — A line marking a boundary of a lot or parcel of land.

LOT LINE, FRONT — A line dividing a lot from any public highway or street, except a limited or controlled access highway to which the lot has no access.⁸

LOT LINE, REAR — A lot line which is located opposite of a front lot line and which is not a front lot line.

LOT LINE, SIDE — Any lot line which is not a front or a rear lot line.

MAINTENANCE AND REPAIR — Includes such activities as interior remodeling, painting, decorating, paneling, plumbing, insulation, and replacement of windows,

8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

doors, wiring, siding, roof and other nonstructural components, and the repair of cracks in foundations, sidewalks, and walkways and the application of waterproof coatings to foundations.

MANUFACTURED HOME — A HUD-inspected factory-constructed portable dwelling unit assembled on or after June 15, 1976, and having a minimum width of 14 feet and a minimum 720 square feet of living area and having an overall length in excess of 45 feet designed to be towed on its chassis (comprised of frame and wheels) as a single unit or in sections upon a highway by a motor vehicle and equipped and used or intended to be used for residential occupancy and designed to be connected to utilities; excluding, however, recreational vehicles.

MANUFACTURED HOME LOT — A designated parcel of land in a manufactured home park designed for the long-term accommodation of one manufactured home, its accessory buildings or structures, and accessory equipment for the exclusive use of the occupants.⁹

MANUFACTURED HOME PARK — A contiguous parcel of land upon which two or more manufactured homes are placed, located or parked.

MANUFACTURED HOME PARK ACCESSORY BUILDING OR STRUCTURE — A building or structure which is in addition to or supplements the facilities provided a manufactured home. It is not a self-contained, separate, habitable building or structure. Examples are awnings, cabanas, ramadas, storage structures, carports, fences, windbreaks, or porches.

MANUFACTURED HOME PARK MANAGEMENT — The person who owns or has charge, care, or control of the manufactured home park.¹⁰

MANUFACTURED HOME PARK STORAGE STRUCTURE — A structure located in a manufactured home park which is designed and used solely for the storage and use of personal equipment and possessions of the manufactured home occupants.

MANUFACTURED HOME PARK STREET — A private way which affords principal means of access to individual manufactured home or recreational vehicle lots or auxiliary buildings.

MEANDER LINE — A usually irregular surveyed line following the outline of a body of water that is used to measure abutting property and is not a boundary line.

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

MOBILE HOME — A portable dwelling unit constructed prior to June 15, 1976, having an overall length in excess of 27 feet or a body width of more than eight feet designed to be towed on its own chassis (comprised of frame and wheels) as a single unit upon a highway by a motor vehicle and equipped and used or intended to be used for residential occupancy and designed to be connected to utilities; excluding, however, recreational vehicles. Any such vehicle or structure shall be deemed a mobile home whether or not the frame and/or wheels have been removed therefrom and whether or not resting upon a temporary or permanent foundation. Such units brought into Adams County after

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

adoption of this amendment shall meet the factory inspection standards of the United States Department of Housing and Urban Development (HUD) which became effective June 15, 1976, and have a livable floor area width of no less than 14 feet as originally inspected and certified by HUD.

MULTIPLE-FAMILY DWELLING — A residential structure designed for or occupied by three or more families. The number of families in residence may not exceed the number of dwelling units provided.

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

- A. 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
- B. Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

NOTE: Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench v. Public Service Service Commission, 261 Wis. 2d 492 (1952), and DeGaynor and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]. For example, a stream which is navigable by a skiff or canoe during normal spring high water is navigable, in fact, under the laws of this state though it may be dry during other seasons.

