



ORDINANCE NO. 192.07-2025

AN ORDINANCE AMENDING CHAPTER 16 OF THE KEWAUNEE COUNTY CODE OF ORDINANCES

THE KEWAUNEE COUNTY BOARD OF SUPERVISORS DO HEREBY ORDAIN AS FOLLOWS:

1 This ordinance is enacted pursuant to authority granted to the County Board of Supervisors for
 2 Kewaunee County under the provisions of Sections 59.02, 59.03, and 59.10 of the Wisconsin
 3 Statutes.


4
 5 The Kewaunee County Board of Supervisors, duly assembled this 22nd day of July 2025, hereby
 6 adopts the attached Amended Chapter 16 of the Kewaunee County Code of Ordinances.

7
 8 **Effective Date:** This ordinance shall take effect upon passage and publication.

Respectfully Submitted,

LAND AND WATER CONSERVATION COMMITTEE


 Aaron G. Augustian, Chair


 Nicholas Guilette


 Timothy J. Kinnard


 Kim Kroll

APPROVED AS TO FORM
 David J. DePeau
 Corporation Counsel

	Y E S	N O	A B S E N T	A B S T A I N
Agamaite, S.	✓			
Augustian, A.	✓			
Baker, D.	✓			
Browne, S.	✓			
Guilette, N.	✓			
Jahnke, S.	✓			
Kinnard, T.	✓			
Kroll, K.	✓			
Lazansky, J.	✓			
Lukes, J.	✓			
Olson, D.	✓			
Ortlieb, J.	✓			
Paape, G.	✓			
Patrycia, B.	✓			
Romdenne, T.	✓			
Shelton, W.	✓			
Swagel, M.	✓			
Teske, L.	✓			
Vollenweider, J.	✓			
Zeitler, P.	✓			
TOTALS	20	-	-	-

Chapter 16

Kewaunee County Shoreland Zoning Ordinance

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16.01 Title, Statutory Authority, Finding of Fact and Purpose and Intent

1. TITLE. Kewaunee County Shoreland Zoning Ordinance.
2. STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to the authorization in s. 59.692, Stats, to implement s. 59.692 and s. 281.31, Stats.
3. FINDING OF FACT. Uncontrolled use of the shorelands and pollution of the navigable waters of Kewaunee County will adversely affect the public health, safety, convenience, 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 the shore cover and natural beauty. This responsibility is hereby recognized by Kewaunee County, Wisconsin.

4. **PURPOSE AND INTENT.** (s. 281.31(1), Stats, s. 59.692(1c), Stats, NR 115.01) To promote and protect the public trust in navigable waters and to effect the purposes of s. 281.31, Stats, by aiding in the fulfillment of the state's role as trustee of its navigable waters; limiting the direct and cumulative impacts of shoreland development; and promoting the public health, safety, convenience and general welfare, this ordinance has been established to:
 1. Further the maintenance of safe and healthful conditions and prevent and control water pollution through:
 - A. Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
 - B. Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.
 - C. Controlling filling and grading to prevent soil erosion problems.
 - D. Limiting impervious surfaces to control runoff which carries pollutants.
 2. Protect spawning grounds, fish and aquatic life through:
 - A. Preserving wetlands and other fish and aquatic habitat.
 - B. Regulating pollution sources.
 - C. Controlling shoreland alterations, dredging, and lagooning.
 3. Control building sites, placement of structures and land uses through:
 - A. Prohibiting certain uses detrimental to the shoreland-wetlands.
 - B. Setting minimum lot sizes and widths.
 - C. Setting minimum building setbacks from waterways.
 - D. Setting the maximum height of near-shore structures.
 4. Preserve and restore shoreland vegetation and natural scenic beauty through:
 - A. Restricting the removal of natural shoreland cover.
 - B. Preventing shoreline encroachment by structures.
 - C. Controlling shoreland excavation and other earth moving activities.
 - D. Regulating the use and placement of boathouses and other structures.

16.02 General Provisions

1. **EFFECTIVE DATE.** This ordinance, upon passage and publication by the County Board of Supervisors of Kewaunee County, Wisconsin, shall be effective in all of the unincorporated areas within Kewaunee County.
2. **AREAS TO BE REGULATED.** (NR 115.02) Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Kewaunee County, which are:
 1. Within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds, or flowages (NR 115.03(8)). This shall be designated as the Recreational-Residential District.

2. Within 300 feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever is greater (NR 115.03(8)). This shall be designated as the General-Purpose District.
 3. Lakes, ponds, flowages, rivers and streams designated as perennial or intermittent waterways in Kewaunee County shall be presumed to be navigable according to the Wisconsin Department of Natural Resources Surface Water Data Viewer (<https://dnr.wisconsin.gov/topic/SurfaceWater/swdv>).
 4. 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, and counties 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(1m), Stats, applies. Shoreland zoning requirements in annexed or incorporated areas are provided in s. 61.353 and s. 62.333, Stats.
 5. Under s. 281.31(2m), Stats, notwithstanding any other provision of law or administrative rule, a shoreland zoning ordinance required under s. 59.692, Stats, does not apply to any of the following:
 - A. Lands adjacent to farm drainage ditches if:
 1. Such lands are not adjacent to a natural navigable stream or river;
 2. Those parts of the drainage ditches adjacent to these lands were not navigable streams before ditching; and
 - B. Lands adjacent to artificially constructed drainage ditches, ponds, or storm retention basins that are not hydrologically connected to a natural navigable water body.
3. **COMPLIANCE.** (NR 115.04) The use of any land; the size, shape and placement of lots; the use, size, type and location of structures on lots; the 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, other structures, and land disturbances 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.
 4. **MUNICIPALITIES AND STATE AGENCIES REGULATED.** Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. The construction, reconstruction, maintenance and repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation are exempt when s. 30.2022(1m), Stats, applies.
 5. **DETERMINATION OF NAVIGABILITY AND ORDINARY HIGH-WATER MARK.** Location shall initially be made by the zoning administrator. If questions arise, the zoning administrator may contact the

appropriate office of the Department for a final determination of navigability or ordinary high-water mark location. The county may work with surveyors with regard to s. 59.692(1h), Stats.

6. **ABROGATION AND GREATER RESTRICTIONS.** (s. 59.692(5), Stats) The following provisions of this ordinance are hereby incorporated by reference and supersede any provisions in a county zoning ordinance that solely relate to shorelands. In other words, if a zoning standard only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this ordinance supersedes those provisions. However, where an ordinance adopted under a statute other than s. 59.692, Stats, does not solely relate to shorelands and is more restrictive than this ordinance (e.g., floodplain ordinance), that ordinance shall continue in full force and effect to the extent of the greater restrictions.
 1. This ordinance shall not require approval or be subject to disapproval by any town or town board (s. 59.692(2)(a), Stats).
 2. 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 (s. 59.692(2)(b), Stats).
 3. This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants, or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
 4. This ordinance shall accord and be consistent with any comprehensive zoning plan or general zoning ordinance applicable to Kewaunee County, so far as practicable (s. 59.692(2)(c), Stats).
 5. This ordinance may establish standards to regulate matters that are not regulated by a shoreland zoning standard under NR 115.05(1) and that further the purposes of shoreland zoning as described in s. 16.01(4) (s. 59.692(1d)(b), Stats).
 6. This ordinance may not require any inspection or upgrade of a structure before the sale or other transfer of the structure may be made (s. 59.692(1k)(a)(3), Stats).
 7. The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if the department has issued all required permits or approvals authorizing the construction or maintenance under Ch. 30, 31, 281, or 283, Wis. Stats.

A “facility” means any property or equipment of a public utility, as defined in s. 196.01(5), Stats, or a cooperative association organized under Ch. 185 for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power (s. 59.692(7), Stats).
7. **Overlapping Districts.** In the event that land falls within multiple districts regulated by this ordinance, the regulations of the most restrictive district shall control.

8. INTERPRETATION. (s. 59.69(13), Stats) In its 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 State Statutes. If a provision of this ordinance, required by statute and a standard in Ch. NR 115, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the 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.
9. 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.

