

RESOLUTION AUTHORIZING PARTICIPATION IN UNITED WAY CAMPAIGN

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County is committed to improving the quality of life for all of its
2 citizens and recognizes that private, not-for-profit organizations make a significant contribution to
3 the quality of life in Manitowoc County; and
4

5 WHEREAS, United Way Manitowoc County, Inc. conducts an annual campaign that gives
6 employees an opportunity to support charitable causes through a payroll giver's plan and to
7 support more than two dozen different organizations in Manitowoc County that insure basic needs
8 are met, increase self-sufficiency, nurture children and youth, promote health and healing, and
9 strengthen families; and
10

11 WHEREAS, Manitowoc County has historically participated in the United Way campaign
12 for many years; and
13

14 WHEREAS, Manitowoc County has determined that a single, combined campaign such as
15 the United Way is the most efficient and effective way to provide its employees with an
16 opportunity to contribute to charitable organizations;
17

18 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
19 Supervisors authorizes United Way Manitowoc County, Inc. to offer Manitowoc County
20 employees, officers, and officials an opportunity to enroll in a payroll giver's plan from now
21 through December 31, 2016, with payroll deductions to be made during the 2017 calendar year;
22 and
23

24 BE IT FURTHER RESOLVED that as a charity authorized to offer Manitowoc County
25 employees, officers, and officials an opportunity to enroll in a payroll giver's plan, United Way
26 Manitowoc County, Inc. shall comply with Manitowoc County's discrimination policy, where
27 applicable; and
28

29 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors
30 authorizes and encourages the voluntary participation of its employees, officers, and officials in
31 the United Way campaign.

Dated this 20th day of September 2016.

Respectfully submitted by the
Finance Committee

Paul Biff Hansen, Chair

**RESOLUTION AMENDING EMPLOYEE POLICY MANUAL § 13.02(1),
ADDING §§ 13.02(6), (7) AND (8), AND REPEALING SECTION 27**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County has created an Employee Policy Manual to establish
2 uniform personnel policies and procedures; and
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4 WHEREAS, Section 13.02 (Health Care Coverage) of the Employee Policy Manual
5 provides Manitowoc County's policy regarding certain health care coverage matters; and
6

7 WHEREAS, Section 27 (NOTICE OF PRIVACY PRACTICES) of the Employee Policy
8 Manual provides Manitowoc County's policy regarding its notice of privacy practices as to certain
9 medical information about employees; and
10

11 WHEREAS, updates must be made to the Employee Policy Manual from time-to-time to
12 keep policies current, reflect current practice, and address new issues and circumstances; and
13

14 WHEREAS, the proposed revision to § 13.02(1) updates and reflects Manitowoc County's
15 current practice of offering group health care coverage to certain employees and elected officials
16 without limiting the County's ability to provide such coverage; and
17

18 WHEREAS, the proposed addition of § 13.02(6) is intended to expressly provide
19 employees with the proper reference to the location of Manitowoc County's Privacy Practices; and
20

21 WHEREAS, the proposed addition of § 13.02(7) is intended to provide the identity of
22 Manitowoc County's Privacy Officer; and
23

24 WHEREAS, the proposed addition of § 13.02(8) is intended to expressly provide
25 employees with the proper reference to the location of Manitowoc County's Complaint Procedure;
26 and
27

28 WHEREAS, repealing Section 27 (NOTICE OF PRIVACY PRACTICES) in its entirety
29 eliminates the confusion and potential conflict of maintaining a description of Privacy Practices in
30 two separate documents;
31

32 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
33 Supervisors hereby amends the Manitowoc County Employee Policy Manual §13.02(1) to read as
34 follows:
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- 36 (1) Manitowoc County shall offer group health care coverage to its regular employees
37 and elected officials. ~~Coverage may be provided by insured plans offered by the~~
38 ~~County. Any health care plan offered by the County on a self insured basis shall~~

39 ~~be administered in accordance with the requirements of s. INS 8.11, Wisconsin~~
40 ~~Administrative Code.~~

41
42 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors hereby
43 creates §§ 13.02(6), (7), and (8) of the Employee Policy Manual to read as follows:
44

45 13.02(6) Privacy Practices

46
47 Manitowoc County's Privacy Practices are included in the Health Plan Summary
48 Plan Description.

49
50 13.02(7) Designation of Privacy Officer

51
52 Manitowoc County's Corporation Counsel shall be designated as Manitowoc
53 County's Privacy Officer.

54
55 13.02(8) Complaint Procedure

56
57 The Complaint Procedure is as provided in the Health Plan Summary Plan
58 Description.

59
60 and

61
62 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors hereby
63 repeals Section 27 (Notice of Privacy Practices) of the Employee Policy Manual in its entirety.

Dated this 20th day of September 2016.

Respectfully submitted by the
Personnel Committee

Kevin Behnke, Chair

FISCAL IMPACT: None

FISCAL NOTE: Reviewed and approved by Comptroller. _____

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. _____

APPROVED:

Bob Ziegelbauer, County Executive

Date

**RESOLUTION DESIGNATING MANITOWOC COUNTY HIPAA
HYBRID ENTITY STATUS AND APPOINTING A HIPAA PRIVACY
OFFICER AND A SECURITY OFFICER**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Health Information Portability and Accountability Act of 1996
2 (“HIPAA”) sets federal standards for the protection of personal health information collected by
3 entities covered under the act; and
4

5 WHEREAS, Manitowoc County is a covered entity under HIPAA due to the nature of
6 business conducted by certain County departments that collect personal health information during
7 the course of business; and
8

9 WHEREAS, HIPAA regulations define a “hybrid entity” as a single legal entity that is a
10 covered entity whose business activities include both covered and non-covered functions; and
11

12 WHEREAS, Manitowoc County is a single legal entity whose business activities include
13 both covered and non-covered functions; and
14

15 WHEREAS, Manitowoc County desires to be designated as a “hybrid entity” as described
16 in the HIPAA privacy rule at 45 C.F.R. §§ 164.103 and 164.105 because such a designation will
17 allow the County to more effectively and efficiently administer its HIPAA compliance program;
18 and
19

20 WHEREAS, Manitowoc County understands that as a “hybrid entity” most of the
21 provisions of the HIPAA privacy, security, and breach notification rules will apply only to its
22 “covered components,” but that Manitowoc County as a whole will continue to be the covered
23 entity obligated to comply with certain oversight, compliance, and enforcement obligations
24 pursuant to 45 C.F.R. § 164.105; and
25

26 WHEREAS, HIPAA requires Manitowoc County to designate a privacy official who is
27 responsible for the development and implementation of policies and procedures to ensure the
28 privacy of protected health information, as well as a contact person who is responsible for
29 receiving complaints about matters covered by the notice required under 45 C.F.R. § 164.520; and
30

31 WHEREAS, HIPAA also requires Manitowoc County to designate a security official who
32 is responsible for the development and implementation of the policies and procedures required by
33 the HIPAA Security Regulations;
34

35 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
36 Supervisors hereby declares Manitowoc County as a “hybrid entity” under 45 C.F.R. §§ 164.103
37 and 164.105; and

**ORDINANCE REPEALING AND RECREATING CHAPTER 9 (SHORELAND ZONING)
OF THE MANITOWOC COUNTY CODE**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, uncontrolled use of shorelands and pollution of the navigable waters of
2 Manitowoc County will adversely affect the public health, safety, convenience, and general
3 welfare and impair the tax base of Manitowoc County; and
4

5 WHEREAS, the State of Wisconsin has delegated responsibility to the individual counties to
6 administer a shoreland zoning program with the intent to: further the maintenance of safe and
7 healthful living conditions; prevent and control water pollution; protect spawning grounds, fish
8 and aquatic life; control building sites, placement of structures, and land uses; and, preserve shore
9 cover and natural beauty; and
10

11 WHEREAS, this responsibility is hereby recognized by Manitowoc County, Wisconsin; and
12

13 WHEREAS, Manitowoc County first adopted a shoreland zoning ordinance in 1967; and
14

15 WHEREAS, Wisconsin Admin. Code ch. NR 115 requires all counties to adopt a shoreland
16 zoning ordinance that meets certain minimum standards by October 1, 2016; and
17

18 WHEREAS, due to recent revisions in state law, Manitowoc County must make significant
19 amendments to its shoreland zoning ordinance; and
20

21 WHEREAS, 2015 Wisconsin Act 55 prohibits counties from regulating certain matters in a
22 shoreland zoning ordinance more restrictively than permitted by the State; and
23

24 WHEREAS, the Wisconsin Department of Natural Resources has promulgated a model
25 shoreland zoning ordinance that counties may follow; and
26

27 WHEREAS, the Manitowoc County Shoreland Zoning Ordinance is adopted pursuant to
28 Wis. Stat. § 59.692 to implement Wis. Stat. §§ 59.692 and 281.31; and
29

30 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
31 hearing on August 22, 2016 to consider the proposed comprehensive revision to the Manitowoc
32 County Shoreland Zoning Ordinance; and
33

34 WHEREAS, the Planning and Park Commission, after careful consideration of the
35 testimony at the hearing and an examination of the facts, recommends that the following
36 comprehensive revision of the Manitowoc County Shoreland Zoning Ordinance be approved;
37

38 NOW, THEREFORE, the Manitowoc County Board of Supervisors does ordain as follows:

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40 Manitowoc County Code Chapter 9, Shoreland Zoning Ordinance is repealed and reenacted
41 to read as follows:

42
43 Part I. General Provisions

- 44
45 9.01 Title
46 9.02 Findings of Fact
47 9.03 Statement of Purpose
48 9.04 Statutory Authorization

49
50 Part II. Definitions

- 51
52 9.05 Definitions

53
54 Part III. Applicability and Compliance

- 55
56 9.06 Areas to be Regulated
57 9.07 Shoreland – Wetland Maps
58 9.08 Compliance
59 9.09 Municipalities and State Agencies Regulated
60 9.10 Abrogation and Greater Restrictions
61 9.11 Interpretation
62 9.12 Severability

63
64 Part IV. Shoreland – Wetland Zoning District

- 65
66 9.13 Designation
67 9.14 Purpose
68 9.15 Permitted Uses
69 9.16 Prohibited Uses
70 9.17 Rezoning of Lands in the Shoreland-Wetland District

71
72 Part V. Land Division Review and Sanitary Regulations

- 73
74 9.18 Land Division Review
75 9.19 Planned Unit Development (PUD)
76 9.20 Sanitary Regulations

77
78 Part VI. Minimum Lot Size

- 79
80 9.21 Purpose
81 9.22 Sewered Lots
82 9.23 Unsewered Lots
83 9.24 Substandard Lots

