

Shoreland Wetland Protection Ordinance

Title 16 Chapter 500

Columbia County Board of Supervisors

Adopted: September 21, 2016



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Subchapter 16-501 Statutory Authorization, Finding of Fact, Statement of Purpose and Title

SECTIONS:

[16-501-010 Statutory Authorization](#)

[16-501-020 Finding of Fact](#)

[16-501-030 Purpose and Intent](#)

[16-501-040 Title](#)

16-501-010 STATUTORY AUTHORIZATION

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

16-501-020 FINDING OF FACT

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

16-501-030 PURPOSE AND INTENT

For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this ordinance 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.
 5. Preserving wetlands to minimize runoff and soil erosion.
- 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 earth moving activities.
 4. Regulating the use and placement of boathouses and other structures.
 5. Preventing the destruction and degradation of wetlands.
- E. Protect and preserve wetlands through:
1. Restricting the placement of fill material in wetlands.
 2. Encouraging avoidance and minimization of wetland impacts.
 3. Preserving native wetland plant/tree communities.
- F. Prevent flood damages through:
1. Restricting filling, grading, and the placement of buildings and structures in floodplains and wetlands.
 2. Preserving the ecological integrity of floodplains and wetlands
 3. Restoring floodplains and wetlands to increase floodwater storage.

16-501-040 TITLE

Shoreland Wetland Protection Ordinance for Columbia County, Wisconsin.

Subchapter 16-505 General Provisions

SECTIONS:

[16-505-010 Areas to Be Regulated](#)

[16-505-020 Shoreland-Wetland Maps](#)

[16-505-030 Compliance](#)

[16-505-040 Municipalities and State Agencies Regulated](#)

[16-505-050 Abrogation and Greater Restrictions](#)

[16-505-060 Interpretation](#)

[16-505-070 Severability](#)

16-505-010 AREAS TO BE REGULATED

Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Columbia County which are:

- A. Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds, or flowages in Columbia County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication FH-800 2009 "Wisconsin Lakes" book or are shown on United States Geological Survey quadrangle maps (1:24,000).
- B. Within three hundred (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 Columbia County shall be presumed to be navigable if they are designated as perennial waterways or intermittent waterways on United States Geological Survey quadrangle maps (1:24,000). Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, County soil survey maps or other existing County floodplain zoning maps shall be used to delineate floodplain areas.
- C. The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas. Unless specifically exempted by law, all cities, villages, towns, counties and, when s. 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 s. 30.2022(1), Wis. Stats., applies. Shoreland zoning requirements in annexed or incorporated areas are provided in s. 61.353 and s. 62.233, Wis. Stats.
- D. Determinations of navigability and ordinary high-water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate office of the Department for a final determination of navigability or ordinary high-water mark. The County may work with surveyors with regard to s. 59.692(1h), Wis. Stats.
- E. Under s. 281.31(2m), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:
 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.

16-505-020 SHORELAND-WETLAND MAPS

The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources [Surface Water Data Viewer](#) is made part of this ordinance.

16-505-030 COMPLIANCE

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

16-505-040 MUNICIPALITIES AND STATE AGENCIES REGULATED

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

16-505-050 ABROGATION AND GREATER RESTRICTIONS

- A. This ordinance 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 ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.
- C. This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
- D. The provisions of the Columbia County Zoning Ordinance are hereby incorporated by reference. These provisions shall only apply to the shoreland area where they impose greater restrictions than this ordinance otherwise imposes.

- E. This ordinance 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 [Section 16-501-030](#) of this ordinance,
- F. This ordinance does not 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 prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.
 2. An inspection or upgrade of a structure before the sale or other transfer of the structure may be made.
- G. The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if:
1. The Department has issued all required permits or approvals authorizing the construction or maintenance under ch. 30, 31, 281, or 283.

16-505-060 INTERPRETATION

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

16-505-070 SEVERABILITY

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

Subchapter 16-510 Shoreland-Wetland District

SECTIONS:

[16-510-010 Purpose](#)

[16-510-020 Designation](#)

[16-510-030 Permitted Uses](#)

[16-510-040 Prohibited Uses](#)

[16-510-040 Rezoning of Lands in the Shoreland-Wetland District](#)

16-510-010 PURPOSE

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

16-510-020 DESIGNATION

- A. This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.
1. **Locating Shoreland-Wetland Boundaries.** Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory and actual field conditions, the County shall contact the Department to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the County shall have the authority to immediately grant or deny a shoreland 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.

16-510-030 PERMITTED USES

- A. The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of chs. 30, 31, and 281.36, Wis. Stats. and the provisions of other applicable local, state and federal laws.
1. Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling, or excavating:
 - a. Hiking, fishing, trapping, hunting, swimming, and boating;
 - b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;

- c. The pasturing of livestock;
 - d. The cultivation of agricultural crops;
 - e. The practice of silviculture, including the planting, thinning, and harvesting of timber; and
 - f. The construction or maintenance of duck blinds.
2. Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating, but only to the extent specifically provided below:
- a. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
 - b. The cultivation of cranberries, including flooding, dike and dam construction, or ditching necessary for the growing and harvesting of cranberries;
 - c. The maintenance and repair of existing 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;
 - d. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - e. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
 - f. The maintenance, repair, replacement or reconstruction of existing town and County highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
3. 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:
- a. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
 - (1) The road cannot as a practical matter be located outside the wetland;
 - (2) The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in [Section 16-510-050\(B\)](#);
 - (3) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use; and

- (4) Road construction activities are carried out in the immediate area of the roadbed only.
- b. The construction or maintenance of nonresidential buildings, provided that:
- (1) The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
 - (2) The building cannot, as a practical matter, be located outside the wetland;
 - (3) Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and
 - (4) Only limited filling or excavating necessary to provide structural support for the building is authorized.
- c. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
- (1) Any private development is used exclusively for the permitted use and the applicant has received a permit or license under ch. 29, Wis. Stats., where applicable;
 - (2) Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in [Section 16-510-030\(A\)\(3\)a.](#), and;
 - (3) Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
- d. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines, provided that:
- (1) The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 - (2) Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in [Section 16-510-050\(B\)](#).

16-510-040 PROHIBITED USES

Any use not listed in [Section 16-510-030](#) is prohibited in a wetland, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with [Section 16-510-050](#) of this ordinance and s. 59.69(5)(e), Wis. Stats.

16-510-050 REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT

- A. For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the appropriate office with the Department shall be provided with the following:
1. A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within 5 days of the filing of such petition with the County Clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;
 2. Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;
 3. A copy of the County zoning agency's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the County Board; and
 4. Written notice of the County Board's decision on the proposed amendment within 10 days after it is issued.
- B. A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
1. Storm and flood water storage capacity;
 2. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
 3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 4. Shoreline protection against soil erosion;
 5. Fish spawning, breeding, nursery or feeding grounds;
 6. Wildlife habitat; or
 7. Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in [NR 103.04](#), Wis. Adm. Code.
- C. If the Department notifies the County zoning agency that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in [Section 16-510-050\(B\)](#) of this ordinance, that amendment, if approved by the County Board, shall contain the following provision:

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

Subchapter 16-515 Land Division Review and Sanitary Regulations

SECTIONS:

[16-515-010 Land Division Review](#)

[16-515-020 Planned Unit Development \(PUD\)](#)

[16-515-030 Sanitary Regulations](#)

16-515-010 LAND DIVISION REVIEW

- A. The County shall review, pursuant to s. 236.45, Wis. Stats., all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less within a 5-year period. In such review all of the following factors shall be considered:
1. Hazards to the health, safety or welfare of future residents.
 2. Proper relationship to adjoining areas.
 3. Public access to navigable waters, as required by law.
 4. Adequate stormwater drainage facilities.
 5. Conformity to state law and administrative code provisions.