16.03 Shoreland Zoning District Boundaries

SHORELAND ZONING DISTRICT BOUNDARIES. The shorelands of Kewaunee County are hereby divided in the following districts: (1) Shoreland-Wetland District; (2) Recreational-Residential Districts; and (3) General-Purpose Districts.

16.04 Shoreland-Wetland District

1. PURPOSE. This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning ground and wildlife habitat, to preserve shore cover and natural beauty, and to control building and development in wetlands. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.
2. DESIGNATION. Kewaunee County hereby establishes a Shoreland-Wetland Zoning District with NR 115.04, Wis. Adm. Code. This district shall include all shorelands within the jurisdiction of this ordinance which as 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.
3. SHORELAND-WETLAND MAPS. The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer is made part of this ordinance. The maps can be viewed at <https://dnr.wisconsin.gov/topic/SurfaceWater/swdv>.

Locating Shoreland-Wetland Boundaries. Where an apparent discrepancy exists between a shoreland-wetland district shown on an amended map and actual field conditions, the county shall contact the department to determine if the amended 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 map amendment must be initiated within a reasonable period of time.

4. PERMITTED USES. (NR 115.04(3)) The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance:
1. Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, draining, flooding, 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 practice of silviculture, including the planting, thinning, and harvesting of timber;
 - D. The pasturing of livestock and the construction and maintenance of fences;
 - E. The cultivation of agricultural crops; and
 - F. The construction and maintenance of duck blinds.

 2. Uses which require the issuance of a zoning permit and must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating:
 - A. The construction or maintenance of piers, docks or walkways built on pilings.
 - B. The construction or maintenance of nonresidential buildings, provided that all the following apply:
 1. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows, or other wetlands or aquatic animals; or used solely for a purpose which is compatible with wetland preservation;
 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
 - C. The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas provided:
 1. no filling is done
 2. any private wildlife habitat area is used exclusively for that purpose.
 3. any ditching, excavating, dredging, dike and dam construction shall be allowed in wildlife refuges, game preserves, and private wildlife habitat areas for the purpose of improving wildlife habitat or to otherwise enhance wetland values. Any of these activities shall comply with the floodplain ordinance and secure all other required permits related to dike and dam construction.

 3. Uses which do not require the issuance of a zoning permit but which may include filling, flooding, draining, ditching, tiling, or excavating as necessary but only to the extent specifically provided below:
 - A. The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries,
 - B. The maintenance and repair of existing agricultural drainage systems such as ditching and tiling necessary to maintain the level of drainage required to continue the existing agricultural use.
 - C. The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges.

4. Uses which require the issuance of a zoning permit and which may include filling, flooding, draining, dredging, ditching, tiling or excavating as necessary, 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 designated and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in 16.04(6)(2);
 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.
 5. The construction of a road for silvicultural activities for temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.
 - B. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power, or water to their members provided:
 1. Such construction or maintenance is done in a manner designated to minimize flooding and adverse impact on the natural functions of the wetland enumerated in 16.04(6)(2).
 - C. The construction or maintenance of railroad lines provided that:
 1. The 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 flooding and adverse impact up on the natural functions of the wetland enumerated in 16.04(6)(2).
5. PROHIBITED USES. (NR 115.04(4)) Any activity or use not listed in s. 16.04(4) is prohibited, unless the wetland or portion thereof has been rezoned by amendment of this ordinance in accordance with s. 59.69(5)(e), Stats., and s. 16.04(6) of this ordinance.
6. REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT. (NR 115.04(2))
 1. For all proposed shoreland-wetland zoning requests under this ordinance, the appropriate office with the Department shall be provided with the following:
 - A. A copy of every proposed petition for a shoreland-wetland zoning request under this ordinance, within 5 days of the filing of such request with the county. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;
 - B. Written notice of the public hearing to be held at least 10 days prior to such hearing;
 - C. A copy of the county zoning agency's findings and recommendations on each proposed petition request within 10 days after the submission of those findings and recommendations to the county board; and
 - D. Written notice of the county board's decision within 10 days after it is issued.

2. A wetland, or portion thereof, in the shoreland-zoning district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
 - A. Storm and flood water storage capacity;
 - B. Maintenance of dry season stream flow, or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
 - C. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - D. Shoreline protection against soil erosion;
 - E. Fish spawning, breeding, nursery or feeding grounds;
 - F. Wildlife habitat; or
 - G. Wetlands both within the boundary of designated areas or 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.

3. If the Department notifies the county zoning agency that a proposed shoreland-wetland rezoning request under this ordinance may have a significant adverse impact upon any of the criteria listed in s. 16.04(6)(2) of this ordinance, that shoreland-wetlands rezoning request, if approved by the county board, shall contain the following provision:

“The shoreland-wetland rezoning 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), Stats. If the Department does so notify the county board, the effect of this amendment shall be stayed until the s. 59.692(6), Stats., adoption procedure is completed or otherwise terminated.”

16.05 Recreational-Residential District

1. **DESIGNATION.** The Recreational-Residential District includes all shorelands (defined in 16.02(2)(1)) which are adjacent to lakes, ponds, or flowages excluding those shorelands in the Shoreland-Wetland District.

2. **PURPOSE.** The purpose is to protect waters by providing for safe and orderly shoreland development. Recreational-residential shorelands are particularly suited for residential and recreational uses. In this district residential, recreational, and conservancy uses are permitted, and a limited number of commercial uses serving recreational needs are allowed as special exemptions. These uses are consistent with maximum recreational use of the water and its shorelands. All permitted uses or special exceptions are subject to the general provisions of this ordinance and all other applicable laws and regulations. Uses not identified as Permitted Uses or Special Exceptions are prohibited in the Recreational-Residential District.

3. PERMITTED USES.

1. Any use permitted under s. 16.04(4).
2. Year-round single-family dwellings for owner occupancy, rent, or lease.
3. Seasonal single-family dwellings for owner occupancy, rent, or lease
4. Any existing non-conforming agricultural use.

4. SPECIAL EXCEPTIONS.

1. Hotels, resorts (including 2 or more seasonal single-family dwellings for rent or lease), motels, restaurants, dinner clubs and taverns
2. Short-term residential rental units
3. Institutions of philanthropic or educational nature
4. Gift and specialty shops customarily found in recreational areas
5. Marinas, boat liveries, sale of bait, fishing equipment, boats and motors, fish farms, forest industries
6. Places of worship
7. Duplexes – means a residential structure on a single lot that contains two separate dwelling units designed or arranged for use by two families separated by a horizontal or vertical wall, each of which is heated independently of the other and has its own separate, private means of ingress and egress.

16.06 General-Purpose District

1. DESIGNATION. The General-Purpose District includes all shorelands subject to regulation under s. 16.02(2) which have not been addressed and are adjacent to perennial or intermittent river and streams according to the Wisconsin Department of Natural Resources Surface Water Data Viewer (<https://dnr.wisconsin.gov/topic/SurfaceWater/swdv>) (Figure 1), excluding those shorelands in the Shoreland-Wetland District.

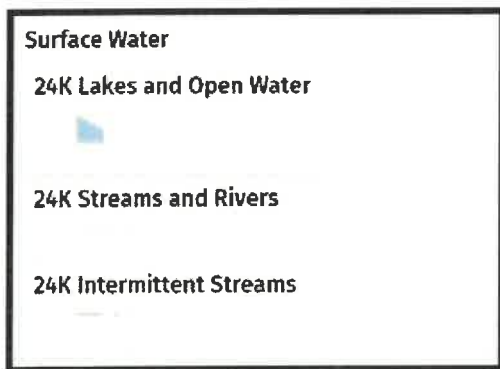


Figure 1. Wisconsin Department of Natural Resources Surface Water Data Viewer

2. PURPOSE. Areas other than those contained in the Shoreland-Wetland District and the Recreational-Residential District are potentially suited for a wide range of uses including industrial, commercial,

agricultural, residential, forestry, and recreational uses. Selecting prospective location for these uses and designating specific zones for each other them along navigable waters will require detailed county-wide comprehensive planning. Until such planning is undertaken and more detailed amendments to this ordinance can be enacted, a General-Purpose District shall be used to allow a wide range of uses subject to the general provisions of this ordinance. Minimum separating distances are provided to reduce conflicting land uses between potentially incompatible uses.