84

85	Part VII. Setbacks
86	
87	9.25 Shoreland Setback
88	9.26 Exempt Structures
89	9.27 Existing Exempt Structures
90	9.28 Reduced Principal Structure Setback
91	9.29 Lake Michigan Shoreline Protection Area
92	9.30 Floodplain Structures
93	9.31 Height
94	
95	Part VIII. Vegetation
96	
97	9.32 Purpose
98	9.33 Vegetative Buffer Zone
99	
100	Part IX. Filling, Grading, Lagooning, Dredging, Ditching and Excavating
101	
102	9.34 Purpose
103	9.35 General Standards
104	9.36 Permit Required
105	9.37 Artificial Waterways, Canals, Ditches, and Lagoons
106	9.38 Ponds and Wetland Scrapes Less Than Two (2) Acres in Area
107	9.39 Ponds and Wetland Scrapes Two (2) Acres and Greater in Area
108	9.40 Permit Stipulations
109	9.41 Soil Conservation Practices
110	
111	Part X. Impervious Surface Standards
112	
113	9.42 Purpose
114	9.43 Calculation of Impervious Surface
115	9.44 General Impervious Surfaces Standard
116	9.45 Maximum Impervious Surface
117	9.46 Treated Impervious Surfaces
118	9.47 Existing Impervious Surfaces
119	9.48 Other Ordinance Provisions Not Abrogated
120	
121	Part XI. Nonconforming Uses and Structures
122	
123	9.49 Purpose
124	9.50 Discontinued Nonconforming Use
125	9.51 Maintenance, Repair, Replacement or Vertical Expansion of Nonconforming Structures
126	9.52 Lateral Expansion of Nonconforming Principal Structure within the Setback
127	9.53 Expansion of a Nonconforming Principal Structure beyond Setback
128	9.54 Relocation of Nonconforming Principal Structure
129	9.55 Maintenance, Repair, Replacement or Vertical Expansion of Structures that were
130	Authorized by Variance

131	9.56	Wet Boathouses
132		
133		Part XII. Mitigation Options
134		
135	9.57	Mitigation
136	9.58	Mitigation Plan
137	9.59	Minimum Standard of a Vegetative Buffer
138	9.60	Types of Vegetation Buffer Establishment
139	9.61	Manitowoc County Native Plant List
140	9.62	Shoreland Buffer Restoration Plan Requirements
141	9.63	Implementation Schedule
142	9.64	Certification of Completion
143	9.65	Subsequent Development
144		
145		Part XIII. Administrative Provisions
146		
147	9.66	Department Director
148	9.67	Permits Required
149	9.68	Permit Application
150	9.69	Expiration of Permit
151	9.70	Reasonable Accommodation for Disabled or Handicapped Persons
152	9.71	Conditional Use Permit Application
153	9.72	Standards Applicable to All Conditional Use Permits
154	9.73	Conditions Attached to Conditional Use Permits
155	9.74	Recording
156	9.75	Conditional Use Permit Revocation
157	9.76	Variances
158	9.77	Board of Adjustment
159	9.78	Powers and Duties
160	9.79	Appeals to the Board
161	9.80	Hearing Appeals and Application for Variances and Conditional Use Permits
162	9.81	Amendments and Changes
163	9.82	Violations and Penalties
164	9.83	Effective Date
165		
166		PART I. GENERAL PROVISIONS.
167		
168	9.01	Title.
169		
170		This ordinance may be referred to as the Manitowoc County Shoreland Zoning Ordinance
171		or the Shoreland Zoning Ordinance.
172		
173	9.02	Findings of Fact.
174		
175		Uncontrolled use of shorelands and pollution of the navigable waters of Manitowoc
176		County will adversely affect the public health, safety, convenience, and general welfare

177 and impair the tax base. The legislature of Wisconsin has delegated responsibility to the
178 counties to further the maintenance of safe and healthful conditions; prevent and control
179 water pollution; protect spawning grounds, fish and aquatic life; control building sites,
180 placement of structures and land uses; and to preserve shore cover and natural beauty. This
181 responsibility is hereby recognized by Manitowoc County, Wisconsin.
182

183 9.03 Statement of Purpose.
184

185 For the purpose of promoting the public health, safety, convenience and welfare, and
186 promote and protect the public trust in navigable waters this Shoreland Zoning Ordinance
187 has been established to:
188

- 189 (1) Further the maintenance of safe and healthful conditions and prevent and
190 control water pollution through:
 - 191 (a) Limiting structures to those areas where soil and geological
192 conditions will provide a safe foundation.
 - 193 (b) Establishing minimum lot sizes to provide adequate area for private
194 on-site waste treatment systems.
 - 195 (c) Controlling filling and grading to prevent soil erosion problems.
 - 196 (d) Limiting impervious surfaces to control runoff which carries
197 pollutants.
- 198 (2) Protect spawning grounds, fish and aquatic life through:
 - 199 (a) Preserving wetlands and other fish and aquatic habitat.
 - 200 (b) Regulating pollution sources.
 - 201 (c) Controlling shoreline alterations, dredging and lagooning.
- 202 (3) Control building sites, placement of structures and land uses through:
 - 203 (a) Prohibiting certain uses detrimental to Shoreland-Wetlands.
 - 204 (b) Setting minimum lot sizes and widths.
 - 205 (c) Setting minimum building setbacks from waterways.
 - 206 (d) Setting the maximum height of near shore structures.
- 207 (4) Preserve and restore shoreland vegetation and natural scenic beauty
208 through:
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- 223
224 (a) Restricting the removal of natural shoreland cover.
225
226 (b) Preventing shoreline encroachment by structures.
227
228 (c) Controlling shoreland excavation and other earth moving activities.
229
230 (d) Regulating the use and placement of boathouses and other
231 structures.
232

233 9.04 Statutory Authorization.

234
235 This Shoreland Zoning Ordinance is adopted pursuant to the authorization in Wis. Stat. §
236 59.692 to implement Wis. Stats. §§ 59.692 and 281.31.
237

238 PART II. DEFINITIONS.

239
240 9.05 Definitions.

241
242 For the purpose of administering and enforcing this Shoreland Zoning Ordinance, the
243 terms or words used herein shall be interpreted as follows: Words used in the present tense
244 include the future; words in the singular number include the plural number; and words in
245 the plural number include the singular number. The word “shall” is mandatory, not
246 permissive. All distances unless otherwise specified shall be measured horizontally.
247

248 The following terms used in this Shoreland Zoning Ordinance mean:

- 249
250 (1) “Access and viewing corridor” means a strip of vegetated land that allows safe
251 pedestrian access to the shore through the vegetative buffer zone provided in
252 Section 9.33(2) of this Shoreland Zoning Ordinance.
253
254 (2) “Accessory Structure” means a detached subordinate structure that is clearly
255 incidental to, and customarily found in connection with, the principal structure or
256 use to which it is related, and which is located on the same lot as the principal
257 structure or use.
258
259 (3) “Bluff” means the lakeward edge of land, generally greater than 10 feet high, that is
260 high enough to contain complex, multiple layers of soil and groundwater.
261
262 (4) “Boathouse” means a permanent structure used for the storage of watercraft and
263 associated materials and includes all structures which are totally enclosed, have
264 roofs or walls or any combination of these structural parts.
265
266 (5) “Building” means a structure.
267

- 268 (6) “Building envelope” means the three dimensional space within which a structure is
269 built.
270
- 271 (7) “County Board” means the Manitowoc County Board of Supervisors.
272
- 273 (8) “Conditional use” means a use which is permitted by this Shoreland Zoning
274 Ordinance provided that certain conditions specified in the Shoreland Zoning
275 Ordinance are met and that a permit is granted by the Board of Adjustment.
276
- 277 (9) “County zoning agency” means the Manitowoc County Planning and Zoning
278 Department.
279
- 280 (10) “Department” means the Department of Natural Resources.
281
- 282 (11) “Department Director” means the director of the Manitowoc County Planning and
283 Zoning Department or the Department Director’s designee. Any reference in the
284 county code to a code administrator or a zoning administrator is deemed a reference
285 to the Department Director.
286
- 287 (12) “Development” means any artificial change to improved or unimproved real estate,
288 including but not limited to, the construction of buildings, structures or accessory
289 structures; the construction of additions or substantial improvements to buildings,
290 structures or accessory structures; the placement of buildings or structures; mining,
291 dredging, filling, grading, paving, excavation, or drilling operations; and the
292 storage, deposition or extraction of materials.
293
- 294 (13) “Drainage System” means one or more artificial ditches, tile drains or similar
295 devices that collect surface runoff or groundwater and convey it to a point of
296 discharge.
297
- 298 (14) “Existing development pattern” means that principal structures exist within 250
299 feet of a proposed principal structure in both directions along the shoreline.
300
- 301 (15) “Facility” means any property or equipment of a public utility, as defined in Wis.
302 Stat. § 196.01(5), or a cooperative association organized under Wis. Stat. ch. 185
303 for the purpose of producing or furnishing heat, light, or power to its members only,
304 that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or
305 power.
306
- 307 (16) “Floodplain” means the land that has been or may be hereafter covered by flood
308 water during the regional flood. The floodplain includes the floodway and the flood
309 fringe as those terms are defined in Wis. Admin. Code ch. NR 116.
310
- 311 (17) “Footprint” means the land area covered by a structure at ground level measured on
312 a horizontal plane. The footprint of a residence or building includes the horizontal
313 plane bounded by the furthest exterior wall and eave if present, projected to natural

314 grade. For structures without walls (decks, stairways, patios, carports) – a single
315 horizontal plane bounded by the furthest portion of the structure projected to
316 natural grade.

317
318 Note: For the purposes of replacing or reconstructing a nonconforming building
319 with walls, the footprint shall not be expanded by enclosing the area that is located
320 within the horizontal plane from the exterior wall to the eaves projected to natural
321 grade. This constitutes a lateral expansion under Wis. Admin. Code ch. NR 115 and
322 would need to follow Wis. Admin. Code § NR 115.05(1)(g)5.

323
324 (18) “Generally accepted forestry management practices” means forestry management
325 practices that promote sound management of a forest. Generally accepted forestry
326 management practices include those practices contained in the most recent version
327 of the department publication known as Wisconsin Forest Management Guidelines
328 and identified as PUB FR-226.

329
330 (19) “Habitable Rooms” means any room or portion thereof used or designed for living,
331 sleeping, eating or cooking or combinations thereof. Bathrooms, toilet
332 compartments, closets, halls, storage rooms, laundry and utility spaces, basement
333 recreation rooms, and similar areas shall not be used as habitable rooms.

334
335 (20) “Habitable Structure” means any structure or portion thereof used or designed for
336 human habitation.

337
338 (21) “Human Habitation” means the use of a structure for living for any period of time,
339 for activities such as sleeping, eating or cooking, or combinations thereof.