16-515-020 PLANNED UNIT DEVELOPMENT (PUD)

- A. **Purpose.** The Planned Unit Development is intended to permit smaller non-riparian lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Unit Development at the time of its approval. A condition of all Planned Residential Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.
- B. **Requirements for Planned Unit Development.** The County Board may at its discretion, upon its own motion or upon petition, approve a Planned Unit Development Overlay District upon finding, after a public hearing, that all of the following facts exist:
1. **Area.** The area proposed for the Planned Unit Development shall be at least 2 acres in size or have a minimum of 200 feet of frontage on a navigable water.
 2. **Lots.** Any proposed lot in the Planned Unit Development that does not meet the minimum size standards of Sections [16-520-020](#) and [16-520-030](#) shall be a non-riparian lot.
 3. **Lot sizes, widths, setbacks, and vegetation removal.** When considering approval of a Planned Unit Development the governing body shall consider whether proposed lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions in [Section 16-530-020](#) shall apply except that maximum width of a lake

frontage opening shall be 100 feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.

16-515-030 SANITARY REGULATIONS

- A. In order to protect health and preserve and enhance water quality, the following sanitary regulations shall apply:
1. Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 812, Wis. Adm. Code.
 2. Where a public sewage collection and treatment system is not available, design and construction of private on-site waste treatment systems 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 Title 16 Chapter 300, Columbia County Private Sewage Systems.

Subchapter 16-520 Minimum Lot Size

SECTIONS:

[16-520-010 Purpose](#)

[16-520-020 Sewered Lots](#)

[16-520-030 Unsewered Lots](#)

[16-520-040 Substandard Lots](#)

16-520-010 PURPOSE

Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water. In calculating the minimum area or width of a lot, the beds of navigable waters shall not be included.

16-520-020 SEWERED LOTS

- A. **Minimum Area and Width for Each Lot.** The minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65 feet.
- B. The width shall be calculated by averaging the measurements at the following locations:
 1. The ordinary high water mark.
 2. The minimum building setback lines.
 - a. Setbacks shall be determined using the ordinary high-water mark setback per [Section 16-525-020](#) and the applicable front setback line per Title 16 Chapter 100, Columbia County Zoning Code.

16-520-030 UNSEWERED LOTS

- A. **Minimum Area and Width for Each Lot.** The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet.
- B. The width shall be calculated by averaging the measurements at the following locations:
 1. The ordinary high water mark.
 2. The minimum building setback lines.
 - a. Setbacks shall be determined using the ordinary high-water mark setback per [Section 16-525-020](#) and the applicable front setback line per Title 16 Chapter 100, Columbia County Zoning Code.

16-520-040 SUBSTANDARD LOTS

- 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 [Section 16-520-040\(A\)](#) a building permit for the improvement of a lot having lesser dimensions than those stated in Sections [16-520-020](#) and [16-520-030](#) shall be issued only if a variance is granted by the Board of Adjustment.

Subchapter 16-525 Building Setbacks

SECTIONS:

[16-525-010 Purpose](#)

[16-525-020 Shoreland Setbacks](#)

[16-525-030 Reduced Principal Structure Setback](#)

[16-525-040 Floodplain Structures](#)

16-525-010 PURPOSE

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

16-525-020 SHORELAND SETBACKS

- A. A setback of 75 feet from the ordinary high-water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures unless reduced under [Section 16-525-030](#) or exempt under [Section 16-525-020\(B\)](#).
- B. **Exempt Structures.** The following structures are exempt from the 75 foot shoreland setback standard:
1. 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. Boathouses shall be designed and constructed solely for the storage of watercrafts and related equipment.
 - b. One boathouse is permitted on a lot as an accessory structure.
 - c. Boathouses shall be on the landward side of the ordinary high water mark and shall be constructed in conformity with local floodplain zoning standards.
 - d. The sidewalls of a boathouse shall not exceed 10 feet in height as measured from the top of wall to the floor.
 - e. The maximum width of a boathouse shall be 24 feet or 30 percent of the width of a lot as measured at the ordinary high water mark, whichever is more restrictive.
 - f. The maximum footprint of a boathouse shall be 600 square feet.
 - g. Boathouses shall be structures that are open from floor to bottom of finished structure above. Lofts are prohibited.
 - h. The maximum pitch of the roof of a boathouse shall be 4/12.

- i. The roof of a boathouse may be used as a deck subject to the following:
 1. The boathouse has a flat roof.
 2. The roof has no side walls or screens.
 3. The roof shall have a railing that meets the Department of Safety and Professional Services standards. Transparent or translucent panels are prohibited.
 - j. Earth-tone colors shall be required for all exterior surfaces of a boathouse.
2. Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in s. 59.692(1v), Wis. Stats.
 - 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. The floor area of all the structures in the shoreland setback area shall not exceed 200 square feet.
 - c. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
 - d. Earth-tone colors shall be required for all surfaces.
 - e. The base of the structure shall not be higher than 12 to 24 inches above pre-construction grade.
 - f. The County must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone per [Section 16-530-030](#) that covers at least 70% of the half of the shoreland setback area that is nearest to the water.
 - g. An enforceable affidavit must be filed with the Register of Deeds prior to construction acknowledging the limitations on vegetation.
 3. Fishing rafts that are authorized on the Wolf River and Mississippi River under s. 30.126, Wis. Stats.
 4. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.
 5. 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 Comm. 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 storm water runoff from the structure.
 6. Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width.

- a. **Stairways, Walkways, and Lifts.** The Zoning Administrator may permit a stairway, walkway, or lift in the setback area contained within the access and viewing corridor if slopes greater than 12% are present, or when deemed necessary by the Zoning Administrator to provide safe pedestrian access to the shoreline. The permitted stairway, walkway, or lift may not exceed 60 inches in width.
7. Devices or systems used to treat runoff from impervious surfaces.
- C. **Existing Exempt Structures.** Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt, and remodeled, provided that the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure.

16-525-030 REDUCED PRINCIPAL STRUCTURE SETBACK

- A. A setback less than the 75' required setback from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows:
1. Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:
 - a. Both of the existing principal structures are located on a lot adjacent to the proposed principal structure.
 - b. Both of the existing principal structures are located within 250' of the proposed principal structure and are the closest structure.
 - c. Both of the existing principal structures are located less than 75' from the ordinary high water mark.
 - d. The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.
 2. Unenclosed appurtenances such as open decks or patios shall not be considered in determining an average setback for a structure having walls and/or a roof.
 3. Boathouses which are attached to the main building in any way shall not be considered in determining an average setback under this section.
 4. When a new principal structure qualifies for a reduced building setback, unenclosed appurtenances, such as open decks or patios, if built in conjunction with the principal structure, shall be considered to be part of the principal structure.
 5. Any other setback reduction may be permitted by the Board of Adjustment pursuant to [Section 16-560-040](#) of this Ordinance or by the Planning and Zoning Committee pursuant to [Section 16-560-030](#) of this Ordinance and Section 16-150-030 of the Columbia County Zoning Ordinance.

16-525-040 FLOODPLAIN STRUCTURES

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

Subchapter 16-530 Vegetation

SECTIONS:

[16-530-010 Purpose](#)

[16-530-020 Activities Allowed Within The Vegetative Buffer Zone](#)

[16-530-030 Vegetative Buffer Establishment](#)

[16-530-040 Vegetative Buffer Plan Requirements](#)

[16-530-050 Cutting More Than 35 Feet Inland](#)

[16-530-060 Filling, Grading, Lagooning, Dredging, Ditching and Excavating](#)

16-530-010 PURPOSE

To protect natural scenic beauty, fish and wildlife habitat, and water quality, ordinance standards have been established 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.