NONCONFORMING USES, LOTS OR STRUCTURES — Those which do not conform to a provision or requirement of this chapter but which were lawfully established prior to the effective date of this chapter or of an amendment to this chapter. A use that does not conform to the use regulations of the district in which it is located is a nonconforming use. Any structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or setback requirements is a nonconforming structure and not a nonconforming use. A lot of record that does not conform to the minimum lot width or area requirements of the district in which it is located is a nonconforming lot.¹¹

NUISANCE —

- A. An unreasonable activity or use of property that interferes substantially with the comfortable enjoyment of life, health, or safety of others.
- B. A substance or condition that is known to have the potential to cause acute or chronic illness or death if exposure to the substance, activity or condition is not abated.

11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

NURSING HOME — A place which provides twenty-four-hour services including board and room to three or more unrelated residents who because of their mental or physical condition require nursing care or personal care in excess of seven hours a week, unless the facility has been designated as a community-based residential facility.

ORDINARY HIGH-WATER MARK — The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

PARK MODEL TRAILER — Recreation vehicles primarily designed as temporary living quarters for recreation, camping or seasonal use. They are built on a single chassis, mounted on wheels and have a gross trailer area not exceeding 400 square feet in the setup mode. Two different types of park model trailers are offered. One type is less than eight feet six inches in width and is designed for frequent travel on highways while the other and more popular type is wider than eight feet (usually 12 feet in width) and must be transported with special movement permits from the State Department of Transportation. Park model trailers are allowed only in licensed campgrounds.¹²

PARTIES IN INTEREST — Include all abutting property owners and all property owners within 300 feet of the subject property boundary.

PATIO — A flat exterior-constructed surface, no higher than six inches above original grade, made of concrete, wood, brick or a combination thereof. A patio shall not include affixed appendages, such as benches, tables, walls, roofs or any other structural component, which extend above the six-inch height limitation. Railings are permitted only where required by safety concerns.

PROFESSIONAL HOME OFFICES — Residences used to conduct the professions of doctors of medicine, dentists, nurse practitioners, clergymen, architects, landscape architects, professional engineers, professional land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions. The office shall not exceed 20% of the total floor area of any one story of the residence and only one nonresident person may be employed.¹³

RECREATIONAL VEHICLE — A vehicle having an overall length of 45 feet or less and a body width of eight feet or less primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.

RECREATIONAL VEHICLE PARK — A contiguous parcel of land upon which three or more recreational vehicles are placed, located or parked.

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

RETAINING WALL — Any material intended to stabilize the soil and placed at a slope steeper than 2:1.

RIGHT-OF-WAY — The recorded strip of land over which highways and railroads are

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

constructed which includes the actual traveled way, ditches and keep-clear areas.

ROUTINE MAINTENANCE OF VEGETATION — Normally accepted horticultural practices, including mowing, that do not result in the loss of any existing vegetation and do not require earth disturbance.

SAFETY CONCERNS — Circumstances or conditions presenting significant risk to human welfare.

SALVAGE YARD — Any place which is owned, maintained, operated or used for storing, keeping, processing, buying or selling junk vehicles or vehicle parts, including vehicle graveyards, vehicle wrecking yards, vehicle recycling yards, used vehicle parts yards and temporary storage of vehicle bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises. Keeping or storing of two or more unlicensed or unregistered, as appropriate, vehicles on a single parcel of land shall be considered a vehicle salvage yard.

SELF-CONTAINED RECREATIONAL VEHICLE — A recreational vehicle manufactured with water supply and sewage holding tanks which are an integral part of the recreational vehicle.

SETBACK — The minimum horizontal distance from the center line of a highway or its right-of-way line, the ordinary high-water mark of a navigable water or a lot line to the nearest part of a structure, measured at right angles to the center line, right-of-way line, ordinary high-water mark or lot line.

SHORELAND ORDINANCE/SHORELAND ZONING ORDINANCE — The Adams County Shoreland, Wetland and Habitat Protection Ordinance.

SHORELANDS — 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 is greater, and other areas as defined in § 396-4.

SHORELAND SETBACK — An area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of buildings or structures has been limited or prohibited under an ordinance enacted under § 59.692, Wis. Stats.