340
341 (22) “Impervious surface” means an area that releases as runoff all or a majority of the
342 precipitation that falls on it. “Impervious surface” excludes frozen soil but includes
343 rooftops, sidewalks, driveways, parking lots, and streets unless specifically
344 designed, constructed, and maintained to be pervious. Roadways as defined in Wis.
345 Admin. Code § 340.01(54), or sidewalks as defined in Wis. Admin. Code
346 § 340.01(58), are not considered impervious surfaces.

347
348 (23) “Lot” means a continuous parcel of land, not divided by a public right-of-way, and
349 sufficient in size to meet the lot width and lot area provisions of this Shoreland
350 Zoning Ordinance.

351
352 (24) “Lot area” means the area of a horizontal plane bounded by the front, side, and rear
353 lot lines of a lot, but not including the area of any land below the ordinary high
354 water mark of lake or pond.

355
356 (25) “Lot of Record” means any lot, the description of which is properly recorded with
357 the Register of Deeds, which at the time of its recordation complied with all
358 applicable laws, ordinances, and regulations.

359

- 360 (26) “Maintenance and repair” includes such activities as interior remodeling, painting,
361 decorating, paneling, plumbing, insulation, and replacement of windows, doors,
362 wiring, siding, roof and other nonstructural components; and the repair of cracks in
363 foundations, sidewalks, walkways and the application of waterproof coatings to
364 foundations.
365
- 366 (27) “Mitigation” means balancing measures that are designed, implemented and
367 function to restore natural functions and values that are otherwise lost through
368 development and human activities.
369
- 370 (28) “Navigable waters” means Lake Superior, Lake Michigan, all natural inland lakes
371 within Wisconsin and all streams, ponds, sloughs, flowages and other waters within
372 the territorial limits of this state, including the Wisconsin portion of boundary
373 waters, which are navigable under the laws of this state. Under Wis. Stat.
374 § 281.31(2)(d) notwithstanding any other provision of law or administrative rule
375 promulgated thereunder, shoreland ordinances required under Wis. Stat. § 59.692
376 and Wis. Admin. Code ch. NR 115 do not apply to lands adjacent to:
377
- 378 (1) Farm drainage ditches where such lands are not adjacent to a natural
379 navigable stream or river and such lands were not navigable streams
380 before ditching; and
381
- 382 (2) Artificially constructed drainage ditches, ponds or storm water
383 retention basins that are not hydrologically connected to a natural
384 navigable water body.
385
- 386 (29) “Nonconforming structure” means a building or other structure whose dimensions,
387 location, or other physical characteristics do not conform to the requirements of this
388 Shoreland Zoning Ordinance, but that conformed to the requirements of the
389 ordinance in effect at the time it was constructed or placed in its current location.
390
- 391 (30) “Nonconforming use” means a current use of land or a structure that does not
392 conform to the use regulations for the zoning district in which it is located, but that
393 conformed to the use requirements of the ordinance in effect at the time that the
394 current use began.
395
- 396 (31) “Ordinary high water mark” or “OHWM” means the point on the bank or shore up
397 to which the presence and action of surface water is so continuous as to leave a
398 distinctive mark such as by erosion, destruction or prevention of terrestrial
399 vegetation, predominance of aquatic vegetation, or other easily recognized
400 characteristics.
401
- 402 (32) “Principal structure” means the main structure on a lot, intended for primary use as
403 permitted by the regulations of the district in which it is located, including any
404 functional appurtenances, such as decks, stairways, and balconies, which are
405 attached to said building.

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- (33) “Recession” means the landward movement of a shoreline caused primarily by erosion of the shore.
 - (34) “Regional Flood” means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.
 - (35) “Routine maintenance of vegetation” means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.
 - (36) “Shoreland” 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.
 - (37) “Shoreland setback” also known as the “Shoreland setback area” in Wis. Stat. § 59.692(1)(bn), 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 pursuant to Wis. Stat. § 59.692.
 - (38) “Shoreland-Wetland district” 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 which have been adopted and made a part of this Shoreland Zoning Ordinance.
 - (39) “Stable Slope” means the natural angle to which a coastal bluff or bank will erode even when unaffected by other forces, such as shoreline recession or heavy loads like buildings.
 - (40) “Structure” means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or fire pit.
 - (41) “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 lot size requirements for a new lot.
 - (42) “Toe” means the lake-level base of a bluff, bank or shore protection structure.
 - (43) “Unnecessary hardship” means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily

452 burdensome or unreasonable in light of the purposes of this Shoreland Zoning
453 Ordinance.

454
455 (44) “Variance” means an authorization granted by the Board of Adjustment to
456 construct, alter or use a building or structure in a manner that deviates from the
457 dimensional standards of this Shoreland Zoning Ordinance.

458
459 (45) “Wetlands” means those areas where water is at, near or above the land surface
460 long enough to be capable of supporting aquatic or hydrophytic vegetation and
461 which have soils indicative of wet conditions.

462

463 PART III. APPLICABILITY AND COMPLIANCE.

464

465 9.06 Areas to be Regulated.

466

467 Areas to be regulated by this Shoreland Zoning Ordinance shall include all the lands
468 (referred to herein as shorelands) in the unincorporated areas of Manitowoc County which
469 are:

470

471 (1) Within one thousand (1,000) feet of the ordinary high water mark of
472 navigable lakes, ponds or flowages. Lakes, ponds or flowages in
473 Manitowoc County shall be presumed to be navigable if they are listed in
474 the Wisconsin Department of Natural Resources publication FH-800 2009
475 “Wisconsin Lakes” book available electronically at the following web site:
476 <http://dnr.wi.gov/org/water/fhp/lakes/lakemap/>; they are shown on the
477 United States Geological Survey quadrangle maps (1:24,000 scale); or they
478 are shown on other zoning base maps.

479

480 (2) Within three hundred (300) feet of the ordinary high water mark of
481 navigable rivers or streams, or to the landward side of the floodplain,
482 whichever distance is greater. Rivers and streams in Manitowoc County
483 shall be presumed to be navigable if they are designated as perennial
484 waterways or intermittent waterways on United States Geological Survey
485 quadrangle maps (1:24,000). Flood hazard boundary maps, flood insurance
486 rate maps, flood boundary floodway maps, county soil survey maps or other
487 existing county Floodplain zoning maps shall be used to delineate
488 floodplain areas.

489

490 (3) The provisions of this chapter apply to regulation of the use and
491 development of unincorporated shoreland areas unless specifically
492 exempted by law, all cities, villages, towns, counties and, when Wis. Stat.
493 § 13.48(13) applies, state agencies are required to comply with, and obtain
494 all necessary permits under, local shoreland ordinances. The construction,
495 reconstruction, maintenance or repair of state highways and bridges carried
496 out under the direction and supervision of the Wisconsin Department of
497 Transportation is not subject to the Shoreland Zoning Ordinance if Wis.

498 Stat. § 30.2022(1) applies. Shoreland zoning requirements in annexed or
499 incorporated areas are as provided in Wis. Stat. §§ 61.353 and 62.233.

500
501 (4) Determinations of navigability and ordinary high water mark location shall
502 initially be made by the Department Director. When questions arise, the
503 Department Director shall contact the appropriate office of the Department
504 for a final determination of navigability or ordinary high water mark.

505
506 (5) Under Wis. Stat. § 281.31(2m), notwithstanding any other provision of law
507 or administrative rule promulgated thereunder, this Manitowoc County
508 Shoreland Zoning Ordinance does not apply to:

509 (a) Lands adjacent to farm drainage ditches if:

510
511 1. Such lands are not adjacent to a natural navigable stream or
512 river.

513
514 2. Those parts of such drainage ditches adjacent to such lands
515 were not navigable streams before ditching.

516
517 (b) Lands adjacent to artificially constructed drainage ditches, ponds or
518 storm water retention basins that are not hydrologically connected
519 to a natural navigable water body.

520
521
522 9.07 Shoreland–Wetland Maps.

523
524 The most recent version of the Wisconsin Wetland Inventory as depicted on the
525 Department of Natural Resources Surface Water Data Viewer is hereby made part of this
526 ordinance. The maps can be viewed at:
527 <http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>.

528
529 9.08 Compliance.

530
531 The use of any land, the size, shape and placement of lots, the use, size, type and location of
532 structures on lots, the installation and maintenance of water supply and waste disposal
533 facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland
534 vegetation, the subdivision of lots, shall be in full compliance with the terms of this
535 Shoreland Zoning Ordinance and other applicable local, state or federal regulations.
536 Buildings and other structures shall require a zoning permit unless otherwise expressly
537 excluded by a provision of this Shoreland Zoning Ordinance. Property owners, builders
538 and contractors are responsible for compliance with the terms of this Shoreland Zoning
539 Ordinance.

540
541 9.09 Municipalities and State Agencies Regulated.

542

543 Unless specifically exempted by law, all cities, villages, towns, and counties are required to
544 comply with this Shoreland Zoning Ordinance and obtain all necessary permits. State
545 agencies are required to comply when Wis. Stat. § 13.48(13) applies. The construction,
546 reconstruction, maintenance and repair of state highways and bridges by the Wisconsin
547 Department of Transportation are exempt when Wis. Stat. § 30.2022(1) applies.
548

549 9.10 Abrogation and Greater Restrictions.
550

551 The provisions of this Shoreland Zoning Ordinance supersede any provisions in a county
552 zoning ordinance that solely relate to shorelands. In other words, if a zoning standard only
553 applies to lands that lie within the shoreland and applies because the lands are in shoreland,
554 then this Shoreland Zoning Ordinance supersedes those provisions. However, where an
555 ordinance adopted under a statute other than Wis. Stat. § 59.692 does not solely relate to
556 shorelands and is more restrictive than this Shoreland Zoning Ordinance, for example a
557 floodplain ordinance, that ordinance shall continue in full force and effect to the extent of
558 the greater restrictions.
559

- 560 (1) This Shoreland Zoning Ordinance shall not require approval or be subject to
561 disapproval by any town or town board.
562
- 563 (2) If an existing town ordinance relating to shorelands is more restrictive than this
564 Shoreland Zoning Ordinance or any amendments thereto, the town ordinance
565 continues in all respects to the extent of the greater restrictions but not otherwise.
566
- 567 (3) This Shoreland Zoning Ordinance is not intended to repeal, abrogate or impair any
568 existing deed restrictions, covenants or easements. However, where this Shoreland
569 Zoning Ordinance imposes greater restrictions, the provisions of this Shoreland
570 Zoning Ordinance shall prevail.
571
- 572 (4) This Shoreland Zoning Ordinance may establish standards to regulate matters that
573 are not otherwise regulated in Wis. Admin. Code ch. NR 115, but that further the
574 purposes of shoreland zoning as described in Section 9.03 of this Shoreland Zoning
575 Ordinance.
576
- 577 (5) This Shoreland Zoning Ordinance shall not be construed to require any of the
578 following:
 - 580 (a) Approval to install or maintain outdoor lighting in shorelands, impose any
581 fee or mitigation requirement to install or maintain outdoor lighting in
582 shorelands, or otherwise prohibits or regulates outdoor lighting in
583 shorelands if the lighting is designed or intended for residential use.
584
 - 585 (b) Any inspection or upgrade of a structure before the sale or other transfer of
586 the structure may be made.
587