16-530-020 ACTIVITIES ALLOWED WITHIN THE VEGETATIVE BUFFER ZONE

- A. Land that extends from the ordinary high water mark to 35 feet inland shall be designated as the vegetative buffer zone and removal of vegetation in the vegetative buffer zone is prohibited, except as follows:
1. The routine maintenance of vegetation is permitted.
 2. The following activities shall be allowed with approval from the Planning & Zoning Department:
 - a. Removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Per s. 59.692(1f)(b), Wis. Stats., the viewing corridor may be 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.
 - b. Removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with “generally accepted forestry management practices” as defined in s. NR 1.25(2)(b), and described in Department publication “Wisconsin Forest Management Guidelines” (publication FR-226), provided that vegetation removal be consistent with these practices.
 - c. Removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.
 - d. Additional vegetation management activities in the vegetative buffer zone. The permit issued under this subd. par. shall require that all management activities comply with detailed plans approved by the County and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by

replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.

16-530-030 VEGETATIVE BUFFER ESTABLISHMENT

- A. When a vegetative buffer is required to be established under [Section 16-525-020\(B\)\(2\)](#) or is chosen for mitigation under [Section 16-555-040](#), the vegetative buffer shall be established as follows:
1. The following methods shall be used:
 - a. **Avoidance.** If an existing buffer, that was not part of a previous mitigation requirement, is undisturbed or totally intact and meets the density requirements of Wisconsin Biology Technical Note 1, an affidavit shall be filed with the Register of Deeds identifying the viewing and access corridor on the property and stating the buffer will remain undisturbed and fully compliant.
 - b. **Accelerated Recovery – Enhancement.** If an existing buffer, that was not part of a previous mitigation requirement, is undisturbed but does not meet the density requirements of Wisconsin Biology Technical Note 1, vegetation shall be added to meet the density requirements. An affidavit shall be filed with the Register of Deeds identifying the viewing and access corridor and stating the enhanced buffer will remain fully intact and compliant.
 - c. **Accelerated Recovery – Creation.** When no buffer exists on a property, vegetation must be planted meeting the density requirements of Wisconsin Biology Technical Note 1. An affidavit shall be filed with the Register of Deeds identifying the viewing and access corridor on the property and stating the newly created buffer will remain fully intact and compliant.
 2. Plant quantities shall be calculated based on the area in square feet to be reestablished and the appropriate density according to Wisconsin Biology Technical Note 1. Trees shall be more than two years old and a minimum of 18 inches tall at the time of planting. Shrubs shall be 1 liter container size or larger, and plant plugs shall be 3 inches tall or 1 inch in diameter at the time of planting.
 3. Plant species shall be selected from the Columbia County Native Plant List. Substitutions shall be allowed on a case-by-case basis and shall be approved by the Zoning Administrator. Plants may be transplanted from areas outside of the vegetative buffer zone.

16-530-040 VEGETATIVE BUFFER PLAN REQUIREMENTS

- A. A Vegetative Buffer Plan shall be completed for all required shoreland mitigation or preservations. Plans shall include:
1. Name and address of property owner.
 2. Property address and legal description.

3. Extent of the shoreland buffer.
4. Scale (e.g. 1 inch = 10 feet).
5. North arrow.
6. Ordinary high water mark (OHWM) location.
7. Location of all structures in the shoreland buffer zone.
8. Viewing and access corridor.
9. Boundary of the shoreland buffer zone.
10. Existing trees, shrubs, and native ground cover.
11. Areas to be planted with trees, shrubs, and groundcovers.
12. Implementation schedule.
13. A plant species list; indicate if you are requesting substitutions from the Columbia County Native Plant List.
14. Erosion control practices (to be installed prior to and during buffer establishment).
15. Water diversions and channelized flow areas.
16. Maintenance plan (weeding, replanting).

B. Implementation Schedule. The approved Vegetative Buffer Plan must be started within one year from the issue date of the applicable zoning permit. All plantings and any other required activities in the Vegetative Buffer Plan must be completed by the expiration date of the applicable zoning permit.

16-530-050 CUTTING MORE THAN 35 FEET INLAND

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

16-530-060 FILLING, GRADING, LAGOONING, DREDGING, DITCHING, AND EXCAVATING

- A. General Standards.** Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under [Section 16-530-060\(B\)](#) may be permitted in the shoreland area provided that:
1. It is not done within the vegetative buffer zone, unless necessary for establishing or expanding the vegetative buffer.
 2. It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.

3. Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland district meets the requirements of Sections [16-510-030\(A\)\(2\)](#) and [16-510-030\(A\)\(3\)](#) of this ordinance.
4. All applicable federal, state and local authority is obtained in addition to a permit under this ordinance.
5. Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover or a bulkhead.

B. Permit Required. Except as provided in Section [16-530-060\(C\)](#), a permit is required:

1. For any filling or grading of any area which is within 300 feet landward of the ordinary high-water mark of a navigable body of water and which has surface drainage toward the water and on which there is either:
 - a. Any filling or grading on slopes of more than 20 percent.
 - b. Filling or grading of more than 1,000 square feet on slopes between 12 and 20 percent.
 - c. Filling or grading of more than 2,000 square feet on slopes less than 12 percent.
- b. A conditional use permit is required for any area described under (a) above on which there is filling or grading of more than ten thousand (10,000) square feet.
- c. For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet landward of the ordinary high-water mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

C. Permit Conditions. In granting a permit under [Section 16-530-060\(B\)](#), the County shall attach the following conditions, where appropriate, in addition to those provisions specified in Sections [16-560-040\(B\)\(3\)](#) or [16-560-060](#).

1. The smallest amount of bare ground shall be exposed for as short a time as feasible.
2. Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.
3. Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.
4. Lagoons shall be constructed to avoid fish trap conditions.
5. Fill shall be stabilized according to accepted engineering standards.
6. Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.

7. Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.

Subchapter 16-535 Impervious Surfaces

SECTIONS:

[16-535-010 Purpose](#)

[16-535-020 Calculation of Percentage of Impervious Surface](#)

[16-535-030 General Impervious Surface Standard](#)

[16-535-040 Maximum Impervious Surface Standard](#)

[16-535-050 Treated Impervious Surfaces](#)

[16-535-060 Existing Impervious Surfaces](#)

16-535-010 PURPOSE

Impervious surface standards shall be established to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. 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 non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

16-535-020 CALCULATION OF PERCENTAGE OF IMPERVIOUS SURFACE

- A. The percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in [Section 16-535-050](#) 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. In any condominium development, impervious surface calculations shall apply to the entire property. Mitigation requirements shall also apply to the entire property, and not the individual unit.

16-535-030 GENERAL IMPERVIOUS SURFACE STANDARD

The maximum impervious surface percentage for a riparian lot or parcel or a non-riparian lot or parcel located entirely within 300 feet of the ordinary high-water mark of any navigable waterway shall be 15 percent, except as allowed in Sections [16-535-040](#) and [16-535-050](#).

16-535-040 MAXIMUM IMPERVIOUS SURFACE STANDARD

A property may exceed the impervious surface standard under [Section 16-535-030](#) up to 30 percent impervious surface provided a permit is issued for development with a mitigation plan that meets the standards of [Section 16-555](#).