3. PERMITTED USES. Commercial, agricultural, residential, forestry, recreational uses, and signs in accordance with s. 16.08(8) provided that they comply with the general provisions of this ordinance.
4. SPECIAL EXCEPTIONS. Industrial uses may be permitted upon issuance of a special exception permit by the Board of Adjustment as provided in s. 16.17(5).

16.07 Minimum Lot Sizes

1. PURPOSE. (NR 115.05(1)(a)) Minimum lots sizes in the shoreland area have been 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.
2. SEWERED LOTS. (NR 115.05(1)(a)1) For each lot served by public sanitary sewer, the minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65 feet with at least 65 feet of frontage width at the ordinary high-water mark.
3. UNSEWERED LOTS. (NR 115.05(1)(a)2) For each lot not served by public sanitary sewer, the minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet with at least 100 feet of frontage width at the ordinary high-water mark.
4. SUBSTANDARD LOTS. (NR 115.05(1)(a)3) 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.

NOTE: The intent of this provision is to allow lots that were legally created that currently do not meet the minimum lot width and area requirements to be considered a building site provided all ordinance requirements can be met. Substandard lots that have been reconfigured by a certified survey map or consolidated into one legal description with the Register of Deeds, which results in a larger (closer to conforming) lot should be allowed to be utilized as a building site. Additionally, lots that have a legal description for each

substandard lot on record with the Register of Deeds but have one tax parcel number assigned by the Real Property Lister or Assessor for taxing/assessing purposes should be considered building sites and should not be considered consolidated. Lots that have had development over the lot lines should be combined with a legal description and recorded with a new deed prior to new development occurring.

5. OTHER SUBSTANDARD LOTS. Except for lots which meet the requirements of s. 16.07(4), a building permit for the improvement of a lot having lesser dimensions than those stated in s. 16.07(2) and (3) shall be issued only if a variance is granted by the Board of Adjustment.
6. ILLEGALLY CREATED LOTS. An illegally created lot is one that was created in violation of the required minimum area and minimum average width requirements of the County's shoreland zoning ordinance at the time of creation. Illegally created lots shall not be used for construction purposes without the granting of a variance.

16.08 BUILDING SETBACKS

1. PURPOSE. (NR 115.05(1)(b)) Setbacks within the shoreland area have been established to conform to health, safety, and welfare requirements, preserve natural beauty, reduce flood hazards, protect against water pollution, and otherwise limit the direct and cumulative impacts of shoreland development of the adjacent water body.
2. SIDE YARD SETBACKS for Lots **Not Served** by Public Sanitary Sewer:
 1. There shall be a side yard for each main building.
 2. The minimum width of one main side yard shall be 10 feet.
 3. The minimum combined width for both main side yards shall be 25 feet.
 4. There shall be a side yard of 5 feet for accessory structures excluding fences.
3. SIDE YARD SETBACKS for Lots **Served by** Public Sanitary Sewer
 1. The minimum width of one main side yard shall be 8 feet.
 2. The minimum combined width of both main side yards shall be 20 feet.
 3. There shall be a side yard of 4 feet for accessory structures excluding fences
4. HIGHWAY SETBACKS. For the purpose of determining the distance that buildings and other structures shall be set back from streets and highways, the highways of the county are divided into the following classes:
 1. Class A Highways.
 - A. All state and federal highways are designated as Class A Highways.

- B. The setback shall be 110 feet from the center line of a Class A Highway.
2. Class B Highways.
 - A. All county trunks are hereby designated as Class B Highways. For the purpose of this ordinance, any road shall be considered a county trunk after it has been placed on the county trunk system by the County Board and approved by the Division of Highways.
 - B. The setback shall be 75 feet from the center line of a Class B Highway.
 3. Class C Highways.
 - A. All town roads, public streets, and highways (not otherwise classified) are designated as Class C Highways.
 - B. The setback shall be 63 feet from the center line of a Class C Highway.
5. SHORELAND SETBACK. (s. 59.692(1n)(am), Stats, and NR 115.05(1)(b)1) A setback of 75 feet from the ordinary high-water mark of any navigable water to the nearest part of a building or structure shall be required.
 6. EXEMPT STRUCTURES. (s. 59.692(1n)(d), Stats, s. 59.692(1k)(a)6, Stats, NR 115.05(1)(b)1m) All of the following structures are exempt from the shoreland setback standards in s. 16.08(5):
 1. Boathouses. Boathouses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation.
 - A. The construction or placement of boathouses below the ordinary high-water mark of any navigable waters shall be prohibited.
 - B. Boathouses shall be designed, constructed and used solely for the storage of boats and related equipment.
 - C. One boathouse is permitted on a lot as an accessory structure.
 - D. Boathouses shall be constructed in conformity with local floodplain zoning standards.
 - E. Boathouses shall not exceed one story and 500 sq. ft. in floor area. Height of side wall can be no higher than 10 feet.
 - F. The roof of a boathouse may be used as a deck (s. 59.692(1o), Stats.) provided that:
 1. The boathouse has a flat roof
 2. The roof has no side walls or screens
 3. The roof may have a railing that meets the Department of Safety and Professional Services standards.
 - G. Earth tone colors are required for all exterior surfaces of a boathouse.
 - H. The main door shall face the water.
 - I. Patio doors, fireplaces and other features inconsistent with the use of a boathouse are prohibited.
 2. Broadcast Signal Receivers. 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.
 3. Utility Structures. Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with Ch. SPS 383 Wis. Admin. Code, and other utility structures that have no feasible

alternative locations outside of the minimum setback and that are constructed and placed using the best management practices to infiltrate or otherwise control storm water runoff from the structure.

4. Devices or Systems. Devices or systems used to treat runoff from impervious surfaces, provided the requirements of s. 59.692(1k)(am)1 and s. 59.692(1k)(a)6, Stats, are met.
5. Walkways, Stairways, or Rail Systems. A walkway, stairway or rail system that is necessary to provide pedestrian access to the shoreline may according to the following standards:
 - A. The walkway or stairway shall be located to minimize earth disturbing activities and shoreland vegetation removal during construction and be visually inconspicuous as viewed from the adjacent waterway and public roads.
 - B. The structure shall be located entirely within the access and viewing corridor.
 - C. The structure shall be no more than 60 inches in wide.
 - D. Open railings not exceeding 42 inches in height are permitted only where required by safety concerns.
 - E. Canopies, roofs, and closed railings/walls are prohibited.
 - F. Stairways shall be supported by piles or footings rather than being excavated from erodible soils on steep slopes or bluff faces.
 - G. Landings for stairways or docks are permitted only where required by safety concerns and shall not exceed 25 sq. ft. in area.
6. No Side, Open-Sided and Screened Structures. No side, open-sided and screened structures such as gazebos, decks, patios and screen houses in a shoreland setback area, provided the following requirements of s. 59.692(1v), Stats, are met:
 - A. That 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 total floor area of all the structures in the shoreland setback area of the property will not exceed 200 square feet. In calculating this square footage, boathouses shall be excluded.
 - C. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
 - D. County must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback areas that is nearest to the water.
 - E. An enforceable agreement must be filed with the Register of Deeds prior to construction acknowledging the limitations on vegetation.
7. Fences. A fence along a roadway that meets all of the following requirements:
 - A. Is not taller than 15 feet.
 - B. Is located not less than 2 feet landward of the ordinary high-water mark.
 - C. Is located entirely outside of a highway right-of-way.
 - D. Is located not less than 10 feet from the edge of a roadway and not more than 40 feet from the edge of a roadway or highway right-of-way, whichever is greater.
 - E. Is generally perpendicular to the shoreline.
8. Bridges. A bridge for which the department has issued a permit under s. 30.123, Stats.