588 (6) Structures that require authorization or permits from the DNR pursuant to Wis.
589 Stat. chs. 30 and 31 and structures that are to be located below the ordinary high
590 water mark, namely bridges, dams, culverts, piers, wharves, navigational aids, and
591 waterway crossings of transmission lines, shall comply with all applicable federal,
592 state, county, and local regulations.
593

594 (7) The construction and maintenance of a facility is considered to satisfy the
595 requirements of the Manitowoc County Shoreland Zoning Ordinance if the
596 Department has issued all required permits or approvals authorizing the
597 construction or maintenance under Wis. Stat. chs. 30, 31, 281, or 283.
598

599 9.11 Interpretation.
600

601 In their interpretation and application, the provisions of this Shoreland Zoning Ordinance
602 shall be held to be minimum requirements and shall be liberally construed in favor of
603 Manitowoc County and shall not be deemed a limitation or repeal of any other powers
604 granted by Wisconsin Statutes. Where a provision of this Shoreland Zoning Ordinance is
605 required by statute and a standard in Wis. Admin. Code ch. NR 115, and where the
606 ordinance provision is unclear, the provision shall be interpreted in light of the statute and
607 Wis. Admin. Code ch. NR 115 standards in effect on the date of the adoption of this
608 Shoreland Zoning Ordinance or in effect on the date of the most recent text amendment to
609 this Shoreland Zoning Ordinance.
610

611 9.12 Severability.
612

613 If any portion of this Shoreland Zoning Ordinance is adjudged unconstitutional or invalid
614 by a court of competent jurisdiction, the remainder of this Shoreland Zoning Ordinance
615 shall not be affected.
616

617 PART IV. SHORELAND - WETLAND ZONING DISTRICT
618

619 9.13 Designation.
620

621 This district shall include all shorelands within the jurisdiction of this Shoreland Zoning
622 Ordinance that are designated as wetlands on the most recent version of the Wisconsin
623 Wetland Inventory as depicted on the Department of Natural Resources Surface Water
624 Data Viewer. Where an apparent discrepancy exists between the Shoreland-Wetland
625 district boundary shown on the Wisconsin Wetland Inventory maps and actual field
626 conditions, Manitowoc County shall contact the Department to determine if the map is in
627 error. If the Department determines that a particular area was incorrectly mapped as
628 wetland or meets the wetland definition but was not shown as wetland on the map,
629 Manitowoc County shall have the authority to immediately grant or deny a zoning permit
630 in accordance with the applicable regulations based on the Department determination as to
631 whether the area is wetland. In order to correct wetland mapping errors on the official
632 zoning map, an official zoning map amendment must be initiated within a reasonable
633 period of time.

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9.14 Purpose.

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

9.15 Permitted Uses.

The following uses shall be allowed, subject to general shoreland zoning regulations contained in this Shoreland Zoning Ordinance, the provisions of Wis. Stat. chs. 30 and 31, and Wis. Stats. §§ 281.36 and 281.37 and the provisions of other applicable local, state and federal laws:

- (1) Activities and uses that do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating.
 - (a) Hiking, fishing, trapping, hunting, swimming, and boating.
 - (b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
 - (c) The pasturing of livestock.
 - (d) The cultivation of agricultural crops.
 - (e) The practice of silviculture, including the planting, thinning, and harvesting of timber.
 - (f) The construction or maintenance of duck blinds.
- (2) Uses that do not require the issuance of a zoning permit and may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
 - (a) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.

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- (b) The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries.
 - (c) The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible.
 - (d) The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance.
 - (e) The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance.
 - (f) The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- (3) Uses that require the issuance of a zoning permit and may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:
- (a) The construction and maintenance of roads that are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
 1. The road cannot as a practical matter be located outside the wetland.
 2. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 9.17(2) of this Shoreland Zoning Ordinance.
 3. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.
 4. Road construction activities are carried out in the immediate area of the roadbed only.

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(b) The construction or maintenance of nonresidential buildings, provided that:

1. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the Shoreland-Wetland district.
2. The building cannot, as a practical matter, be located outside the wetland.
3. Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area.
4. Only limited filling or excavating necessary to provide structural support for the building is authorized.

(c) The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:

1. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Wis. Stat. ch. 29, where applicable.
2. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in Sections 9.15(3)(a)1-4 of this Shoreland Zoning Ordinance.
3. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

(d) The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:

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1. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland.
2. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 9.17(2)(a)-(g) of this Shoreland Zoning Ordinance.

9.16 Prohibited Uses.

Any use not listed in Section 9.15(1), 9.15(2) or 9.15(3) is prohibited, unless the wetland or portion of the wetland has been rezoned in accordance with Section 9.17 of this Shoreland Zoning Ordinance and Wis. Stat. § 59.69(5)(e).

9.17 Rezoning of Lands in the Shoreland–Wetland District.

- (1) For all proposed text and map amendments to the Shoreland-Wetland provisions of this Shoreland Zoning Ordinance, the appropriate office with the Department shall be provided with the following:
 - (a) A copy of every petition for a text or map amendment to the Shoreland-Wetland provisions of this Shoreland Zoning Ordinance, within five (5) days of the filing of such petition with the Manitowoc County Clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this Shoreland Zoning Ordinance describing any proposed rezoning of a Shoreland-Wetland.
 - (b) Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing.
 - (c) A copy of the county zoning agency’s findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the County Board.
 - (d) Written notice of the County Board’s decision on the proposed amendment within 10 days after it is issued.
- (2) A wetland, or a portion thereof, in the Shoreland-Wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
 - (a) Storm and flood water storage capacity.

- 816 (b) Maintenance of dry season stream flow, the discharge of
817 groundwater to a wetland, the recharge of groundwater from a
818 wetland to another area, or the flow of groundwater through a
819 wetland.
820
821 (c) Filtering or storage of sediments, nutrients, heavy metals or organic
822 compounds that would otherwise drain into navigable waters.
823
824 (d) Shoreline protection against soil erosion.
825
826 (e) Fish spawning, breeding, nursery or feeding grounds.
827
828 (f) Wildlife habitat.
829
830 (g) Wetlands both within the boundary of designated areas of special
831 natural resource interest and those wetlands which are in proximity
832 to or have a direct hydrologic connection to such designated areas as
833 defined in Wis. Admin. Code § NR 103.04 which can be accessed at
834 the following web site:
835 <http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.
836

- 837 (3) If the Department notifies the county zoning agency that a proposed text or
838 map amendment to the Shoreland-Wetland provisions of this Shoreland
839 Zoning Ordinance may have a significant adverse impact upon any of the
840 criteria listed in Section 9.17(2)(~~a~~)(g) of this Shoreland Zoning Ordinance,
841 that amendment, if approved by the County Board, shall contain the
842 following provision:
843

844 “This amendment shall not take effect until more than 30 days have elapsed
845 after written notice of the County Board’s approval of this amendment is
846 mailed to the Department of Natural Resources. During that 30-day period
847 the Department of Natural Resources may notify the County Board that it
848 will adopt a superseding shoreland zoning ordinance for Manitowoc
849 County under Wis. Stat. § 59.692(6), Wis. Stats. If the Department does so
850 notify the County Board, the effect of this amendment shall be stayed until
851 the Wis. Stat. § 59.692(6) adoption procedure is completed or otherwise
852 terminated.”
853

854 PART V. LAND DIVISION REVIEW AND SANITARY REGULATIONS

855 9.18 Land Division Review.

- 856
857
858 (1) Manitowoc County shall review, pursuant to Wis. Stat. § 236.45, all land
859 divisions in shoreland areas that create three (3) or more parcels or building
860 sites of five (5) acres each or less within a 5-year period. In such review, all
861 of the following factors shall be considered:

- 862
- 863 (a) Hazards to the health, safety, or welfare of future residents.
- 864
- 865 (b) Proper relationship to adjoining areas.
- 866
- 867 (c) Public access to navigable waters, as required by law.
- 868
- 869 (d) Adequate storm water drainage facilities.
- 870
- 871 (e) Conformity to state law and administrative code provisions.
- 872

873 9.19 Planned Unit Development (PUD).

- 874
- 875 (1) Purpose. The Planned Unit Development is intended to permit smaller
- 876 non-riparian lots where the physical layout of the lots is so arranged as to
- 877 better assure the control of pollution and preservation of ground cover than
- 878 would be expected if the lots were developed with the normal lot sizes and
- 879 setbacks and without special conditions placed upon the Planned Unit
- 880 Development at the time of its approval. A condition of all Planned Unit
- 881 Development is the preservation of certain open space, preferably on the
- 882 shoreland, in perpetuity.
- 883
- 884 (2) Requirements for Planned Unit Development. The County Board may at its
- 885 discretion, upon its own motion or upon petition, approve a Planned Unit
- 886 Development Overlay District upon finding, after a public hearing, that all
- 887 of the following facts exist:
- 888
- 889 (a) Area. The area proposed for the Planned Unit Development shall be
- 890 at least 2 acres in size or have a minimum of 200 feet of frontage on
- 891 a navigable water.
- 892
- 893 (b) Lots. Any proposed lot in the Planned Unit Development that does
- 894 not meet the minimum size standards of Section 9.22 or 9.23 of this
- 895 Shoreland Zoning Ordinance shall be a non-riparian lot.
- 896
- 897 (c) Lot sizes, widths, setbacks, and vegetation removal. When
- 898 considering approval of a Planned Unit Development the governing
- 899 body shall consider whether proposed lot sizes, widths, and setbacks
- 900 are of adequate size and distance to prevent pollution or erosion
- 901 along streets or other public ways and waterways. Increased
- 902 shoreland setbacks shall be a condition of approval as a way of
- 903 minimizing adverse impacts of development. Shore cover
- 904 provisions in Section 9.33 of this Shoreland Zoning Ordinance shall
- 905 apply except that maximum width of a lake frontage opening shall
- 906 be 100 feet and minimum vegetative buffer depth shall be increased
- 907 to offset the impact of the proposed development.