16-535-050 TREATED IMPERVIOUS SURFACES

- A. Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under [Section 16-535-020](#):
1. The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
 2. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.
- B. To qualify for the statutory exemption under [Section 16-535-050\(A\)](#), property owners shall submit a complete permit application that is reviewed and approved by the Planning and Zoning Department. The application shall include the following:
1. Calculations showing how much runoff is coming from the impervious surface area.
 2. Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device or internally drained area.
 3. An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices or internally drained area.
 - a. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the permit.

16-535-060 EXISTING IMPERVIOUS SURFACES

- A. For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in [Section 16-535-030](#) or the maximum impervious surface standard in [Section 16-535-040](#), the property owner may do any of the following:
1. Maintain and repair the existing impervious surfaces;
 2. Replace existing impervious surfaces with similar surfaces within the existing footprint;
 3. Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the County shoreland ordinance, and the impervious surface meets the applicable setback requirements in [Section 16-525](#).

Subchapter 16-540 Height

SECTIONS:

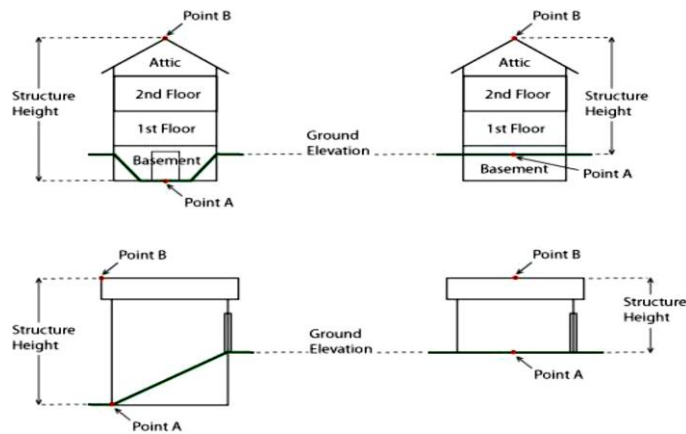
- [16-540-010 Purpose](#)
- [16-540-020 Standards](#)

16-540-010 PURPOSE

To protect and preserve wildlife habitat and natural scenic beauty, a maximum height standard shall be established.

16-540-020 STANDARDS

- A. A structure within 75 feet of the ordinary high-water mark of any navigable waterway shall not exceed 35 feet in height.
 - 1. Structure height shall be measured by the vertical line segment starting at the lowest point of any exposed wall and its' intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other provisions of this ordinance.



Subchapter 16-545 Nonconforming Uses and Structures

SECTIONS:

[16-545-010 Discontinued Nonconforming Use](#)

[16-545-020 Maintenance, Repair, Replacement, or Vertical Expansion of Nonconforming Structures](#)

[16-545-030 Lateral Expansion of Nonconforming Principal Structures Within the Setback](#)

[16-545-040 Expansion of Nonconforming Principal Structures Beyond the Setback](#)

[16-545-050 Relocation of Nonconforming Principal Structure](#)

16-545-010 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 the ordinance.

16-545-020 MAINTENANCE, REPAIR, REPLACEMENT, OR VERTICAL EXPANSION OF NONCONFORMING STRUCTURES

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. 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.

16-545-030 LATERAL EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURES WITHIN THE SETBACK

- A. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per [Section 16-525-020](#) may be expanded laterally within the setback, provided that all of the following requirements are met:
1. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
 2. The existing principal structure is at least 35 feet from the ordinary high-water mark.
 3. Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.
 4. A permit shall be issued which requires a mitigation plan that shall be approved by the Planning and Zoning Department and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in [Section 16-555](#).
 5. All other provisions of this ordinance shall be met.

16-545-040 EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURES BEYOND THE SETBACK

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under [Section 16-525-020](#) may be expanded horizontally, landward, or vertically provided that the expanded area meets the building setback requirements per [Section 16-525-020](#) and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph.

16-545-050 RELOCATION OF NONCONFORMING PRINCIPAL STRUCTURES

- A. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per [Section 16-525-020](#) may be relocated on the property, provided all of the following requirements are met:
 1. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
 - A. The existing principal structure is at least 35 feet from the ordinary high-water mark.
 - B. 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.
 - C. The Planning and Zoning Department determines that no other location is available on the property to build a principal structure that is within 5 percent of the existing footprint of the principal structure proposed for relocation that will result in compliance with the shoreland setback requirement per [Section 16-525-020](#).
 - D. The Planning and Zoning Department shall issue a permit that requires a mitigation plan that shall be approved by the Planning and Zoning Department and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in [Section 16-555](#) 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 Register of Deeds.
 - E. All other provisions of the shoreland ordinance shall be met.

Subchapter 16-550 Structures Authorized By Variance

SECTIONS:

[16-550-010 Maintenance, Repair, Replacement, or Vertical Expansion of Structures Authorized by Variance](#)

16-550-010 MAINTENANCE, REPAIR, REPLACEMENT, OR VERTICAL EXPANSION OF STRUCTURES AUTHORIZED BY VARIANCE

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.

Subchapter 16-555 Mitigation

SECTIONS:

[16-555-010 Purpose](#)

[16-555-020 Permit Requirements](#)

[16-555-030 Mitigation Requirements](#)

[16-555-040 Mitigation Options](#)

[16-555-050 Mitigation Sizing Requirements](#)

[16-555-060 Technical Standards for Dispersal Systems](#)

16-555-010 PURPOSE

Mitigation standards shall be established to protect and restore water quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic beauty that is otherwise lost through development and human activities.

16-555-020 PERMIT REQUIREMENTS

- A. When the County issues a permit requiring mitigation under Sections [16-525-020\(B\)\(2\)](#), [16-535-040](#), [16-545-030](#), or [16-545-050](#), the property owner must submit a complete permit application that is reviewed and approved by the Planning and Zoning Department which includes the following:
1. A site plan that describes the proposed mitigation measures.
 - a. The site plan shall be designed and implemented to restore natural functions lost through development and human activities.
 - b. The mitigation measures shall be proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.
 2. An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the permit.

16-555-030 MITIGATION REQUIREMENTS

- A. Mitigation shall be required for the following activities:
1. **Lateral Expansion of Nonconforming Principal Structure within the Setback.** Lateral expansion of a nonconforming principal structure as allowed under [Section 16-545-030](#) shall require a minimum of 5 mitigation points. See Section [16-555-040](#) for approved mitigation options.
 2. **Relocation of Nonconforming Principal Structure.** Relocation of a nonconforming principal structure as allowed under [Section 16-545-050](#) shall require a minimum of 3 mitigation points. See Section [16-555-040](#) for approved mitigation options.

3. **Exceeding Impervious Surface Standards.** To exceed the impervious surface standards listed under [Section 16-535-030](#), 2 points of mitigation shall be required for every 5 percent increase above the standard. The total increase shall not exceed the maximum impervious surface standards under [Section 16-535-040](#). Properties that exceed the maximum impervious surface standards under [Section 16-535-040](#) may be redeveloped, provided that the project does not make the property exceed the existing impervious surface coverage. See [Section 16-555-040\(G-O\)](#) for approved mitigation options.