9. Existing Exempt Structures. A structure legally constructed wholly or partially within the shoreland setback area may be maintained, repaired, replaced, restored, rebuilt, or remodeled if the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure, in accord and consistent with s. 59.692(1k)(a)2m, Stats. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.
7. REDUCED PRINCIPAL STRUCTURE SETBACK. (s. 59.692(1n), Stats) Where there are existing principal structures in both directions of a new proposed principal structure, a shoreland setback less than the required 75-foot setback from the ordinary high-water mark of section 16.08(5) shall be permitted for a new proposed principal structure provided all of the following are met:
 1. Both of the existing principal structures are located on lots immediately adjacent to the lot of the proposed new principal structure.
 2. Both of the existing principal structures are located within 250 feet of the proposed new principal structure.
 3. Both of the existing principal structures are the closest principal structure on their respective lots to the new proposed principal structure.
 4. Both of the existing principal structures are located less than 75 feet from the ordinary high-water mark.
 5. The reduced shoreland setback shall equal the average of the distances that the two existing principal structures are set back from the ordinary high-water mark.
 6. The reduced shoreland setback shall not be reduced to less than 35 feet from the ordinary high-water mark.
8. OTHER SHORELAND REQUIREMENTS.
 1. Fences. Beyond the shoreland building setback area, fences may be installed.
 - A. They shall not exceed 4 feet in height in the shore yard side and shall not exceed 6 feet in height in the side yard or rear yard.
 - B. They can be chain link, split rail, or solid wood construction.
 - C. They are located entirely on the owner's property and are maintained by the owner.
 - D. Fencing of agricultural and other open space lands shall comply with the provisions of Wis. Stats. Ch. 90.
 2. Travel Trailers or Recreational Vehicles. Travel trailers and recreational vehicles are permitted in the Recreational-Residential District and General-Purpose District.
 - A. They may be parked on the owner's property provided there is not permanent habitation or business use conducted.
 - B. *Conditions and Restrictions*
 1. The recreational unit must have a valid registration.
 2. Only 1 recreational unit per lot in Recreational-Residential District, no more than 3 recreational units in General Purpose District.

3. Sanitary waste shall be provided by:
 - a. Connection to an approved POWTS, or
 - b. Self-contained holding tank with disposal at an approved sanitary dump station, or
 - c. A portable toilet.
 4. The recreational units must meet all setback requirements for structures in the ordinance.
 5. The maximum length of time a recreational unit may remain on the property is 120 calendar days in any given year.
3. Signs.
- A. *Type, Size and Location.* The following type, size, and location of signs shall be setback 75 feet from the ordinary high-water mark and should not exceed 32 sq. ft. in gross area. No sign shall be located, erected, moved, extended, enlarged, or structurally altered until a zoning/building permit has been issued.
 1. Directory signs advertising a business or activity conducted, an area of interest, or a service available at a specific location with the County. Such signs shall not be more than 32 sq. ft. in gross area. There shall not be more than two such signs relating to any one use in the approaching directions along any highway. The sign shall not be within 300 feet of an existing residence and may not be placed within 20 feet of the right of way of the highway.
 2. Signs attached to commercial or industrial buildings advertising a business conducted or service available on the premises shall not exceed 32 sq. ft. in gross area and not be higher than 4 feet above the top of the roof line.
 3. On premise signs, advertising a public or semi-public use shall not exceed 32 sq. ft. in gross area and may not be placed within 20 feet of the right of way of the highway.
 4. Signs advertising a customary home occupation, sale or rent of property shall not exceed 12 sq. ft. in gross area. These signs shall not require a permit.
 5. Larger signs or a greater number of signs may be permitted upon the issuance of a special exemption permit by the board of adjustment.
 - B. *Conditions and Restrictions.*
 1. Signs shall not be designed and installed to imitate or simulate any highway marker, signal, or traffic control sign.
 2. Signs shall not have any flashing, rotating lights, or animated parts.
 3. Lighted signs shall not have any light emitted directly onto the roadway. No sign light bulb or lens cover shall be directly visible from the roadway.
 4. Signs shall not be attached to trees, fence posts, fences, or utility structures and shall not be painted on a rock or other natural object.
 5. Signs shall be kept in a good state of repair.
4. Accessory Structures. Any permanent, roofed structure serving as an accessory use if attached to the principal building by an enclosed structure shall be considered a part of the principal building. If an accessory structure is not attached to the principal building as specified above, it shall conform to the setback and other dimensional requirements for accessory buildings within the zoning district. Accessory uses are not permitted until their principal structure is present or under construction. The Board of Adjustment may permit accessory use to be located on a lot prior to the principal structure as a special exception in accordance with s. 16.17(5) provided that the applicant provides a site plan, a time schedule for the construction of the principal use, and other information required under s. 16.17(5).

5. Other Structures. Structures which require authorization or permits from the Department of Natural Resources pursuant to Wis. Stats. Ch. 30 and 31 or which are to be located below the ordinary high-water mark namely bridges, dams, culverts, piers, wharves, navigational aids, and waterway crossings of transmission lines shall comply with all applicable federal, state, county and local regulations.

9. BLUFF SETBACKS FOR LOTS THAT ABUT ON LAKE MICHIGAN. Lake Michigan possesses unique ecological characteristics, water level fluctuations, and erosion hazards not found on other surface waters in Kewaunee County. Storms and high-water levels can cause shoreline erosion, flooding, and property damage. Therefore, setbacks from Lake Michigan shall be increased as follows:
 1. Required Minimum Setbacks. All buildings and structures shall be at least 75 feet from the edge of the bluff where the shore bluff height is 10 feet or less and at least 125 feet from the edge of the bluff where the shore bluff is greater than 10 feet. Buildings and structures required to have a setback of 125 feet from the edge of the bluff may have an attached or adjoining deck, patio or both provided any attached or adjoining deck or patio is set back at least 100 feet from the edge of the bluff.
 2. Reduced Building Setback-Variance. The Board of Adjustment, pursuant to s. 16.17(6) of this ordinance, may approve a modification of the setback to no less than 75 feet upon submittal of acceptable engineering studies prepared by a licensed or certified engineer documents the recession rate and the stable slope distance of the property. The recession rate is the horizontal distance the bank bluff edge is expected to recede from the ordinary high-water mark during the useful life of the structure, and the stable slope distance is the horizontal distance necessary for the bluff face to receded to a stable slope.

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

16.09 VEGETATION

1. DESIGNATION. Kewaunee County hereby designates land that extends from the ordinary high-water mark to a minimum of 35 feet inland as a "vegetative buffer zone."
2. PURPOSE. (NR 115.05(1)(c)1) A vegetative buffer zone is maintained or created to protect natural scenic beauty, fish and wildlife habitat, water quality, and to promote the preservation and restoration of native vegetation. Vegetation removal shall be regulated in a manner to protect water quality and reduce soil erosion and the flow of effluents, sediments and nutrients.
3. ACTIVITIES ALLOWED. The removal or destruction of vegetation in the vegetative buffer zone shall be prohibited except as follows:
 1. Routine maintenance of vegetation which means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

2. The removal or destruction of vegetation for the creation of an access and viewing corridor provided the following requirements are met:
 - A. The access and viewing corridor remain in a strip of vegetated land for the purpose of providing safe pedestrian access to the shore through the vegetative buffer zone.
 - B. The access and viewing corridor may be 35% of the shoreline frontage but in no case shall it be less than 10 feet or greater than 200 feet.
 - C. The viewing corridor may run contiguously for the entire maximum width allowed based on the shoreline frontage owned.

3. The removal of trees and shrubs 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), Wis. Adm. Code and described in the Wisconsin DNR publication “Wisconsin Forest Management Guidelines” (publication FR-226), provided that vegetation removal be consistent with these practices.

4. The removal of vegetation to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area with native species as soon as practicable.

5. The County may authorize by permit additional vegetation management activities such as prescribed burns or other vegetation management or removal activities where there is a demonstrable need for the activity. Any permit issued by the County under this section shall include enforceable restrictions to preserve the newly restored area. Prior to issuing a permit under this section, the County shall require the following information to be provided by the permittee:
 - A. Detailed plans documenting the need and purpose are submitted and approved by the County.
 - B. Sufficient information within the plans showing that it is designed to:
 1. Control erosion by limiting sedimentation into waterbody;
 2. Improve the plant community by replanting in the same area; and
 3. Maintain and monitor the newly restored area.

4. 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.