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(3) Procedure for Establishing a Planned Unit Development District. The procedure for establishing a Planned Residential Unit Development district shall be as follows:

- (a) Petition. A petition setting forth all of the facts required in Section 9.19(2) of this Shoreland Zoning Ordinance shall be submitted to the Manitowoc County Clerk with sufficient copies to provide for distribution by the Manitowoc County Clerk as required by [Section 9.81\(3\)](#) of this Shoreland Zoning Ordinance.
- (b) Review and Hearing: The petition shall be submitted to the county zoning agency. The Planning and Parks Commission shall hold a public hearing and report to the County Board as required by law. Copies of the petition and notice of the hearing shall also be sent to the appropriate office of the Department as described in Section 9.81(3) of this Shoreland Zoning Ordinance. The county zoning agency's report to the County Board shall reflect the recommendations of any federal, state or local agency with which the county zoning agency consults.
- (c) Findings and Conditions of Approval. The County Board shall make written findings as to the compliance or noncompliance of the proposed overlay district with each of the applicable requirements set forth in Section 9.19(2) of this Shoreland Zoning Ordinance. If the petition is granted in whole or part, the County Board shall attach such written conditions to the approval as are required by and consistent with Section 9.19(2) of this Shoreland Zoning Ordinance. The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks, dimensions of vegetative buffer zone, and open space requirements.
- (d) Planning Studies. A landowner or petitioner may at his or her own expense develop the facts required to establish compliance with the provisions of Section 9.19(2) of this Shoreland Zoning Ordinance or may be required to contribute funds to Manitowoc County to defray all or part of the cost of such studies being undertaken by Manitowoc County or any agency or person with whom Manitowoc County contracts for such work.

9.20 Sanitary Regulations.

- (1) Where public water supply systems are not available, private well construction shall conform to Wis. Admin. Code ch. NR 812.

954 (2) Where a public sewage collection and treatment system is not available,
955 design and construction of private on-site waste treatment systems shall,
956 comply with Chapter 13 (Private Sewage System) of the Manitowoc
957 County Code.

958
959 PART VI. MINIMUM LOT SIZE

960
961 9.21 Purpose.

962
963 The purpose of establishing minimum lot sizes in the shoreland area is to afford protection
964 against danger to health, safety and welfare, and protection against pollution of the
965 adjacent body of water.

966
967 9.22 Sewered Lots.

968
969 The minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65
970 feet for sewered lots. The width shall be measured at the ordinary high water mark and
971 building setback line.

972
973 9.23 Unsewered Lots.

974
975 The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be
976 100 feet for unsewered lots. The width shall be measured at the ordinary high water mark
977 and building setback line.

978
979 9.24 Substandard Lots.

980
981 (1) A legally created lot or parcel that met minimum area and minimum
982 average width requirements when created, but does not meet current lot size
983 requirements, may be used as a building site if all of the following apply:

984
985 (a) The substandard lot or parcel was never reconfigured or combined
986 with another lot or parcel by plat, survey, or consolidation by the
987 owner into one property tax parcel.

988
989 (b) The substandard lot or parcel has never been developed with one or
990 more of its structures placed partly upon an adjacent lot or parcel.

991
992 (c) The substandard lot or parcel is developed to comply with all other
993 ordinance requirements.

994
995 (2) Other substandard lots. Except for lots that meet the requirements of
996 Section 9.24(1) of this Shoreland Zoning Ordinance, a zoning permit for the
997 improvement of a lot having lesser dimensions than those stated in Section
998 9.22 or 9.23 of this Shoreland Zoning Ordinance shall be issued only if a
999 variance is granted by the Board of Adjustment.

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PART VII. SETBACKS

9.25 Shoreland Setback.

All buildings and structures shall be setback a distance of 75 feet from the ordinary high water mark of any navigable waters to the nearest part of a structure unless exempt under Section 9.26 of this Shoreland Zoning Ordinance, or reduced under Section 9.28 of this Shoreland Zoning Ordinance.

9.26 Exempt Structures.

All of the following structures are exempt from the shoreland setback standards in Section 9.25 of this Shoreland Zoning Ordinance:

- (1) Boathouses according to the following standards:
 - (a) A boathouse shall be designed and constructed solely for the storage of boats and related equipment.
 - (b) A boathouse shall not extend forward of the ordinary high water mark of the adjacent navigable water.
 - (c) A boathouse shall have its largest door or opening facing the water and such door or opening shall be adequate in size to accommodate a boat directly from the water.
 - (d) A boathouse constructed after the effective date of this Shoreland Zoning Ordinance shall have a pitched roof of three (3) horizontal to one (1) vertical or steeper.
 - (e) A boathouse shall be located entirely within the access and viewing corridor allowed by Section 9.33(2) of this Shoreland Zoning Ordinance.
 - (f) A boathouse shall not contain plumbing.
 - (g) A boathouse shall not be used for human habitation.
 - (h) A boathouse shall have a maximum of two (2) windows not to exceed nine (9) square feet per window.
 - (i) A boathouse shall have a maximum size of 400 square feet in floor area with sidewalls no higher than 10 feet.
 - (j) Only one boathouse shall be allowed per lot.

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- (k) Boathouses which existed prior to the adoption of this Shoreland Zoning Ordinance that have a flat roof may be used as a deck provided:
 - 1. The roof has no walls or screens.
 - 2. The roof has no railing other than those that meet the Department of Safety and Professional Services standards.
- (2) Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the following requirements pursuant to Wis. Stat. § 59.692(1v).
 - (a) The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary high water mark.
 - (b) The floor area of all the structures in the shoreland setback area does not exceed 200 square feet.
 - (c) The structure that is the subject of the request for permission pursuant to this section has no sides or has open or screened sides.
 - (d) The county zoning agency must approve a mitigation plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.
 - (e) An enforceable affidavit must be filed with the Manitowoc County Register of Deeds prior to construction acknowledging the limitations on vegetation removal pursuant to Section 9.26(2)(d) of this Shoreland Zoning Ordinance.
- (3) Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are two (2) meters or less in diameter.
- (4) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pump house covers, private on-site wastewater treatment systems that comply with Wis. Admin. Code ch. SPS 383, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.

- 1090 (5) Walkways, stairways or rail systems that are necessary to provide
1091 pedestrian access to the shoreline, provided the walkway, stairway or rail
1092 system meets the following standards:
1093
1094 (a) The walkway, stairway or rail system shall be located so as to
1095 minimize earth disturbing activities and shoreland vegetation
1096 removal during construction and to be visually inconspicuous as
1097 viewed from the adjacent waterway and public roads;
1098
1099 (b) The walkway, stairway or rail system shall be located entirely
1100 within the access and viewing corridor.
1101
1102 (c) The walkway, stairway or rail system shall be no more than sixty
1103 inches (60”) wide.
1104
1105 (d) Open railings not exceeding forty-two inches (42”) in height are
1106 permitted only where required by safety concerns.
1107
1108 (e) Canopies, roofs, and closed railings/walls on walkways, stairways
1109 and rail systems are prohibited.
1110
1111 (f) Stairways shall be supported on piles or footings rather than being
1112 excavated from erodible soils on steep slopes or bluff faces.
1113
1114 (g) Landings for stairways are permitted only where required by safety
1115 concerns and shall not exceed twenty-five (25) square feet in area.
1116
1117 (6) Devices or systems used to treat runoff from impervious surfaces.
1118

1119 9.27 Existing Exempt Structures.

1120
1121 Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and
1122 remodeled provided the activity does not expand the footprint and does not go beyond the
1123 three-dimensional building envelope of the existing structure. Expansion of a structure
1124 beyond the existing footprint may be allowed if the expansion is necessary to comply with
1125 applicable state or federal requirements.
1126

1127 9.28 Reduced Principal Structure Setback.

1128
1129 A setback less than the 75’ required setback from the ordinary high water mark shall be
1130 permitted for a proposed principal structure pursuant to following:
1131

- 1132 (1) Where there are existing principal structures in both directions, the setback
1133 shall equal the average of the distances the two existing adjacent principal
1134 structures are set back from the ordinary high water mark provided all of the
1135 following are met:

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

1166 9.29 Lake Michigan Shoreline Protection Area.

1167
1168 Bluff erosion and shore recession are natural processes that exist along the Lake Michigan
1169 shoreline caused by bluff instability, wave action and fluctuating water levels. These
1170 unique ecological characteristics require additional consideration in the siting of coastal
1171 buildings and structures. To protect life and property and reduce costly damages, the
1172 following procedures shall be used for development along Lake Michigan.

- 1173
1174 (1) The setback line shall be established by use of the following procedure in
1175 areas where bluffs of ten feet (10') or more in height that rise ten feet (10')
1176 or more vertically for every twenty-five feet (25') of horizontal distance:

1177
1178 A stable slope angle setback shall be established for bluffs at a ratio of 2.5
1179 feet of horizontal distance for every one (1) foot of vertical distance. There
1180 shall be two (2) such measurements made for every one hundred feet (100')
1181 of shoreline at points not less than fifty feet (50') apart. The stable slope

1182 angle setback shall be a line connecting these two (2) points or such line
1183 extended. In cases of highly irregular shoreline, more than two (2)
1184 measurement points per one hundred feet (100') feet may be required by the
1185 Department Director. The measurement shall be made horizontally from the
1186 toe of the bluff.

1187
1188 (2) The average annual long term recession rate along Lake Michigan is two (2)
1189 feet per year. A recession rate setback shall be established by use of the
1190 following procedure:

1191
1192 The average annual long term recession rate is multiplied by a structural
1193 design life of fifty (50) years for principal or conditional uses or a structural
1194 design life of twenty-five (25) years for accessory uses. The recession rate
1195 setback measurement shall be made horizontally from the toe of the bluff.

1196
1197 (3) In areas where both shoreline recession and bluffs exist, the stable slope
1198 angle setback shall be added to the recession rate setback to arrive at the
1199 required setback. In areas where only one condition exists, either shoreline
1200 recession in areas without bluff, or a bluff along the shoreline which is not
1201 receding, only the applicable setback shall apply.

1202
1203 (4) This section shall not apply to those structures listed in Section 9.26 of this
1204 Shoreland Zoning Ordinance.

1205
1206 9.30 Floodplain Structures.

1207
1208 Buildings and structures to be constructed or placed in a floodplain shall comply with the
1209 Manitowoc County Floodplain Zoning Ordinance.

1210
1211 9.31 Height.

1212
1213 No structure taller than 35 feet that is located within 75 feet of the ordinary high water
1214 mark of any navigable waters may be constructed, placed, located, expanded, rebuilt,
1215 reconstructed, replaced or relocated. Height when used with respect to a building means
1216 the vertical distance from the finished grade to the highest point of the coping of a flat roof,
1217 the deck line of a mansard roof, or the highest gable of a gambrel, hip, or pitched roof.

1218
1219 PART VIII. VEGETATION

1220
1221 9.32 Purpose.