16-555-040 MITIGATION OPTIONS

- A. Removal of nonconforming accessory structures. **1 point per 100 square feet of accessory structure, not to exceed 3 points.**
- B. Removal of shoreland structures, such as, but not limited to: artificial beaches, seawalls, or and bulkheads. **1 point per 25 lineal feet or 1 point per 100 square feet of structure, whichever is greater, not to exceed 3 points.**
- C. Replacement of private on-site wastewater treatment system (POWTS) or connection to a public sanitary sewer service (PSSS) or private group wastewater treatment system (PGWTS) serving five or more lots. **2 points.**
- D. Reduction of impervious surface coverage to less than 15 percent of lot. **2 points per 5% reduction.**
- E. Proposed structure will utilize earth tone exterior colors or replacement of an existing structure's unnatural exterior hue with earth tone colors. **1 point.**
- F. Removal of existing shore lighting or replacement with downcast lighting within 75' of the ordinary high-water mark. **1 point.**
- G. Establishment of primary vegetative buffer zone. Must follow minimum standards outlined in [Section 16-530-030](#). **1 point per 7' (depth) of buffer establishment, not to exceed 5 points.**
- H. Reduction of existing viewing and access corridor. **1 point per 25% reduction, not to exceed 3 points.**
- I. Establishment of secondary vegetative buffer zone. Must be located between 35 and 75 feet of the ordinary high-water mark and must be established after primary vegetative buffer zone. **1 point per 300 square feet.**
- J. Installation of stormwater management system such as, but not limited to: rain gardens, rainwater gutter collection systems, and water diversions of overland flow. **2 points.**
- K. Installation of a subsurface dispersal system, practice, or structure, designed by an engineer to contain the rainfall minimum sizing standard per Section 16-555-060(A) for impervious surfaces on the lot. **3 points for the first 15 percent impervious surface runoff captured and/or 2 points for every 5 percent captured above 15 percent, not to exceed 9 points.**
- L. Installation of a bio-retention system, rain garden, or other stormwater system, designed by an engineer to contain the rainfall minimum sizing standard per Section 16-555-060(A) for

impervious surfaces on the lot. **3 points for the first 15 percent impervious surface runoff captured and/or 2 points for every 5 percent captured above 15 percent, not to exceed 9 points.**

- M. Installation of rip rap, as permitted by the Department. **1 point per 50 lineal feet, not to exceed 2 points.**
- N. Other shoreland stabilization, as determined necessary by the Zoning Administrator. Stabilization must be within 75 feet of the ordinary high-water mark. **1 to 3 points.**
- O. Other practices as approved by the Zoning Administrator.

16-555-050 MITIGATION SIZING REQUIREMENTS

- A. **Mitigation Surface Dispersal System Limits.** Structures and/or components designed for storm water infiltration which disperse collected stormwater on or near the ground surface shall be accomplished per Columbia County Surface Dispersal System Supplemental Work Sheet.
- B. **Mitigation Subsurface Dispersal System Limits.** Systems (e.g., Drain fields, tree box filters, infiltration trenches, dry wells, and bio-retentions) designed for stormwater infiltration into the subsoil shall require the following:
 - 1. **Site Evaluation Requirements.** Subsurface Dispersal Systems will require site evaluation per Wisconsin Department of Natural Resources Conservation Practices Standards “Site Evaluation for Stormwater Infiltration (1002)”.
 - 2. **Plan Certification.** A mitigation plan that includes a subsurface dispersal system shall include certification from a professional engineer registered in the State of Wisconsin, that all computations and designs for the proposed subsurface dispersal system have been reviewed and approved by the engineer as being in accordance with the technical and design standards of this Section and Section 16-140-090 of the Columbia County Zoning Ordinance.
 - 3. Notice of the provisions of the approved plan shall be recorded with the title to the property by affidavit with the County Register of Deeds.

16-555-060 TECHNICAL STANDARDS FOR DISPERSAL SYSTEMS

- A. **Rainfall Minimum Sizing.** Dispersal systems shall be designed to handle a 2 year 24 hour minimum rainfall event or 2.8 inches (NRCS EFH Notice 210-WI-76) or greater.
- B. **Runoff Coefficient.** For the purpose of this ordinance the runoff coefficient is 1 for all impervious surfaces.

Subchapter 16-560 Administrative Provisions

SECTIONS:

[16-560-010 Purpose](#)

[16-560-020 Planning and Zoning Director and Zoning Administrator—Description and Roles](#)

[16-560-030 Planning and Zoning Committee—Description and Roles](#)

[16-560-040 Zoning Board of Adjustment—Description and Roles](#)

[16-560-050 Conditional Use Permits—Review Procedure and Standards](#)

[16-560-060 Permits- Review Procedure and Standards](#)

[16-560-070 Enforcement and Penalties](#)

[16-560-080 Changes and Amendments](#)

16-560-010 PURPOSE

The overall purpose of this Subchapter is to establish responsibilities for administration of this chapter, procedural requirements for various development approvals under this chapter, and enforcement procedures and penalties for non-compliance.

16-560-020 PLANNING AND ZONING DIRECTOR AND ZONING ADMINISTRATOR—DESCRIPTION AND ROLES

- A. **Establishment.** The Planning and Zoning Director is hereby designated as the administrative and enforcement officer for the provisions of this chapter, per the general authorization under Wisconsin Statutes. The Planning and Zoning Director shall serve as the Zoning Administrator, unless the Director designates a different position or staff person as Zoning Administrator. Other professional and administrative staff within the Department may assist the Director or the otherwise-designated Zoning Administrator in the completion of his or her duties and responsibilities, and the Zoning Administrator and other Department professional and administrative staff shall serve at the direction of the Planning and Zoning Director.
- B. **Duties and Responsibilities.** The general duty of the Zoning Administrator is to interpret and administer this Chapter, as well as certain other chapters within Title 16 of the Columbia County Code of Ordinances as indicated within those chapters. With respect to Chapter 500, the Zoning Administrator shall have the following specific duties and responsibilities:
1. Conduct on-site inspections of buildings, structures, waters, and land to determine compliance with all provisions of this chapter.
 2. Be permitted access to premises and structures between 8 a.m. and 6 p.m., or such other time agreed to by all parties involved, to make inspections to ensure compliance with this chapter. If refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Wisconsin Statutes.
 3. Maintain permanent and current records of and associated with this chapter, including but not limited to all maps, amendments, conditional use permits, zoning permits, site plans, mitigation plans, variances, appeals, inspections, interpretations, applications, and other official actions.

4. In combination with other professional and administrative staff of the Department, advise applicants for development approvals regarding the provisions of this chapter and assist applicants, to the extent practical, in preparing required permit applications.
5. Receive, file and forward all applications for all procedures governed by this chapter to the designated official review and approval bodies, along with all appropriate technical information or reports to assist such bodies in making their decisions, except as otherwise designated in this Subchapter.
6. In combination with other professional and administrative staff of the Department, provide staff support to the Planning and Zoning Committee and the Zoning Board of Adjustment, including the scheduling of public hearings and other meetings and site visits and the recording of the actions, recommendations, and minutes of such bodies.
7. Issue permits.
8. Review and approve site plans for land uses under this chapter prior to the issuance of permits for such uses, ensuring compliance with this and other applicable chapters and any additional requirements of designated official review and approval bodies for associated rezoning, conditional use permit, or variance requests.
9. Investigate all complaints made relating to the location and use of structures, lands, and waters and fulfill enforcement functions proscribed under [Section 16-560-070](#).

16-560-030 PLANNING AND ZONING COMMITTEE—DESCRIPTION AND ROLES

- A. **Establishment.** The Planning and Zoning Committee, as established under Wisconsin Statutes Section 59.69 and the Columbia County Code of Ordinances, is the County committee with primary policy responsibility over this chapter.
- B. **Duties and Responsibilities.** In addition to the duties and responsibilities specified under the Columbia County Code of Ordinances, the Planning and Zoning Committee shall have the following specific duties and responsibilities pertaining to this chapter:
 1. Conduct public hearings associated with petitions to amend the text of this chapter or to the Official Zoning Map.
 2. Conduct public hearings and advise the County Board on appropriate amendments to the text of this chapter or to the Official Zoning Map, and initiate such amendments as it may deem desirable, all in a manner that is consistent with the Comprehensive Plan and that follow procedures established under Wisconsin Statutes Section 59.69 and Sections 16-150-050 and 16-150-060 of the Columbia County Zoning Ordinance.
 3. Conduct public hearings, review, and decide on requests for conditional use permits that follows the procedures in [Section 16-560-050](#).
 4. Act on other development-related requests as may be specified under this chapter or other chapters within Title 16.