16.10 FILLING, GRADING, LAGOONING, DREDGING, DITCHING, AND EXCAVATING (NR 115.05(1)(d))

1. PURPOSE. To protect natural scenic beauty, fish and wildlife habitat, and water quality, land disturbances may be allowed and authorized only if done in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat and natural scenic beauty.

2. APPLICABILITY. Filling, grading, lagooning, dredging, ditching, and excavating may be authorized by permit according to s. 16.10(3) and 16.04(4), and if only done in a manner that meets the purpose of section 16.10(1).
3. GENERAL REQUIREMENTS. In order to implement s. 16.10(2), a permit for filling, grading, lagooning, dredging, ditching, or excavating within a shoreland area may be granted provided that:
 1. A permit is required to be issued for filling, grading, lagooning, dredging, ditching, or excavating within 300 feet of the ordinary high-water mark of navigable waters.
 2. It is not done within the vegetative buffer zone unless necessary for establishing or expanding the vegetative buffer or for the construction of an exempt structure under s. 16.08(6).
 3. It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.
 4. Filling, grading, lagooning, dredging, ditching, or excavating in a shoreland-wetland district meets the requirements of s. 16.04 of this ordinance
 5. All applicable federal, state, and local authority is obtained in addition to a permit under this ordinance.
 6. Any fill placed in the shoreland area is protected against erosion by the use of a vegetative cover or stabilized in another acceptable and approved manner.
4. PERMIT CONDITIONS. In granting a permit under s. 16.10(3)(1), the county shall attach the following conditions, as appropriate:
 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. Construction associated with land disturbances shall be constructed with side slopes of two (2) units' horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated and stabilized.
 8. Other project-related conditions may be considered.

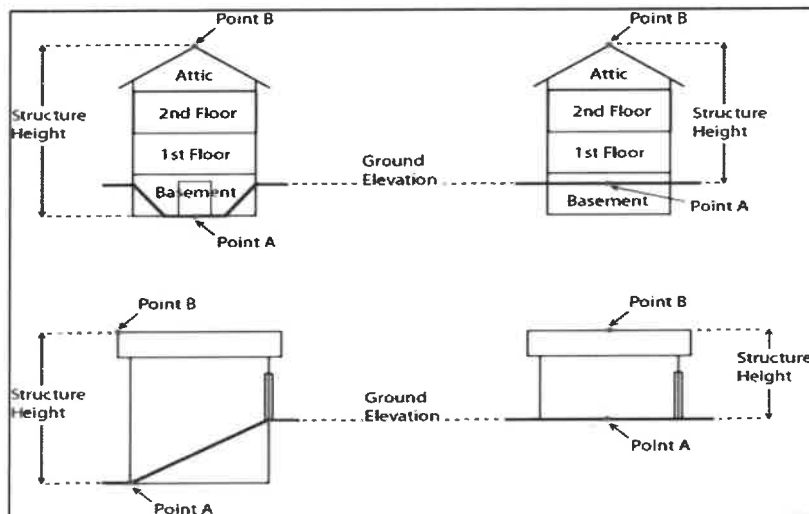
16.11 IMPERVIOUS SURFACE STANDARDS

1. PURPOSE. County hereby establishes impervious surface standards to protect water quality, fish and wildlife habitat and protect against pollution of navigable waters.
2. APPLICABILITY. (NR 115.05(1)(e)1, Stats) These impervious surface standards shall apply to the construction, reconstruction, expansion, replacement, or relocation of any impervious surface that is or will be located within 300 feet of the ordinary high-water mark of any navigable waterway on any of the following:
 1. A riparian lot or parcel.
 2. A non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.
3. CALCULATION OF PERCENTAGE OF IMPERVIOUS SURFACE. (NR 115.05(1)(e)1m and s. 59.692(1k)(am)1, Stats) 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 multiplying by 100. Impervious surfaces described in s. 16.11(7) and (8) shall be excluded from the calculation of impervious surfaces 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 surfaces.
4. GENERAL IMPERVIOUS SURFACE STANDARD. (NR 115.05(1)(e)2) The percentage of impervious surface allowed on a lot or parcel described in s. 16.11(2) and as calculated in s. 16.11(3), shall not exceed 15%.
5. IMPERVIOUS SURFACE STANDARD FOR HIGHLY DEVELOPED SHORELINES. (NR 115.05(1)(e)2m and s. 59.692(1k)(am)2, Stats)
 1. A “highly developed shoreline” is one that meets either of the following:
 - A. A shoreline within an area identified as an Urbanized Area or Urban Cluster in the 2010 U.S. Census or a shoreline that has a commercial, industrial or business land use as of January 31, 2013.
 - B. Shorelines not listed under s. 16.11(5)(1)A above that are 1) are at least 500 feet wide at the shoreline; 2) include either a majority of the lots with more than 30% of impervious surface area, a majority of lots are less than 20,000 sq. ft. in area, and/or lots located on a lake and served by a sewerage system, as defined in s. 281.01(14), Stats. (including property along the Bay of Green Bay in Kewaunee County between the Brown County line and Door County line, within 300 feet of the ordinary high-water mark. Town of Red River, part of sections 5, 6, 7 and 18. See Appendix A.) and 3) are mapped after receiving approval from the department following a county-held hearing.
 2. Standards for highly developed shorelines. For a lot or parcel meeting the conditions of s. 16.11(5)(1) allow up to 30% impervious surface for residential land use and up to 40% impervious surface for commercial, industrial, or business land uses

6. MAXIMUM IMPERVIOUS SURFACE. (NR 115.05(1)(e)3) A lot or parcel may exceed the impervious surface standard under s. 16.11(4) or (5) provided that all of the following standards are met:
 1. For properties where the impervious surface standard applies under s. 16.11(4), a property owner may have more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.
 2. For properties on shoreland where the impervious surface standards for highly developed shoreline applies under s. 16.11(5), a property owner may have more than 30% impervious surface but not more than 40% impervious surface for residential land uses. For commercial, industrial, or business land uses, a property owner may have more than 40% impervious surface but not more than 60% impervious surface.
 3. For properties that exceed the standard under s. 16.11(4) or (5), but do not exceed the maximum impervious surface standards under 16.11(6)(1) or (2), a permit can be issued for development with a mitigation plan that meets the standards in s. 16.15.
7. TREATED IMPERVIOUS SURFACES. (NR 115.05(1)(e)3m and s. 59.692(1k)(am)1, Stats) Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under s. 16.11(3):
 1. The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bioswales, or other engineered systems.
 2. The runoff from the impervious surface discharges to internally drained pervious area that retains the runoff on the parcel and allows infiltration into the soil.
8. ROADWAYS & SIDEWALKS. (s. 59.692(1k)(am)3, Stats) Roadways defined in s. 340.01(54), Stats, and sidewalks defined in s. 340.01(58), Stats, shall be excluded from impervious surface calculations under s. 16.11(3).
9. EXISTING IMPERVIOUS SURFACES. (NR 115.05(1)(e)4) For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in s. 16.11(4) or the maximum impervious surface standard in s. 16.11(6), the property owner may do any of the following:
 1. Maintain and repair the existing impervious surfaces;
 2. Replace existing impervious surfaces with similar surfaces within the existing building envelope;
or
 3. Relocate or modify existing impervious surfaces with similar or different impervious surfaces, 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 s. 16.08.

16.12 HEIGHT (NR 115.05(1)(f)).

1. **PURPOSE.** To protect and preserve wildlife habitat and natural scenic beauty.
2. **HEIGHT STANDARD.** A structure taller than 35 feet within 75 feet of the ordinary high-water mark of any navigable waters is prohibited.
3. **MEASURING HEIGHT.** Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and it's intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this ordinance.



16.13 NONCONFORMING USES

1. **APPLICABILITY.** This section applies to a use of a dwelling, building, or parcel of land that existed lawfully before the existing zoning ordinance was enacted or amended, but that does not conform to the allowed uses in the current ordinance (s. 59.69(10)(ab), Stats).
2. **GENERAL RULE.** (s. 59.69(10), Stats)
 1. The continuance of the lawful use of any building, premises, structure, or fixture for any trade or industry for which such building, premises, structure, or fixture is used at the time that the ordinance takes effect may not be prohibited (s. 59.69(10)(am), Stats, NR 115.05(1)(g)1).
 2. The alteration of, or addition to, or repair in excess of 50 percent of its assessed value of any existing building, premises, structure, or fixture for the purpose of carrying on any prohibited trade or new industry within the district where such buildings, premises, structures, or fixtures are located, may be prohibited (s. 59.69(10)(am), Stats).