1222
1223 To protect natural scenic beauty, fish and wildlife habitat, and water quality, Manitowoc
1224 County regulates removal of vegetation in shoreland areas consistent with sound forestry
1225 and soil conservation practices and the effect of vegetation removal on water quality,
1226 including soil erosion, and the flow of effluents, sediments and nutrients.

1227

1228 9.33 Vegetative Buffer Zone.

1229

1230 To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote
1231 preservation and restoration of native vegetation, the Manitowoc County Shoreland
1232 Zoning Ordinance hereby designates land that extends from the ordinary high water mark
1233 to a minimum of 35 feet inland as a vegetative buffer zone and prohibits removal of
1234 vegetation in the vegetative buffer zone except as follows.

1235

1236 (1) Routine maintenance of vegetation.

1237

1238 (2) Removal of trees and shrubs in the vegetative buffer zone to create an
1239 access and viewing corridor. The access and viewing corridor may be 35
1240 feet wide for every 100 feet of shoreline frontage. The access and viewing
1241 corridor may run contiguously for the for the entire maximum width of
1242 shoreline frontage owned.

1243

1244 (3) Removal of trees and shrubs in the vegetative buffer zone on a parcel with
1245 10 or more acres of forested land consistent with “generally accepted
1246 forestry management practices” as defined in Wis. Admin. Code § NR
1247 1.25(2)(b), and described in Department publication “Wisconsin Forest
1248 Management Guidelines” (publication FR-226), provided that vegetation
1249 removal is consistent with those practices.

1250

1251 (4) Removal of vegetation within the vegetative buffer zone to manage exotic
1252 or invasive species, damaged vegetation, vegetation that must be removed
1253 to control disease, or vegetation creating an imminent safety hazard,
1254 provided that any vegetation removed under a zoning permit is replaced by
1255 replanting in the same area as soon as practicable.

1256

1257 (5) Additional vegetation management activities in the vegetative buffer zone.
1258 A zoning permit issued under this section shall require that all management
1259 activities comply with detailed plans approved by Manitowoc County and
1260 designed to control erosion by limiting sedimentation into the waterbody, to
1261 improve the plant community by replanting in the same area, and to
1262 maintain and monitor the newly restored area. The zoning permit also
1263 shall require an enforceable restriction to preserve the newly restored area.

1264

1265 PART IX. FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND
1266 EXCAVATING.

1267

1268 9.34 Purpose.

1269

1270 To minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural
1271 scenic beauty filling, grading, lagooning, dredging, ditching and excavating may be
1272 permitted only in accordance with the provisions of Wis. Admin. Code § NR 115.04, the
1273 requirements of Wis. Stat. ch. 30 and other state and federal laws where applicable.

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9.35 General Standards.

Filling, grading, lagooning, dredging, ditching, and excavating that does not require a conditional use permit under Section 9.36 of this Shoreland Zoning Ordinance may be permitted in the shoreland area provided:

- (1) Any filling, grading, lagooning, dredging, ditching, or excavating is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.
- (2) Any filling, grading, lagooning, dredging, ditching, or excavating in a Shoreland-Wetland district meets the requirements of Sections 9.15(2) and (3) of this Shoreland Zoning Ordinance.
- (3) All applicable federal, state and local permits are obtained in addition to a zoning permit under this Shoreland Zoning Ordinance.
- (4) Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover or bulkhead.

9.36 Permit Required.

Filling and Grading. A conditional use permit is required for any filling or grading of any area that is within 300 feet landward of the ordinary high water mark of navigable water body and has surface drainage toward the water and where there is either:

- (1) Filling or grading on slopes of 20 percent or more.
- (2) Filling or grading of more than 1,000 square feet on slopes greater than 12 percent and less than 20 percent.
- (3) Filling or grading of more than 2,000 square feet on slopes of 12 percent or less.

9.37 Artificial Waterways, Canals, Ditches, and Lagoons

A conditional use permit is required for any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway that is within 300 feet landward of the ordinary high water mark of a navigable body of water and where the purpose is the ultimate connection with a navigable body of water.

9.38 Ponds and Wetland Scrapes Less Than Two (2) Acres in Area.

1318 A zoning permit is required for the construction and maintenance of ponds and wetland
1319 scrapes less than two (2) acres in area that are located within the Shoreland – Wetland
1320 Zoning District. Such a zoning permit may be issued provided that:

- 1321 (1) All spoil materials are removed to an upland area outside of the Shoreland -
1322 Wetland Zoning District.
- 1323 (2) The pond or wetland scrape is not connected to a navigable body of water or
1324 a waterway or a ditch that ultimately is connected to a navigable body of
1325 water or waterway.
- 1326 (3) The project(s) does not create an increase in the height of the regional flood.
1327
- 1328 (4) The side slopes of the ponds or wetland scrapes shall not be steeper than
1329 eight feet horizontal to one foot vertical.
- 1330 (5) All disturbed upland areas are leveled, graded and seeded to permanent
1331 vegetation as soon as possible to prevent erosion of silt into the pond or
1332 scrape.
- 1333 (6) The pond and wetland scrape shall be for the purpose of improving wildlife
1334 or fish habitat or for recreational opportunities and may not be associated
1335 with a commercial use.
- 1336 (7) Ponds shall be no more than five (5) feet deep.
- 1337 (8) All Department general permit conditions for wetland scrapes and wildlife
1338 ponds shall be followed.

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1347 9.39 Ponds and Wetland Scrapes Two (2) Acres and Greater in Area.

1348 A conditional use permit is required for ponds and wetland scrapes that are two (2) acres
1349 and greater in area.

1350
1351
1352 9.40 Permit Stipulations.

1353 In granting a conditional use permit under Section 9.36 of this Shoreland Zoning
1354 Ordinance, the following stipulations shall be met, in addition to ~~those all other~~ provisions
1355 specified in ~~Sections 9.67 or 9.73 of~~ this Shoreland Zoning Ordinance.

- 1356 (1) The smallest amount of bare ground shall be exposed for the as short a time
1357 as feasible.
 - 1358 (2) Temporary ground cover (such as mulch or jute netting) shall be used and
1359 permanent vegetation cover shall be established.
- 1360
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- 1364 (3) Diversion berms or bales, silting basin, terraces, filter fabric fencing, and
1365 other methods shall be used to prevent erosion.
1366
1367 (4) Lagoons shall be constructed to avoid fish trap conditions.
1368
1369 (5) Fill shall be stabilized according to accepted engineering standards.
1370
1371 (6) Filling shall comply with any local floodplain zoning ordinance and shall
1372 not restrict a floodway or destroy the flood storage capacity of a floodplain.
1373
1374 (7) Channels or artificial watercourses shall be constructed with side slopes of
1375 two (2) units horizontal distance to one (1) unit vertical distance or flatter
1376 which shall be promptly vegetated, unless bulkheads or riprap are provided.
1377

1378 9.41 Soil Conservation Practices.

1379
1380 Soil conservation practices such as tiled terraces, runoff diversions and grassed waterways
1381 used for erosion control shall not require a conditional use permit under Section 9.36 of this
1382 Shoreland Zoning Ordinance when designed and constructed to Soil Conservation Service
1383 technical standards.
1384

1385 Part X. IMPERVIOUS SURFACE STANDARDS

1386
1387 9.42 Purpose.

1388
1389 These impervious surface standards are established to protect water quality and fish and
1390 wildlife habitat and to protect against pollution of navigable waters. Manitowoc County
1391 impervious surface standards shall apply to the construction, reconstruction, expansion,
1392 replacement or relocation of any impervious surface on a riparian lot or parcel and any
1393 nonriparian lot or parcel that is located entirely within 300 feet of the ordinary high water
1394 mark of any navigable waterway.
1395

1396 9.43 Calculation of Impervious Surface.

1397
1398 The percentage of impervious surface shall be calculated by dividing the surface area of the
1399 existing and proposed impervious surfaces on the portion of a lot or parcel that is within
1400 300 feet of the ordinary high water mark by the total surface area of that lot or parcel, and
1401 multiplied by 100. Treated impervious surfaces described in Section 9.46 of this Shoreland
1402 Zoning Ordinance shall be excluded from the calculation of impervious surface on the lot
1403 or parcel. If an outlot lies between the ordinary high water mark and the developable lot or
1404 parcel and both are in common ownership, the lot or parcel and the outlot shall be
1405 considered one lot or parcel for the purposes of calculating the percentage of impervious
1406 surface. Calculations shall be completed by an engineer, landscape architect, surveyor or
1407 other licensed contractor acceptable by the Department Director.
1408

1409 9.44 General Impervious Surface Standard.

1410
1411 Except as permitted in Sections 9.45 and 9.46 of this Shoreland Zoning Ordinance, no
1412 more than 15% impervious surface is permitted on the portion of a lot or parcel that is
1413 within 300 feet of the ordinary high water mark.

1414
1415 9.45 Maximum Impervious Surface.

1416
1417 A property may exceed the impervious surface standard under Section 9.44 of this
1418 Shoreland Zoning Ordinance provided the following standards are met:

1419
1420 (1) For properties where the general impervious surface standard applies under
1421 Section 9.44 of this Shoreland Zoning Ordinance, a property owner may
1422 have more than 15% impervious surface but not more than 30% impervious
1423 surface on the portion of a lot or parcel that is within 300 feet of the ordinary
1424 high water mark.

1425
1426 (2) For properties that exceed the standard under Section 9.44 of this Shoreland
1427 Zoning Ordinance but do not exceed the maximum standard under Section
1428 9.45(1) of this Shoreland Zoning Ordinance, a zoning permit can be issued
1429 for development with a mitigation plan that meets the standards found in
1430 Part XII of this Shoreland Zoning Ordinance.

1431
1432 9.46 Treated Impervious Surfaces.

1433
1434 Impervious surfaces that can be documented to show they meet either of the following
1435 standards shall be excluded from the impervious surface calculations under Section 9.43 of
1436 this Shoreland Zoning Ordinance.

1437
1438 (1) The impervious surface is treated by devices such as storm water ponds,
1439 constructed wetlands, infiltration basins, rain gardens, bio-swales or other
1440 engineered systems.

1441
1442 (2) The runoff from the impervious surface discharges to an internally drained
1443 pervious area that retains the runoff on or off the parcel and allows
1444 infiltration into the soil.

1445
1446 (3) To qualify for this exemption, a property owner shall submit a complete
1447 zoning permit application that is reviewed and approved by the county
1448 zoning agency. The application shall include the following:

1449
1450 (a) Calculations showing how much runoff is coming from the
1451 impervious surface area.

1452
1453 (b) Documentation that the runoff from the impervious surface is being
1454 treated by a proposed treatment system, treatment device or
1455 internally drained area.