5. Advise the Zoning Administrator and Planning and Zoning Director on enforcement of the provisions of this chapter and on other matters as requested by the Zoning Administrator or Planning and Zoning Director.
 6. Appoint a chairperson who shall serve a two year term.
 7. Recommend fees for various permits and approvals required and allowed under this chapter.
 8. Adopt rules and procedures as may be advisable in carrying out its duties.
 9. Exercise such other duties and responsibilities as may be directed by the County Board of Supervisors.
- C. **Recording of Actions.** All actions and recommendations of the Planning and Zoning Committee shall be in writing. A recording thereof in the Committee's minutes may constitute the required written action or recommendation.

16-560-040 ZONING BOARD OF ADJUSTMENT—DESCRIPTION AND ROLES

- A. **Establishment.** A Zoning Board of Adjustment consisting of five (5) members appointed by the Chairperson of the County Board with approval of the County Board. The terms of the members appointed shall be three (3) years beginning July 1. The Chairperson of the County Board with approval of the County Board shall appoint, for staggered 3-year terms, 2 alternate members of the Board of Adjustment. Annually, the Chairperson shall appoint one of the alternate members as the first alternate and the other as the second alternate. The members of the Board of Adjustment shall all reside within the County and outside the limits of incorporated cities and villages; provided, however, that not two (2) members shall reside in the same town. The Board of Adjustment shall choose its own Chairman and other officers. Vacancies shall be filled for the unexpired term of any members whose term becomes vacant in the same manner as the original appointment.
- B. **Duties and Responsibilities.** The Zoning Board of Adjustment shall have the following specific duties and responsibilities pertaining to this chapter in addition to certain other duties and responsibilities under other chapters in Title 16 of the Columbia County Code of Ordinances as indicated within those chapters:
1. Hear and decide appeals where it is alleged that there is an error in any interpretation, order, requirement, decision, or determination made by the Zoning Administrator or other staff member of the Planning and Zoning Department in the enforcement, administration, or interpretation of this chapter.
 2. Hear and decide appeals where it is alleged that there is an error in any decision of the Planning and Zoning Committee or town board related to a conditional use permit request.
 3. Authorize such variances from the terms of this chapter as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done; provided, however, that no such variance shall have the effect of allowing, in any district, uses prohibited in that district. If the

variance is not initiated by securing at least one zoning permit – within one year of the date of the approval, the variance shall be considered void.

C. Recording of actions:

1. The Zoning Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Zoning Administrator, and shall be a public record.
2. The final disposition of an appeal or variance application to the Zoning Board of Adjustment shall be in a form of a written decision signed by the Planning and Zoning Director or Zoning Administrator. Such decision shall state the specific facts that are the basis for the Zoning Board of Adjustment's decision; shall either affirm, reverse, or modify any order, requirement, interpretation, or any determination of the Zoning Administrator or, in case of an appealed decision on a conditional use permit, the Planning and Zoning Committee; shall specify any required conditions of approval; and shall specify the extent of any appeal or variance granted.

D. Rules:

1. The Board of Adjustment will meet as needed at a fixed time and place as may be determined by the Chair and at such other times as the Zoning Board of Adjustment may determine.
2. All meetings of the Board of Adjustment shall be open to the public, but such Board may go into closed session pursuant to Wisconsin Statutes.
3. Any public hearing held by the Zoning Board of Adjustment shall be held in a convenient public location and a full description of the location of such place of hearing by name, address or other commonly known means of identification shall be included in the notice given of such hearing. No undue hardship shall be created for any applicant by reason of the location of such hearing.
4. Each notice of public hearing held by the Zoning Board of Adjustment shall specify the date, time and place of hearing and the matters to come before the Zoning Board of Adjustment at such hearing, and such notice shall be given by publication in the official newspaper of the County at least once, not less than ten days prior to the date of such hearing and by certified mail to the parties having a legal interest in any of the matters to come before the Zoning Board of Adjustment at such hearing.
5. The Zoning Board of Adjustment shall have power to call on any County departments for assistance in the performance of its duties and it shall be the duty of such other departments to render all such assistance as may be reasonably required.
6. The Board of Adjustment may adopt such additional rules as are necessary to carry into effect the regulations of the County Board.

E. Appeals:

1. Appeals to the Zoning Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of Columbia County affected by any decision of the

- Zoning Administrator. Such appeal shall be taken within 30 days after receiving notice of the decision appealed from, by filing with the Zoning Administrator and the Zoning Board of Adjustment a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Zoning Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator shall certify to the Zoning Board of Adjustment after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by restraining order by a court of record on application and notice to the Zoning Administrator and on due cause shown.
2. The Zoning Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or attorney.
- F. **Review by Court of Record.** Any persons aggrieved by any decision of the Board of Adjustment may appeal the decision by filing an action in certiorari in the Columbia County Circuit Court within 30 days of the decision, setting forth that such decision is illegal and specifying the grounds of the illegality. Columbia County assumes no liability for and makes no warranty as to the reliance on this decision if construction is commenced prior to expiration of this 30 day period.

16-560-050 CONDITIONAL USE PERMITS—REVIEW PROCEDURE AND STANDARDS

- A. **Purpose.** The purpose of this subsection is to provide the procedure and standards for the review of conditional use permit requests, and amendments to conditional use permits previously granted.
- B. **Authority.** Subject to subsection C below the Planning and Zoning Committee, after a public hearing, shall within 60 days, grant or deny any application for a conditional use permit. Prior to granting or denying a conditional use permit, the Committee shall make findings of fact based on the evidence presented and issue a determination whether the criteria prescribed in the ordinance are met.
- C. **Planning and Zoning Committee and Town Review and Approval.** The following procedures shall apply to conditional use permits.
 1. **Application.** Make an appointment for an application meeting with staff from County Planning and Zoning Department to discuss the proposed conditional use and submit the application. The application for approval of a conditional use permit shall be made to the Planning and Zoning Department on forms furnished by the Department and shall include the following:
 - a. Names and addresses of the applicant, owner(s) of the property, architect, professional engineer if applicable.

- b. A narrative of the proposed conditional use which includes a description of the subject property by lot, block and recorded subdivision or metes and bounds; address of the site, types of structures and proposed use(s).
 - c. A site plan which shall include a scalable drawing showing the location of all drives, entrances, sidewalks, trails and signs; the location, size, number and screening of all parking spaces. If required by this Chapter or the Department a landscaping plan; a grading and drainage plan; and a detailed proposal including covenants, agreements, or other documents showing the ownership and method of assuring perpetual maintenance of land to be owned or used for common purposes.
 - d. This application will be accompanied by a fee which will be used by the County to process the application.
2. The Planning and Zoning Department shall fix a reasonable time and place for the public hearing on the conditional use permit and give public notice thereof pursuant to the applicable requirements of the Wisconsin Statutes. A copy of the notice of public hearing for the conditional use permit shall be mailed to the applicable town clerk and chair at least ten (10) days prior to the public hearing. The notice to the clerk will be sent by certified mail and chair by regular mail. Any staff report prepared by the Department for the public hearing will be mailed to the clerk and chair as soon as practicable. A copy of an application for a conditional use permit within a Shoreland-Wetland District and notice of a public hearing for the conditional use permit shall be mailed to the District Regional Office of the Department of Natural Resources at least (10) days prior to the public hearing.
 3. The Planning and Zoning Committee shall transmit a copy of its decision, signed by the Director of Planning and Zoning to the applicant and Town within fifteen (15) days of the public hearing at which the decision is made.
 4. Approval of a conditional use permit does not eliminate the requirement to obtain the appropriate building and zoning permits. If the conditional use permit is not initiated by:
 - a. securing a zoning permit, or
 - b. if more than one permit is necessary, securing at least one (1) zoning permit within one (1) year of the date of the public hearing the approval of the conditional use permit shall be considered void, and the applicant will have to reapply.
 5. A copy of the Planning and Zoning Committee's decision on any conditional use permit within a Shoreland District area, as defined in Section 16-505-010 shall be forwarded to the District Regional Office of the Department of Natural Resources within ten (10) days after the decision is issued.
 6. No substantial changes can be made to an approved conditional use permit unless an amendment to the development plan is approved by the Planning and Zoning Committee and applicable town board per this Subchapter.