3. The county may prohibit the continuance of the nonconforming use of a temporary structure (NR 115.05(1)(g)2).
4. If the nonconforming use is discontinued for a period of 12 months, any future use of the building, premises, structure, or fixture shall conform to the ordinance (NR 115.05(1)(g)3).
5. A manufactured home community licensed under s. 101.935, Stats, that is a nonconforming use continues to be a nonconforming use notwithstanding the occurrence of any of the following activities within the community: (s. 59.69(10)(at), Stats)
 - A. Repair or replacement of homes.
 - B. Repair or replacement of infrastructure.

16.14 NONCONFORMING STRUCTURES

1. APPLICABILITY. This section applies to an existing principal or accessory structure that was lawfully placed when constructed but that does not comply with the current required ordinary high-water mark setback of a navigable waterway.
2. MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF NONCONFORMING STRUCTURES. (s. 59.692(1k)(a)2, 4 and (b), Stats). A structure that was lawfully placed when constructed but that does not comply with the required shoreland setbacks per s. 16.08 may be maintained, repaired, replaced, restored, rebuilt, or remodeled, if the activity does not expand the footprint of the nonconforming structure. Further, a structure that was lawfully placed when constructed but that does not comply with the required shoreland setbacks may be **vertically expanded** unless the vertical expansion would extend more than 35 feet above grade level. The expansion of a structure beyond the existing footprint may be allowed if the expansion is necessary to comply with applicable state or federal requirements.
3. LATERAL EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURE WITHIN THE SETBACK. (NR 115.05(1)(g)5). An existing principal structure that was lawfully placed when constructed but does not comply with the required building setbacks under s. 16.08 may be **expanded laterally**, provided that all of the following requirements are met:
 1. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
 2. The existing principal structure is at least 35 feet from the ordinary high-water mark.
 3. Lateral expansions are limited to a maximum of 200 sq. ft. 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 to the existing principal structure.
 4. The county shall issue a permit that requires an approved mitigation plan that shall be implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in s. 16.15.

5. All other provisions of the shoreland ordinance shall be met.
4. **EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURES BEYOND SETBACK.** (NR 115.05(1)(g)5m). An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under s. 16.08 may be expanded horizontally, landward, or vertically provided that the expanded areas meet the building setback requirements per s. 16.08, and that all other provisions of this ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required per s. 16.11.
5. **RELOCATION OF NONCONFORMING PRINCIPAL STRUCTURES.** (NR 115.05(1)(g)6) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setbacks per s. 16.08 may be relocated on the property provided all of the following requirements are met:
 1. The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
 2. The existing principal structure is at least 35 feet from the ordinary high-water mark.
 3. No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
 4. The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirements in s. 16.08.
 5. The county shall issue a permit that requires an approved mitigation plan that shall be and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in s. 16.15.
6. All other provisions of this ordinance shall be met.
6. **MAINTENANCE, REPAIR, REPLACEMENT, OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE.** (s. 59.692(1k)(a)2 and 4, and (b), Stats) 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. The expansion of a structure beyond the existing footprint may be allowed if the expansion is necessary to comply with applicable state or federal requirements.
7. **WET BOATHOUSES.** The maintenance and repair of nonconforming boathouses which extend beyond the ordinary high-water mark of any navigable waters shall be required to comply with s. 30.121, Stats.

16.15. Mitigation (NR 115.05(1)(e)3c, (g)5d, (g)6e)

1. PURPOSE. The purpose of mitigation is to establish and maintain measures adequate to offset the impacts to water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty from shoreland development.
2. APPLICABILITY. When a permit requiring mitigation under s. 16.11(6) and 16.14(3-5) is issued, the property owner must submit a mitigation plan and permit application that is reviewed and approved by the County.
3. SITE PLAN. A site plan shall be designed and implemented to restore natural functions lost through development and human activities and shall be proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.
 1. Site Plan Development. A site plan drawn to scale shall be submitted with the permit application form and shall contain the following:
 - A. Location, dimensions and area of mitigation (pre and post construction)
 - B. Detailed description of proposed mitigation measures, including detailed maps of mitigation areas.
 - C. A proposed schedule and sequence of work activities including methods, materials, and equipment to be used.
 - D. Names, descriptions, and densities of native species to be utilized in the restoration work, including ground cover, shrubs and tree layers.
 - E. Include supplemental planting of native species every 100 sq. ft., which at a minimum will result in the following:
 1. One tree (minimum 3 species)
 2. Two shrubs (minimum 4 species)
 3. Seventy plugs of ground cover of approved seed mix.
 - F. Plan to remove non-native species (e.g., purple-loosestrife)
 - G. Erosion control measures that will be used during construction (or any land disturbance) for sediment, runoff and water quality protection.
 - H. Operation and maintenance agreement, including “no mow” plans.
 - I. A binding agreement with the owner, his/her heirs, successors, and assignees, must authorize entrance onto the property by zoning staff for inspections to assure compliance.
 - J. All agreements shall be written and recorded on forms provided by the County Zoning office and recorded with the Register of Deeds. This also applies to preservation of an existing natural buffer.
 2. Implementation Requirements.
 - A. An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures shall be evidenced by an instrument recorded in the office of the county register of deeds.
 - B. Must be started with 1 year from the issue date of the applicable permit

- C. All plantings and any other activities must be completed within 2 years of the permit issue date.
- D. Must be implemented, the vegetative buffer planted, and the vegetation must be in a viable, growing condition for at least one growing season before a special zoning permit to build a structure is granted.
- E. The landowner is responsible for any and all required state and local permits.
- F. Removal of the shoreland structure will not relinquish the recorded agreement or permit the removal, destruction, degradation, and/or reduction in size of the shoreland vegetative buffer.
- G. Failure to comply with the plan and/or subsequent removal of vegetation from the vegetative buffer zone will cause the County to revoke the special zoning permit and order the removal of any structure(s) authorized by the special zoning permit.

4. MITIGATION OPTIONS.

1. Vegetative buffer required as mitigation under s. 16.15(3), the property owner shall choose and implement two (2) of the following:
 - A. Restoration of native primary buffer to vegetative buffer
 - B. Stormwater Management Practices (e.g., rain gardens, water diversions of overland flow, swales, etc.)
 - C. Restoration of shoreland wetlands
 - D. Any other mitigation that is deemed appropriate by the zoning administrator
2. Horizontal expansion and/or replacement or relocation of principal structures located between 35 and 75 feet from the ordinary high-water mark and which is less than 35 feet in height (s. 16.14(3-5)).
 - A. Removal of all nonconforming accessory structures located in the shore setback area. This requirement shall not apply to a detached garage which is in good repair and located at least as far from the ordinary high-water mark as the principal structure on the property.
 - B. The property owner shall choose and implement two (2) of the following:
 1. Restoration of native primary buffer to vegetative buffer
 2. Stormwater Management Practices (e.g., rain gardens, water diversions of overland flow, swales, etc.)
 3. Shoreland wetlands
 4. Any other mitigation that is deemed appropriate by the zoning administrator
3. Impervious surface area greater than 15% and/or less than or equal to 30%, and greater than 30% for highly developed shorelands (s. 16.11(4) and (5)).
 - A. Removal of all nonconforming accessory structures located in the shore setback area. This requirement shall not apply to a detached garage which is in good repair and located at least as far from the ordinary high-water mark as the principal structure on the property.
 - B. The property owner shall choose and implement two (2) of the following:
 1. Restoration of native primary buffer to vegetative buffer

2. Stormwater Management Practices (e.g., rain gardens, water diversions of overland flow, swales, etc.)
3. Shoreland wetlands
4. Any other mitigation that is deemed appropriate by the zoning administrator

16.16 Land Division Review, Planned Unit Development and Sanitary Regulations

1. LAND DIVISION REVIEW. (NR 115.05(2))

1. Purpose. The county shall review, pursuant to s. 236.45, 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.
2. Conditions. In such review, all of the following factors shall be considered:
 - A. Hazards to the health, safety, or welfare of future residents.
 - B. Proper relationship to adjoining areas.
 - C. Public access to navigable waters, as required by law.
 - D. Adequate storm drainage facilities
 - E. Conformity to state law and administrative code provisions.