1456
1457 (c) An implementation schedule and enforceable obligation on the
1458 property owner to establish and maintain the treatment system,
1459 treatment devices or internally drained area. The enforceable
1460 obligations shall be evidenced by an instrument recorded in the
1461 office of the Register of Deeds prior to the issuance of the zoning
1462 permit.
1463

1464 9.47 Existing Impervious Surface.
1465

1466 For existing impervious surfaces that were lawfully placed when constructed but do not
1467 comply with the [general](#) impervious surface standard in Section 9.445 of this Shoreland
1468 Zoning Ordinance or the maximum impervious surface standard in Section 9.456 of this
1469 Shoreland Zoning Ordinance, the property owner may do any of the following:
1470

- 1471 (1) Maintain and repair the existing impervious surfaces.
1472
1473 (2) Replace existing impervious surfaces with similar surfaces within the
1474 existing building envelope.
1475
1476 (3) Relocate or modify an existing impervious surface with similar or different
1477 impervious surface, provided that the relocation or modification does not
1478 result in an increase in the percentage of impervious surface that existed on
1479 the effective date of this Shoreland Zoning Ordinance, and the impervious
1480 surface meets the applicable setback requirements in Wis. Admin. Code
1481 § NR 115.05(1)(b).
1482

1483 9.48 Other Ordinance Provisions Not Abrogated.
1484

1485 The provisions of this Part X (Impervious Surface Standards), inclusive of Sections 9.42 to
1486 9.48 of this Shoreland Zoning Ordinance, shall not be construed to supersede any other
1487 provision in this Shoreland Zoning Ordinance.
1488

1489 PART XI. NONCONFORMING USES AND STRUCTURES.
1490

1491 9.49 Purpose.
1492

1493 To protect water quality, fish and wildlife habitat, and natural scenic beauty, some control
1494 is needed over the modification and reconstruction of nonconforming structures and uses.
1495

1496 9.50 Discontinued Nonconforming Use.
1497

1498 If a nonconforming use is discontinued for a period of 12 months, any future use of the
1499 building, structure or property shall conform to this Shoreland Zoning Ordinance.
1500

1501 9.51 Maintenance, Repair, Replacement or Vertical Expansion of Nonconforming Structures.

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An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Expansion of a structure beyond the existing footprint is permitted if the expansion is necessary to comply with applicable state or federal laws.

9.52 Lateral Expansion of Nonconforming Principal Structure Within the Setback.

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback in Section 9.25 of this Shoreland Zoning Ordinance 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) No portion of the expansion is any closer to the ordinary high water mark than the closest point of the existing principal structure.
- (4) The lateral expansion does not exceed a maximum of 200 square feet over the life of the structure
- (5) The county zoning agency issues a zoning permit that requires a mitigation plan that complies with Section 9.58 of this Shoreland Zoning Ordinance. The mitigation plan shall be approved by the county zoning agency and implemented by the property owner by the date specified in the zoning permit. The mitigation plan shall include mitigation practices that meet the standards found in Section 9.57 of this Shoreland Zoning Ordinance, and shall include enforceable obligations of the property owner to establish or maintain measures that the county zoning agency determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the Manitowoc County Register of Deeds.
- (6) All other provisions of this Shoreland Zoning Ordinance shall be met.

9.53 Expansion of a Nonconforming Principal Structure Beyond Setback.

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An existing principal structure that was lawfully placed when constructed but that does not comply with the required shoreland setback under Section 9.25 of this Shoreland Zoning Ordinance, may be expanded horizontally, landward or vertically provided that the expanded area meets the shoreland setback requirements under Section 9.25 of this Shoreland Zoning Ordinance and that all other provisions of this Shoreland Zoning Ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be otherwise required under other sections of this Shoreland Zoning Ordinance, including Sections 9.26(2), 9.45(2), ~~and 9.52,~~ and 9.54.

9.54 Relocation of Nonconforming Principal Structure.

An existing principal structure that was lawfully placed when constructed but does not comply with the required shoreland setback under Section 9.25 of this Shoreland Zoning Ordinance may be replaced or 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.
- (2) The existing principal structure is at least 35 feet from the ordinary high water mark.
- (3) No portion of the replaced or relocated structure is located any closer to the ordinary high water mark than the closest point of the existing principal structure.
- (4) Manitowoc 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 replacement or relocation that will result in compliance with the shoreland setback requirement under Section 9.25 of this Shoreland Zoning Ordinance.
- (5) The county zoning agency issues a zoning permit that requires a mitigation plan that complies with Section 9.58 of this Shoreland Zoning Ordinance. The mitigation plan shall be approved by the county zoning agency and implemented by the property owner by the date specified in the zoning permit. The mitigation plan shall include mitigation practices that meet the standards found in Section 9.57 of this Shoreland Zoning Ordinance, and shall include enforceable obligations of the property owner to establish or maintain measures that the county zoning agency determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be

1594 evidenced by an instrument recorded in the office of the Manitowoc County
1595 Register of Deeds.

1596
1597 (6) All other provisions of this Shoreland Zoning Ordinance shall be met.
1598

1599 9.55 Maintenance, Repair, Replacement or Vertical Expansion of Structures That Were
1600 Authorized by Variance.

1601
1602 A structure of which any part has been authorized to be located within the shoreland
1603 setback area by a variance granted before July 15, 2015 may be maintained, repaired,
1604 replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the
1605 authorized structure. Additionally, the structure may be vertically expanded unless the
1606 vertical expansion would extend more than 35 feet above grade level. Expansion beyond
1607 the existing footprint may be permitted if the expansion is necessary to comply with
1608 applicable state or federal laws.

1609
1610 9.56 Wet Boathouses.

1611
1612 The maintenance and repair of any nonconforming boathouse that extends beyond the
1613 ordinary high water mark of any navigable waters shall comply with Wis. Stat. § 30.121.
1614

1615 PART XII. MITIGATION OPTIONS

1616
1617 9.57 Mitigation.

1618
1619 When the county zoning agency issues a zoning permit requiring mitigation under Section
1620 9.26(2), 9.45, 9.52, or 9.54 of this Shoreland Zoning Ordinance, the property owner must
1621 submit a mitigation plan application that is to be reviewed and approved by the county
1622 zoning agency. Existing buffer zones may be used to meet the mitigation point totals. The
1623 following mitigation practices may be used to obtain a minimum of three points.

1624
1625 (1) Maintenance of Existing or Establishment of Buffer Options.

1626
1627 (a) Primary Active Buffer Zone – Shore buffer zone within 35 feet of
1628 the ordinary high water mark, including trees, shrubbery, ground
1629 cover and other natural vegetation, subject to the conditions in
1630 Section 9.57(2) of this Shoreland Zoning Ordinance. Three points.

1631
1632 (b) Secondary Active Buffer Zone – An additional 15 feet of buffer
1633 zone depth inland from the ordinary high water mark beyond the 35
1634 feet of buffer zone already established, providing a total of 50 feet of
1635 buffer zone depth, subject to the conditions in Section 9.57(2) of this
1636 Shoreland Zoning Ordinance. Two points.

1637
1638 (c) Recreational Area Buffer Zone – Shore buffer zone within 15 feet of
1639 the ordinary high water mark, including within the space that may

1640 otherwise have been occupied by the recreational area, except that a
1641 foot path of no more than four (4) feet in width may be maintained,
1642 subject to the conditions in Section 9.57(2) of this Shoreland Zoning
1643 Ordinance. Two points.

1644
1645 (d) Passive Buffer Zone – Shoreland vegetation buffer area within 35
1646 feet of the ordinary high water mark, including unmowed grass or
1647 other ground cover vegetation, but without the tree and shrub layers
1648 required to meet the (3) point mitigation standard of Section
1649 9.57(1)(a) of this Shoreland Zoning Ordinance. Two points.

1650
1651 (e) Side Lot Buffer Zone – A 10 foot wide side lot buffer zone including
1652 trees, shrubbery, ground cover and other natural vegetation
1653 extending along a side lot line for a depth of at least 75 feet from the
1654 ordinary high water mark. One point. The side lot buffer area is
1655 subject to the conditions in Section 9.57(2) of this Shoreland Zoning
1656 Ordinance. Points for side lot line buffers may be additive, for a
1657 maximum of two (2) points, if buffer areas exist and are maintained
1658 along both side lot lines.

1659
1660 (2) Conditions.

1661
1662 1. No mowing is permitted in the buffer zone.
1663
1664 2. The establishment of buffer zones, except under Section 9.57(1)(d)
1665 of this Shoreland Zoning Ordinance, are subject to a density of at
1666 least one tree per 200 square feet and two (2) shrubs per 100 square
1667 feet of buffer zone area. Ground cover shall be established to
1668 provide an adequate number of ground cover plants to establish
1669 complete coverage of exposed soil in one growing season. This
1670 density must be maintained through the maturity of the species.

1671
1672 (3) Removal of Structures. Points may be obtained for the removal of structures
1673 as set forth below:

1674
1675 (a) Removal of an existing principal structure or parts of a principal
1676 structure located within the required shoreland setback to a site that
1677 meets the shoreland setback requirements for new development on
1678 that waterbody. Three points.

1679
1680 (b) Removal of all existing accessory structures located within 35 feet
1681 of the ordinary high water mark, with the result that all such
1682 structures, including boathouses, meet the setback required for the
1683 waterbody. Two points.

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1730
- (c) Removal of any existing accessory structures located between 35 feet and the required setback from the ordinary high water mark, with the result that all such structures, including boathouses, are located to meet the required setback from the ordinary high water mark. One point.
 - (d) No accessory structures are located less than the required setback from the ordinary high water mark. This point is not additive to points awarded for removal of structures pursuant to Sections 9.578(3)(b) and (c) of this Shoreland Zoning Ordinance. One point.
- (4) Other Practices.
- (a) At the discretion of the Department Director, up to three (3) additional mitigation points may be approved for restoration or protection activities that are likely to provide significant benefits to meet the objectives of this Shoreland Zoning Ordinance. Examples may include, but are not limited to, construction of a storm water detention basin or implementation of other storm water management plan activities, replacement of seawalls with bio-engineered structures, or removal of artificial sand beaches in compliance with all applicable statutes and provisions set forth in Wisconsin Administrative Codes.
 - (b) Factors to be considered in making the determination of number of points and approval of alternative mitigation practices include, but are not limited to:
 1. Runoff diversion and/or retention.
 2. Lot configuration.
 3. Parcel size.
 4. Location of impervious areas.
 5. Sensitivity and level of development of the waterbody.
 6. Significance toward meeting ordinance objectives.
 7. Type, density and filtering capacity of vegetation/ground cover.
 8. Replacement of a private on-site wastewater treatment system with a code compliant system.

9. Removal of existing impervious areas.

9.58 Mitigation Plan.

- (1) A property owner must submit a mitigation plan that describes the proposed mitigation measures. The mitigation plan shall be designed and implemented to restore natural functions lost through development and human activities. The mitigation measures shall be proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.
- (2) Mitigation plans shall be completed by an engineer, landscape architect, surveyor or other licensed contractor acceptable by the Department Director.
- (3) An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures shall be recorded in the office of the Register of Deeds.