D. **Review Criteria.** In reviewing the conditional use permit the Planning and Zoning Committee shall use the following as guides for making finding of fact for a decision.

1. The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.
 2. The use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area such that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.
 3. The erosion, potential of site based on topography, drainage, slope, soil type, and vegetative cover.
 4. The prevention and control of water pollution including sedimentation, and the potential impacts on floodplain and wetlands.
 5. The site has adequate utilities including, if necessary, acceptable disposal systems.
 6. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
 7. The conditional use shall conform with the standards of the applicable district(s) in which it is located, and associated with the particular conditional use if specified in Subchapter 16-125.
- E. Application, Recording, and Adherence to Conditions.** The Planning and Zoning Committee and applicable town board shall have the authority to attach such conditions and restrictions upon the establishment, location, maintenance and operation of the conditional use as it deems necessary to ensure the conditional use adheres to the purpose and review criteria of this Subchapter and to this Chapter as a whole. If applicable and prior to commencing the authorized activity on the site and/or obtaining a zoning permit, the Zoning Administrator may require the property owner to record notice against the property of the approved use, applicable plans, and conditions of approval with the County Register of Deeds.
- F. Time Limits Associated with Conditional Uses.** If the conditional use permit is not initiated by securing at least one zoning permit—within one year of the date of the approval, the conditional use permit approval shall be considered void. The applicant may without fee apply for, and the Planning and Zoning Committee may grant, a one time, twelve month extension, provided that a written request for extension is submitted before the original expiration date. If a use or activity associated with a previously approved conditional use permit ceases for twelve months or more after first being established on the property, the use will be deemed to have been terminated and the property owner or authorized agent must reapply and obtain approval of another conditional use permit before recommencing the use or activity.
- G. Effect of Denial.** No application which has not been enacted under this Subchapter shall be resubmitted for a period of twelve months from the date of final Planning and Zoning Committee action, except on grounds of new evidence or proof of change of factors found valid by the Planning and Zoning Committee.
- H. Monitoring and Termination of a Conditional Use Permit.**

1. The Planning and Zoning Committee or Zoning Administrator may require evidence and guarantees as either may deem necessary as proof that approved plans are being followed, required conditions are being met, and review criteria are being satisfied for conditional uses at all times. If the Planning and Zoning Committee finds that the review criteria of this section or the conditions attached to the permit are not being complied with, or upon written request by a town, the Planning and Zoning Committee, after a public hearing as provided for in this Subchapter, may terminate or alter the conditional use permit.
2. The Conditional Use Permit may be terminated on request when the applicant or holder of the Conditional Use Permit and the property owner make a request in writing to the Planning and Zoning Committee that the Conditional Use be terminated and the Planning and Zoning Committee agrees to terminate said Conditional Use Permit. Notice of said termination is recorded in the Columbia County Register of Deeds Office if the decision for the Conditional Use Permit was recorded. The Planning and Zoning Department shall inform the applicable town of the termination no later than 15 days after the date of the Planning and Zoning Committee's decision to terminate the Conditional Use Permit.

16-560-060 PERMITS—REVIEW PROCEDURE AND STANDARDS

- A. **Purpose.** The purpose of this subsection is to specify the requirements and procedures for the issuance of permits. Permits are issued by the County Zoning Administrator for certain projects specified in this Subchapter in order to verify compliance with the provisions of this code. A zoning permit is not a substitute for a building permit, which is instead issued by the affected town. In certain cases, other land use approvals and permits, including but not limited to rezoning, conditional use permit approval, or variance approval is required before a zoning permit may be issued.
- B. **When Required.** Except where another section of this ordinance or statutes specifically exempts certain types of development from this requirement, a permit shall be obtained from the Zoning Administrator or board of adjustment/committee before any new development.
- C. **Application for a Permit.** An application for a permit shall be made to the Zoning Administrator. The number of required copies of the application materials shall be as determined by the Zoning Administrator. Such application shall be made by the owner of the property on which the permit is requested. To be determined complete by the Zoning Administrator, the application shall include:
 1. A completed form, provided by the Zoning Administrator and signed by the owner, including basic information on the owner and project to ensure compliance with this chapter.
 2. A legal description of the subject site by lot, block, and recorded subdivision or certified survey map, or by metes and bounds, or a copy of the deed.
 3. A plot plan (overhead view), drawn to scale, and showing and labeling the date of preparation; land owner's name; north arrow; lot dimensions; lot coverage; adjacent public streets and rights-of-way; any required visual clearance triangles required in accordance with [Section 16-140-030A](#); existing and proposed structures and their dimensions; parking and driveway areas; distances between structures and lot lines, between structures and other structures, between structures and the centerlines of abutting streets and highways, and

between structures and the ordinary high water mark of any abutting watercourse. The applicant should note potential foundation survey requirements in [Section 16-140-030G](#).

4. A plan, which may be included on the plot plan, indicating the location of the existing and proposed sewage disposal system and well location meeting the requirements of Chapter 300 where municipal sewer and/or water service will not be provided.
5. Plans for mitigation when required.
6. Other application materials as specified in Chapter 100.
7. For Planned Development and conditional use projects, complete copies of all application documents approved as part of the rezoning or conditional use permit, with revisions as necessary to meet County conditions of approval of such projects.
8. Other pertinent information as requested by the Zoning Administrator to determine if the proposed use meets the requirements of this chapter.
9. The required review fee.

D. Permit Review Criteria. No permit shall be granted or shall become effective until all applicable requirements of this chapter, conditions of any preceding County approval related to the project, the remaining chapters in Title 16, and all applicable Wisconsin Statutes and rules are met.

E. Time Limits Associated with Permits. A permit shall either be granted or denied in writing by the Zoning Administrator within thirty days of the filing of a complete application, unless other parallel processes (e.g., conditional use permit) require a longer review period. Once issued, each permit shall be posted in a prominent place on the premises prior to and during the period of construction, alteration, or movement. If the work authorized by the permit is not completed within 24 months of the date of the approval, the permit approval shall be considered void. The applicant may with a fee apply for, and the Zoning Administrator may grant, a one time, 24 month extension, provided that a written extension request is submitted before the original expiration date.

16-560-070 ENFORCEMENT AND PENALTIES

A. Enforcement Policy. The Planning and Zoning Committee shall approve and may from time-to-time amend policies for enforcement of this chapter, consistent with the provisions of this Subchapter.