SIGN — Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known, which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product, and which are visible from any public street or highway.

- A. **AWNING SIGN** — A sign affixed flat to the surface of an awning and not extending beyond the limits of the awning.
- B. **GROUND SIGN** — A sign attached to the ground independent of any buildings.
- C. **PORTABLE SIGN** — A sign which is not designed to be permanently attached to the ground or a building.
- D. **PROJECTING SIGN** — A sign other than a wall or roof sign, attached to or

supported by a building or structure and projecting more than 12 inches from the face of the building or structure.

- E. ROOF SIGN — A sign erected on or over the roof of a building.
- F. WALL SIGN — A sign which is attached to a wall of a building and projects not more than 12 inches from such wall and does not extend above the ceiling line of the top floor of the building.
- G. WINDOW SIGN — A sign painted or affixed to a window.

SILVICULTURE — The art by which forests are tended, developed, harvested and regenerated using various management options.

SINGLE-FAMILY DWELLING — A detached structure designed for and exclusively occupied by one family and containing a minimum width of at least 24 feet and 720 square feet of minimum livable floor area, with at least one portion able to contain a square 24 feet on a side. Single-family dwellings include manufactured dwellings, conventional site-constructed dwellings, site-assembled panel constructed dwellings and sectional manufactured homes. Single-family dwellings do not include rooming or boarding houses, community-based residential facilities, fraternity or sorority homes, or similar uses, or mobile homes or nonsectional manufactured homes.

SPECIAL EXCEPTION (CONDITIONAL USE) — A use which is permitted by this chapter provided that certain conditions specified in this chapter are met and that a permit is granted by the Board of Adjustment or, where appropriate, the Planning and Zoning Committee or the County Board.

SPECIAL ZONING PERMISSION — The issuance of a conditional zoning permit; other permits may also be required.

STREET — A public right-of-way providing access to abutting properties.

STRUCTURAL ALTERATION — The altering or modifying of any structural support system or component.

STRUCTURE — A principal structure or any accessory structure, including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or fire pit.

TEMPORARY RENT OR LEASE — The renting or leasing of residential property for a period of 30 continuous days or less.

UNNECESSARY HARDSHIP — A 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. [See also § 396-85B(4) of this chapter.]

USE CONSISTENT WITH AGRICULTURAL USE — Any activity that meets all of the following conditions:

- A. The activity will not convert land that has been devoted primarily to agricultural use.
- B. The activity will not limit the surrounding land's potential for agricultural use.
- C. The activity will not conflict with agricultural operations on the land subject to a

farmland preservation agreement.

D. The activity will not conflict with agricultural operations on other properties.

UTILITIES — Include public and private utility uses such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, booster stations, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including wastewater treatment plants or municipal incinerators, warehouses, shops, and storage yards.

VARIANCE — An authorization granted by the Board of Adjustment to construct, alter or use a building or structure in a manner that deviates from the requirements of this chapter.

VEHICLE — A self-propelled mode of transportation; basic entities include but are not necessarily limited to automobile, truck, van, motor home, motorcycle, boat, all-terrain vehicle (ATV) and snowmobile.

WATERFRONT MINIMUM WIDTH — Lot width as measured in a straight line from the points of intersection of the ordinary high-water mark and the lot lines.

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

YARD — An open space which is unoccupied and unobstructed from the ground upward, except for vegetation, and is on the same lot or parcel with a structure. The front and rear yards extend the full width of the lot.

YARD, FRONT — A front yard extends across the full width of the lot, the depth of which is measured at right angles from the existing or proposed street or highway right-of-way line to the nearest point of the principal structure.

YARD, REAR — The yard extending across the full width of the lot whose depth is measured from the rear lot line to the nearest point of the principal structure. This yard shall be opposite the front yard or one of the front yards on a corner lot.

YARD, SIDE — A side yard is one whose depth is measured from the side lot line to the nearest point of the principal structure.