2. PLANNED UNIT DEVELOPMENT (PUD). (NR 115.05(1)(a)4)

1. Purpose. A Planned Unit Development (PUD) 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.
2. Requirements for Planned Unit Development. The County Board may at its discretion, upon its own motion or upon petition, approve a Planned Residential Unit Development Overlay District upon finding, after a public hearing, that **all** of the following facts exist:
 - A. *Area*. A Planned Unit Development may be allowed on a single lot that is at minimum 2 acres in size and has a minimum of 200 feet of frontage on a navigable water.
 - B. *Individual Lots*.
 1. Riparian lots need to meet the requirements of s. 16.07(2) and (3).
 2. Non-riparian lots may be less than the required minimums found s. 16.07(2) and (3). The governing body shall consider whether the proposed lot sizes and widths provide adequate building area after considerations of all setbacks and required impervious surface percentages are met as well as reviewing potential impacts to prevent pollution, erosion and impacts to natural scenic beauty.
 - C. *Shoreland Setback*. In exchange for the allowance of reduced non-riparian lots, the shoreland setbacks shall be greater than 75 feet from the ordinary high-water mark.
 1. An increased shoreland setback shall be a condition of approval.
 2. Recommended setbacks of 100-150 feet from the ordinary high-water mark shall help offset the impacts of the reduced lots on habitat, water quality and natural scenic beauty.

- D. *Vegetative Buffers.* The vegetative buffer on a lot within a proposed planned development shall be greater than 35 feet landward of the ordinary high-water mark.
 - 1. An increased vegetative buffer shall be a condition of approval.
 - 2. Recommended buffers of 50-70 feet shall help offset the impacts of the reduced lots on habitat, water quality and natural scenic beauty
 - E. *Impervious Surface Requirements.* All impervious surface requirements shall be met.
3. Application and Permit Requirements.
- A. An application for a permit shall be required.
 - B. Information on the total area of the lot, to-scale map showing location and size of all proposed lots, any preserved open space, number and type of dwelling units, other buildings and other requested information to describe the project.
 - C. Proposed greater shoreland setbacks and greater vegetation buffer that offsets the development impacts for consideration.
 - D. Location of shoreland wetlands
 - E. A recorded plat or certified survey map is required prior to any construction activities.
 - F. No construction activities shall commence without the issuance of a regular zoning permit for each structure.
4. Procedure for Establishing a PUD District.
- A. *Petition.* A petition setting forth all of the facts required in s. 16.16(2) and (3) shall be submitted to the county clerk and to the county zoning agency established as required by s. 59.69(3)(d), Stats.
 - B. *Notice, Hearing & Decision.* Notice, hearing and decision shall follow s. 16.17 of this ordinance.
 - C. *Findings & Condition of Approvals.* The county board shall make written findings as to the compliance or noncompliance of the proposed overlay district with each of the applicable requirements set forth in s. 16.16(2) and (3). If the petition is granted in whole or part, the county board shall attach written conditions to the approval that shall, in all cases, establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks, dimensions of vegetative buffer zone, and open space requirements.
 - D. *Planning Studies.* A landowner or petitioner may at his own expense develop the facts required to establish compliance with the provisions of s. 16.16(2) and (3) or may be required to contribute funds to the county to defray all or part of the cost of such studies being undertaken by the county or any agency or person with whom the contracts for such work.

NOTE: When a PUD is approved, an appropriate record shall be made of the land use and structures permitted and such permit shall be applicable solely to the structures, use, and property described. When the conditions of a special exception permit are violated, the permit shall be revoked by the Board of Adjustments.

3. SANITARY REGULATIONS. (NR 115.05(3)) Kewaunee County has enacted sanitary regulations (i.e., Kewaunee County Chapter 15) for the protection of health and the preservation and enhancement of water quality.

1. Where public water supply systems are not available, private well construction shall be required to conform to Ch. NR 812, Wis. Adm. Code.
2. Where a public sewage collection and treatment system is not available, design and construction of private waste disposal 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 a private sewage system ordinance adopted by the county under s. 59.70(5), Stats.

16.17 Administration

1. **ESTABLISHMENT.** There is hereby created the zoning office as authorized by s. 59.69(2), Wis. Stats., and a board of adjustment as authorized by s. 59.694, Wis. Stats. The appointment of a zoning administrator and such additional staff as the workload may require.
2. **ZONING ADMINISTRATOR.** The County Conservationist is designated as the zoning administrator and is authorized to administer this ordinance and shall exercise the following duties and powers:
 1. Advise applicants of the ordinance provisions and assist in preparing permit applications and appeals.
 2. Issue permits for all land disturbances, new construction, development, reconstruction, structural alteration, or moving of buildings and structures is hereby established. A copy of all applications shall be required to be filed in the office of the county zoning administrator.
 3. Keep complete records of all proceedings, including permits issued, inspection made, work approved, proceedings before the board of adjustment and other official actions.
 4. Regular inspection of permitted work in progress to ensure compliance of the finished structures or completed land disturbance activities with the terms of this ordinance
 5. A variance procedure which authorizes the board of adjustment to grant such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland zoning ordinance, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship.
 6. Provide written notice to the appropriate department staff at least 10 days prior to any hearing on a proposed variance, special exception permit, administrative appeal for a map or text interpretation, and map or text amendment.
 7. Submit copies of all proposed land divisions to the appropriate department staff within 10 days after they are submitted to the county for review under section 16.16.

8. Submit to the appropriate department staff, within 10 days after grant or denial, copies of any decision on a variance, special exception permit or appeal for a map or text interpretation, and any decision to amend a map or text of this ordinance.
9. Investigate, prepare reports, and report violations of this ordinance to the appropriate county zoning committee and the district attorney or corporation counsel as necessary.

3. ZONING AGENCY.

1. The County Conservationist shall:
 - A. Oversee the functions of the office of the zoning administrator; and
 - B. review and advise the governing body on all proposed amendments to this ordinance, maps, and text;
 - C. publish adequate notice pursuant to Ch. 985, Stats., specifying the date, time, place, and subject of the public hearing.
2. The County Conservationist shall not:
 - A. Grant variances to the terms of the ordinance in place of action by the Board of Adjustment; or
 - B. Amend the text or zoning maps in place of official action by the governing body.

4. SHORELAND PERMITS.

1. Applicability. A shoreland permit shall be obtained, except where another section of this ordinance specifically exempts certain types of development from this requirement, before any development or any change in the use of the existing building or structure is initiated.
2. Application. An application for a shoreland permit shall be made to the zoning administrator.
3. Fees. As established in the Kewaunee County Shoreland Zoning & Sanitary Fee Schedule.
4. Expiration. Shoreland permits shall expire 24 months from the date of issuance.

5. SPECIAL EXCEPTION PERMITS.

1. Applicability. Any use listed as a special exception permit in this ordinance shall be permitted only after an application has been submitted to the zoning administrator and a special exception permit has been granted by the Board of Adjustment following a notice and public hearing per s. 16.17(6).
2. General Standards. In passing upon a special exception permit, the Board of Adjustment shall evaluate the effect of the proposed use upon:
 - A. The maintenance of safe and healthful conditions.
 - B. The prevention and control of water pollution including sedimentation.