B. Authority. In the enforcement of this Ordinance, the Zoning Administrator shall have the power and authority for the following:

1. At any reasonable time, and for any proper purpose, to enter upon any public or private premises and make inspection thereof.
2. Upon reasonable cause or question as to proper compliance, to revoke any zoning or occupancy and use permit and issue stop work orders requiring the cessation of any building, moving, alteration or use which is violation of the provisions of this Ordinance.

Notice of a stop work order is given both by posting upon the land where the violation occurs one or more copies of a poster stating the violation, and by mailing a copy of the order by certified mail to the property owner of the property on which the activity is in violation of this Ordinance. The order shall specify the activity that must cease immediately or be brought into compliance with a time period as determined by the Zoning Administrator. Any stop work order shall be in effect until removed by the Zoning Administrator or Board of Adjustment.

3. To refer to the Corporation Counsel for commencement of any legal proceedings necessary to enforce this ordinance. The issuance of citations provided for under this Ordinance shall not require referral but may be issued by the Director of Planning and Zoning, Zoning Administrator and Zoning and Sanitary Specialists directly.

C. Enforcement of Violations.

1. Penalties: Any person, firm, company or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any provisions of this Ordinance shall be subject to a forfeiture as listed in the Penalty Section of Title 1, Chapter 2 of the County Code of Ordinances. Each day of violation shall constitute a separate offense.
2. Enforcement by Citation: Except as modified by this Ordinance, the County elects to use the citation method of enforcement under Title 1, Chapter 2 of the County Code of Ordinances. This Section does not preclude the County or any authorized officer from proceeding under other ordinance or law, or by any other enforcement method to enforce any Ordinance regulation or order.
3. Compliance with the provisions of this Ordinance may also be enforced by injunctive order at the suit of the County. It shall not be necessary to prosecute for fine or imprisonment before resorting to injunctive proceedings.

D. Violations of Permits Issued Under This Chapter:

1. Violation of a permit or other approval issued under this chapter, or any condition or approved plan associated with such permit or other approval, shall be deemed a violation of this chapter, and shall constitute grounds for revocation of the permit, as well as fines and forfeitures and any other available remedies. A permit or other approval may be revoked only by action of the body that initially granted the permit or other approval, following procedures required for its initial issuance to the extent practical. The decision of the appropriate body shall be furnished to the permit holder in writing, stating the reasons therefore. Beginning construction without a permit will result in a double fee being charged.
2. A permit or other approval issued in violation of this chapter, other chapters of the Columbia County Code of Ordinances, the Wisconsin Administrative Code, or Wisconsin Statutes gives the permit holder no vested right to continue the activity authorized by the permit, and the permit is considered voidable.

16-560-080 CHANGES AND AMENDMENTS

A. **Amendments.** Amendments to this ordinance may be made on petition of any interested party as provided in s. 59.69(5), Wis. Stats.

B. Shoreland-Wetland Map Amendments.

1. Every petition for a shoreland-wetland map amendment filed with the County Clerk shall be referred to the County zoning agency. A copy of each petition shall be provided to the appropriate office of the Department within 5 days of the filing of the petition with the County Clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate office of the Department at least 10 days prior to the hearing.
2. A copy of the County Board's decision on each proposed amendment shall be forwarded to the appropriate office of the Department within 10 days after the decision is issued.

Subchapter 16-565 Definitions

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

Accessory Use: An accessory use is a land use that both serves and is customarily incidental and subordinate to a principal use, as defined in section 16-160-020. Accessory uses may be established only after the principal use of the property is established, and must be on the same parcel as the principal use.

Adjacent: Lands that are immediately next to or abutting.

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

Building: Any structure having a roof supported by columns, poles or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building envelope: The three dimensional space within which a structure is built.

Conditional Use: A use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Planning and Zoning Committee or County Board.

County zoning agency: Planning & Zoning Committee designated by the County Board under s. 59.69(2)(a), Wis. Stats, to act in all matters pertaining to County Planning and Zoning.

Department: Means the Department of Natural Resources.

Development: Any man-made change to improved or unimproved real estate including but not limited to the construction or placement of buildings, structures, the construction of additions or improvements to buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations and the deposition or extraction of materials for which permission may be required pursuant to this chapter.

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.

Earth tone: Any of various muted colors, ranging from neutral to deep brown. The Lower Wisconsin State Riverway Board Standardized Color Chart depicts examples of earth tone hues.

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

Facility: Any property or equipment of a public utility, as defined in s. 196.01(5), or a cooperative association organized under ch. 185 for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of of natural gas, heat, light, or power.

Floodplain: Land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in Chapter NR 116, Wisconsin Administrative Code.

Footprint: The land area covered by a structure, defined as the surface area projected on the ground that falls directly beneath all areas that are included in the definition of a structure. The surface area projected on the ground of any part of a building, including roof overhangs, that projects outward beyond its supporting exterior columns, poles or walls by more than three feet shall be included in the surface area. For the purposes of replacing or reconstructing a nonconforming structure with walls, the footprint shall not be expanded by enclosing the area that is located within the horizontal plane from the exterior wall to the eaves projected to natural grade.

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.

Hydrologically connected: Lands that contribute water to, receive water from, or exchange water with a wetland through surface, subsurface, overland, or channelized flow. Hydrologically connected lands can be upstream or downstream from a wetland and may not necessarily be directly contiguous.

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. Public roadways as defined in s. 340.01(54) or public sidewalks as defined in s. 340.01(58) are not considered impervious surfaces.

Lot: A designated part of a subdivision or certified survey map having an assigned number through which it may be identified and meeting the requirements of this chapter for a building site. A lot abuts a public street or other officially approved access. For purposes of this chapter, a lot may also include the term parcel in determining the applicability of a provision of this chapter.

Lot area: The area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high water mark of navigable waters.

Lot size, net: The total area within a lot or parcel excluding any public road or railroad right of way or prescriptive easement.

Lot of record: Any lot, the description of which is properly recorded with the Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

Maintenance and repair: The ordinary maintenance and repair of a structure or premises that contains a nonconforming use is permitted, including repairs reasonably necessary to prevent the deterioration of a structure, remodeling of the structure, and necessary nonstructural repairs and alterations that do not extend, enlarge, or intensify the structure. Ordinary maintenance and repairs include painting; decorating; the installation or replacement of heating, electricity, or plumbing systems; the installation or replacement

of drywall, plaster paneling, acoustical ceilings, insulation, doors, windows, roof surface materials, and siding.

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

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

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

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

Previously developed: A lot or parcel that has had a structure as defined by this chapter legally placed upon it.

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.

Replacement construction: The principal building or portion thereof is torn down and replaced by a new structure or building or portion thereof.

Routine maintenance of vegetation: Normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance. Examples of routine maintenance include pruning, watering, and mulching. Routine maintenance of vegetation does not include the removal and/or replacement of vegetation.

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

Shoreland setback also known as the **Shoreland setback area:** Means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under section 59.692, Wis. Stats.

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

Structural alterations: Any changes in the supporting members of a structure such as foundations, bearing walls, columns, beams or girders, footing and piles or any substantial change in the roof structure, or in the exterior walls.

Structural alterations: Any change in the supporting members of a building or any substantial change in the roof structure or in exterior walls.

Structure: Anything man-made that is constructed, erected, or placed either permanently or temporarily on the ground; including, but not limited to, any building, dwelling, manufactured building, manufactured home, mobile home, house trailer, recreational vehicle, boathouse, camping unit, sign, deck, patio, or other improvements.

Substandard lot: 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.

Subsurface dispersal system: An underground system that retains and disperses stormwater runoff.

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

Variance: Permission to depart from the literal requirements of this chapter, which may be granted by the Board of Adjustment in accordance with the procedures and standards of section 16-150-040.

Wetlands: Means 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.