- C. Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water.
 - D. Erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
 - E. The location of the site with respect to existing or future access roads.
 - F. The need of the proposed use for a shoreland location
 - G. Its compatibility with uses on adjacent land
 - H. The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems
 - I. Location factors under which:
 - 1. Domestic uses shall be generally preferred.
 - 2. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source.
 - 3. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.
3. Conditions Attached to Special Exceptions. Upon consideration of the factors listed above, the Board of Adjustment shall attach such conditions, in addition to those required elsewhere in the ordinance, as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance.
- A. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operations; operational control; sureties; deed restrictions; location of piers, docks, parking and signs; and type of construction.
 - B. To secure information upon which to base its determination, the Board of Adjustment may require the applicant to furnish, in addition to the information required for a shoreland permit, the following information:
 - 1. A plan of the areas showing surface contours, soil types, ordinary high-water mark, groundwater conditions, subsurface geology, and vegetative cover.
 - 2. Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping
 - 3. Plans of buildings, sewage disposal facilities, water supply systems, and arrangement of operations.
 - 4. Specifications for areas of proposed filling, grading, lagooning, or dredging.
 - 5. Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.
6. BOARD OF ADJUSTMENT. The Board of Adjustment, created under s. 59.694, Stats, for counties is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.
- 1. Powers and Duties. The Board of Adjustment shall:

- A. *Appeals*. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this ordinance;
 - B. *Variances*. Hear and decide, upon appeal, variances from the dimensional standards of this ordinance pursuant to par. 2.B below.
 - C. *Special Exemption Permits*. Hear and decide applications for special exception permits pursuant to s. 16.17(5).
2. Appeals and Variances.
- A. *Appeals*. Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.
 - B. *Variances*. (s. 59.692(4)(b), Stats) The board may grant, upon appeal, a variance from the dimensional standards of this ordinance where an applicant convincingly demonstrates that:
 - 1. Literal enforcement of the ordinance will cause unnecessary hardship
 - 2. The hardship is due to special conditions unique to the property
 - 3. The variance is not contrary to the public interest
 - 4. The variance is consistent with the purpose of this ordinance in s. 16.01.
3. Notice, Hearing and Decision. Before acting upon an application for any and all appeals, petitions, variances and/or special exception permits, the Board of Adjustment shall:
- A. *Notice of Public Hearing.*
 - 1. Fix a reasonable time for the hearing
 - 2. Publish adequate notice pursuant to Ch. 985, Wis. Stats., specifying date, time, place, and subject of the hearing; and
 - 3. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
 - B. *Hold Public Hearing.*
 - 1. Hear from interested parties (any party may appear in person or by agent); and
 - 2. Decide on appeals, variances and/or special exception permit applications.
 - C. *Decision.* The final decision regarding the appeal, variance or special exception permit shall:
 - 1. Be made within a reasonable time;
 - 2. Be sent to the Department Regional office within 10 days of the decision;
 - 3. Be a written determination signed by the chairman or secretary of the Board;
 - 4. State the specific facts which are the basis for the Board's decision;
 - 5. Either affirm, reverse, vary or modify the order, requirement, decision, or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance, petition, or special exception permit application; and

6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

NOTE: When a special exception permit is approved, an appropriate record shall be made of the land use and structures permitted and such permit shall be applicable solely to the structures, use, and property described. When the conditions of a special exception permit are violated, the permit shall be revoked by the Board of Adjustments.

7. FEES. As established in the Kewaunee County Shoreland Zoning & Sanitary Fee Schedule.

16.18 Amendments

The County Board may amend, supplement, or change the boundaries of use districts and the regulations contained in this ordinance in accordance with the requirements of s. 59.692, Stats, Ch. NR 115, Wis. Adm Code and s. 16.04(6) of this ordinance. The proposed amendments shall be referred to the zoning agency for a public hearing and recommendation to the governing board. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedures shall comply with the provisions of s. 59.692., Wis. Stats., for counties. No amendments shall become effective until reviewed and approved by the Department.

16.19 Enforcement and Penalties

Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The zoning administrator or the county zoning agency shall refer violations to the district attorney or corporation counsel who shall expeditiously prosecute all such violators. A violator who refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than ten (\$10.00) dollars nor more than two hundred (\$200.00) dollars per offense, together with the taxable costs of action. Each day which the violation exists shall constitute a separate offence. Every violation of this ordinance is a public nuisance, and the creation may be enjoined, and the maintenance may be abated pursuant to s. 59.97(11). As appropriate, the Kewaunee County Uniform Citation Ordinance shall apply to the enforcement of this ordinance.

16.20 Definitions

For the purpose of administering and enforcing this ordinance, the term or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall is

mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally. The following terms used in this ordinance mean:

1. “Access and viewing corridor” (NR 115.03(1d)) means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.
2. “Accessory Structure” (s. 59.692(1)(e), Stats) means a subordinate structure which is devoted to a use incidental to the principal use of the property. Accessory structures include, but are not limited to, a detached garage, shed, barn, boathouse, gazebo, patio, deck, porch, fire pit, swimming pool, hot tub, fence, retaining wall, driveway, parking lot, sidewalk, walkway, detached stairway and lift.
3. “Boathouse” (NR 115.03(1h)) 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.
4. “Building envelope” (NR 115.03(1p)) means the three-dimensional space within which a structure is built.
5. “County Zoning Agency” (NR 115.03(2)) means that committee or commission created or designated by the county board under s. 59.69(2)(a), Wis. Stats., to act in all matters pertaining to county planning and zoning.
6. “Department” (NR 115.03(3)) means the Department of Natural Resources.
7. “Drainage system” means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
8. “Existing development pattern” (NR 115.03(3m)) means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.
9. “Floodplain” (NR 115.03(4)) means the land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in Ch. NR 116, Wis. Adm. Code.
10. “Footprint” means the land area covered by a structure at ground level measured on a horizontal plane. The footprint of a residence or building includes the horizontal plane bounded by the furthest exterior wall and eave if present, projected to natural grade. For structures without walls (decks, stairways, patios, carports) a single horizontal plane bounded by the furthest portion of the structure projected to natural grade. Note: For the purposes of replacing or reconstructing a nonconforming building with walls, the footprint shall not be expanding by enclosing the area that is located within the horizontal plane from the exterior wall to the eaves projected to natural grade. This constitutes a lateral expansion under NR 115 and would need to follow NR 115.05(1)(g)5.
11. “Generally accepted forestry management practices” (NR 1.25(2)(b), Wis. Adm. Code) means 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.

12. "Impervious surface" (NR 115.03(4g)) means an area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54), Wis. Adm Code, or sidewalks as defined in s. 340.01(58), Wis. Adm. Code, are not to be calculated as impervious surfaces.
13. "Lot" means a continuous parcel of land, not divided by a public right-of-way, and sufficient in size to meet the lot width and lot area provisions of this ordinance.
14. "Lot area" means 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.
15. "Lot of record" means 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.
16. "Mitigation" (NR 115.03(4r)) means balancing measures that are designed, implemented, and function to restore natural functions and values that are otherwise lost through development and human activities.
17. "Navigable waters" (NR 115.03(5)) 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 the 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:
 - A. Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
 - B. Artificially constructed draining ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.
18. "Ordinary high-water mark" or "OHWM" (NR 115.03(6)) means that 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.
19. "Previously developed" means a lot or parcel that was developed with a structure legally placed upon it.

20. “Regional flood” (NR 115.03(7)) means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur in a particular stream because of like physical characteristics, once in every 100 years.
21. “Routine maintenance of vegetation” (NR 115.03(7m)) means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.
22. “Shoreland” (NR 115.03(8)) means 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.
23. “Shoreland setback” or “Shoreland setback area” in s. 59.692(1)(bn), Wis. Stats., means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under s. 59.692, Wis. Stats.
24. “Shoreland-wetland zoning district” (NR 115.03(9)) means the zoning district, created as a part of this shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps as depicted on the Department of Natural Resources Surface Water Data Viewer.
25. “Special exception (conditional use)” (NR 115.03(10)) means 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 board of adjustment or, where appropriate, the planning and zoning committee or county board.
26. “Structure” (s. 59.692(1)(e), Wis. Stats.) means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch, or fire pit.
27. “Substandard Lots” means a legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current requirements for a new lot.
28. “Unnecessary hardship” (NR 115.03(11)) means that circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the zoning ordinance.
29. “Variance” means an authorization granted by the board of adjustment to construct, alter, or use a building or structure in a manner that deviates from the dimensional standards of this ordinance. (unknown reference).

30. “Wetlands” (NR 115.03(13)) 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.