9.59 Minimum Standard of a Vegetative Buffer.

Planting Densities. The table below describes planting standards for two major shoreland types: woodland, and barrens/dry prairie/wet prairie. The woodland has a nearly complete canopy of trees while the barrens/prairie and wetland are more open. Plant numbers are to be calculated based on the area in square feet to be reestablished and the appropriate density. The area to be reestablished shall be calculated for each layer.

(Table 1) Shoreland Buffer Planting Standards

Woodland Buffer			Wetland / Prairie Buffer	
Layer	Minimum number of species	Density per 100 square feet	Minimum number species	Density per 100 square feet
Tree Canopy*	3	1	1	0.2
Shrub Understory**	4	2	2	0.5
Groundcover Plant Plugs***	1	50 Must be Mulched	5	70 Must be Mulched
Groundcover	1	Varies Grass	5	Varies Grass

1777			
1778	Seeding	4oz./1000sqft.	4oz./1000sqft.
1779		Forbs 3oz./1000sqft.	Forbs
1780			3oz./1000sqft.

- 1781
- 1782 * Tree must be ≥ 2 years old and 18" tall or taller
- 1783 ** Shrubs must be 1 Liter container size or larger
- 1784 *** Plugs must be 3" tall or 1" dia.

1785

1786 9.60 Types of Vegetation Buffer Establishment.

- 1787
- 1788 (1) Avoidance - The buffer may be totally intact or undisturbed. If that is the
- 1789 case, the affidavit will state that a property will not disturb the area and will
- 1790 remain compliant with placement of a access and viewing corridor. The
- 1791 area designated as Vegetative Buffer must meet the density requirements of
- 1792 (Table 1).
- 1793
- 1794 (2) Accelerated Recovery (enhancement) - This method entails installing some
- 1795 plant materials to achieve proper vegetation density as outlined in (Table 1).
- 1796 Under this establishment method, a property owner will be filling in areas
- 1797 that are too thin or where vegetation is missing.
- 1798
- 1799 (3) Accelerated Recovery (creation) - This method is used when no buffer
- 1800 exists. The area in question may have been graded to bare soil or the site
- 1801 may have been mowed for many years. This establishment method will
- 1802 involve planting groundcover, shrubs and trees after removal of existing
- 1803 vegetation.

1804

1805 9.61 Manitowoc County Native Plant List.

1806

1807 Species of plants must be selected from the Manitowoc County Native Plant List and

1808 approved for shoreline buffers by the Department Director. Substitutions must be approved

1809 by the Department Director. Substitutions to the list will be allowed in the event of lack of

1810 plant stock or seed availability on a case-by-case basis. All plants may be transplanted from

1811 areas outside of the buffer zone. The following link to the Wisconsin Botanical

1812 Information System shall be used to determine Manitowoc County native plants. County:

1813 Manitowoc, Origin: Native. <http://www.botany.wisc.edu/herb/Countysearch.html>

1814

1815 9.62 Shoreland Buffer Restoration Plan Requirements.

- 1816
- 1817 (1) When restoration of a shoreland buffer is chosen as a mitigation option, a
- 1818 Shoreland Buffer Restoration Plan shall be completed by an engineer,
- 1819 landscape architect, surveyor or other licensed contractor acceptable by the
- 1820 Department Director. Plans must be approved by the county zoning
- 1821 agency and must include:

1822

- 1823 (a) Name and address of property owner.
1824
1825 (b) Property address and legal description.
1826
1827 (c) Extent of the shoreland buffer.
1828
1829 (d) Scale (e.g. 1 inch = 10 feet).
1830
1831 (e) North arrow.
1832
1833 (f) Ordinary high water mark location.
1834
1835 (g) Location of all structures in the shoreland buffer zone.
1836
1837 (h) Access and viewing corridor.
1838
1839 (i) Boundary of the shoreland buffer zone.
1840
1841 (j) Existing trees, shrubs, and native ground cover.
1842
1843 (k) Areas to be planted with trees, shrubs, and groundcovers.
1844
1845 (l) Implementation schedule.
1846
1847 (m) A plant species list including a list of any substitutions from
1848 the authorized native plant list.
1849
1850 (n) Erosion control practices (to be installed prior to and during
1851 buffer establishment).
1852
1853 (o) Water diversions and channelized flow areas.
1854
1855 (p) Buffer maintenance (weeding, replanting).
1856

1857 9.63 Implementation Schedule.
1858

1859 The approved Shoreland Buffer Restoration Plan must be started within one year from the
1860 issue date of applicable zoning permit. All plantings and any other required activities in the
1861 Shoreland Buffer Restoration Site Plan must be completed within two years of the zoning
1862 permit issue date.
1863

1864 9.64 Certification of Completion.
1865

1866 Within one (1) year of issuance of the zoning permit, the property owner shall complete the
1867 mitigation practices and shall certify in writing to the Department Director that the required
1868 mitigation has been completed. As part of the certification, the property owner shall submit

1869 photos documenting the mitigation measures and the county zoning agency may conduct
1870 an on-site compliance inspection.

1871
1872 9.65 Subsequent Development.

1873
1874 Subsequent zoning permit applications shall require additional mitigation and will be
1875 dependent on the scope of the project.

1876
1877 PART XIII. ADMINISTRATIVE PROVISIONS.

1878
1879 9.66 Department Director.

1880
1881 The Department Director shall have the following duties and powers:

1882
1883 (1) Establishing a system of zoning permits for new construction, development,
1884 reconstruction, structural alteration or moving of buildings and structures.
1885 A copy of applications shall be required to be filed in the office of the
1886 Department Director.

1887
1888 (2) Performing regular inspection of permitted work in progress to insure
1889 conformity of the finished structures with the terms of this Shoreland
1890 Zoning Ordinance.

1891
1892 (3) Establishing a variance procedure that authorizes the Board of Adjustment
1893 to grant such variance from the terms of this Shoreland Zoning Ordinance
1894 as will not be contrary to the public interest where, owing to special
1895 conditions and the adoption of this Shoreland Zoning Ordinance, a literal
1896 enforcement of the provisions of the Shoreland Zoning Ordinance will
1897 result in unnecessary hardship.

1898
1899 (4) Establishing a conditional use procedure.

1900
1901 (5) Maintain complete records of all proceedings before the Board of
1902 Adjustment, county zoning agency, and planning agency.

1903
1904 (6) Providing written notice to the appropriate office of the Department at least
1905 10 days prior to any hearing on a proposed variance, conditional use permit,
1906 appeal for a map or text interpretation, map or text amendment, and
1907 providing copies of all proposed land divisions submitted to the county
1908 zoning agency for review under Section 9.18 of this Shoreland Zoning
1909 Ordinance. Upon request of the Department Manitowoc County shall
1910 provide to the appropriate office a copy of any zoning permit issued under
1911 Section 9.67 of this Shoreland Zoning Ordinance.

1912
1913 (7) Submitting to the appropriate office of the Department, within 10 days after
1914 grant or denial, of copies of any zoning permit, any decision on a variance,

1915 or conditional use permit, or appeal for a map or text interpretation, and any
1916 decision to amend a map or text of the Shoreland Zoning Ordinance.

1917
1918 (8) Mapping zoning districts and the recording, on an official copy of such
1919 map, of all district boundary amendments.

1920
1921 (9) Establishing appropriate penalties for violations of various provisions of
1922 this Shoreland Zoning Ordinance, including forfeitures. Compliance with
1923 this Shoreland Zoning Ordinance shall be enforceable by the use of
1924 injunctions to prevent or abate a violation, as provided in Wis. Stat.
1925 § 59.69(11).

1926
1927 (10) The prosecution of violations of this Shoreland Zoning Ordinance.

1928
1929 9.67 Permits Required.

1930
1931 Except where another section of this Shoreland Zoning Ordinance specifically exempts
1932 certain types of development from this requirement, a zoning permit shall be obtained from
1933 the county zoning agency, or a conditional use permit from the Board of Adjustment if
1934 applicable, before any new development.

1935
1936 9.68 Permit Application.

1937
1938 An application for a zoning permit shall be made to the Department Director upon forms
1939 furnished by the county zoning agency and shall include the following information:

1940
1941 (1) Name and address of applicant and property owner.

1942
1943 (2) Legal description of the property and type of proposed use.

1944
1945 (3) A to scale drawing of the dimensions of the lot and location of all existing
1946 and proposed structures and impervious surfaces relative to the lot lines,
1947 center line of abutting highways and the ordinary high water mark of any
1948 abutting waterways.

1949
1950 (4) Location and description of any existing private water supply or sewage
1951 system or notification of plans for any such installation.

1952
1953 (5) Plans for appropriate mitigation when required.

1954
1955 (6) Payment of the appropriate fee.

1956
1957 (7) Additional information required by the Department Director.

1958
1959 9.69 Expiration of Permit.

1960

1961 Zoning permits shall expire 24 months from date issued if no substantial work has
1962 commenced.

1963
1964 9.70 Reasonable Accommodation for Disabled or Handicapped Persons.

1965
1966 (1) Manitowoc County will, upon receipt of a written request, issue a zoning
1967 permit that waives one or more specific zoning requirements if it
1968 determines that all of the following conditions have been met:

1969
1970 (a) The requested waiver is necessary to afford a handicapped or
1971 disabled person equal housing opportunity or equal access to public
1972 accommodations.

1973
1974 (b) The requested waiver is the minimum deviation from the terms of
1975 this Shoreland Zoning Ordinance necessary to provide the
1976 handicapped or disabled person equal housing opportunity or equal
1977 access to public accommodations.

1978
1979 (c) The requested waiver will not unreasonably undermine the basic
1980 purposes this Shoreland Zoning Ordinance.

1981
1982 (2) A zoning permit issued pursuant to this section must state the provisions of
1983 this Shoreland Zoning Ordinance that are waived and describe with
1984 reasonable particularity the deviation from the terms of this Shoreland
1985 Zoning Ordinance that are authorized.

1986
1987 (3) A zoning permit issued pursuant to this section must state that the permit is
1988 issued pursuant to the requirements of the Americans with Disabilities Act,
1989 the Fair Housing Act, the Rehabilitation Act, the Wisconsin Open Housing
1990 Law, a local ordinance, or a combination of these acts, laws, and ordinances
1991 in order to provide the reasonable accommodation necessary to avoid
1992 discrimination on the basis of disability or handicap.

1993
1994 (4) A zoning permit issued pursuant to this section must include a provision
1995 stating that the permit is valid only for so long as the waiver is necessary for
1996 a disabled or handicapped person to occupy or use the premises and that the
1997 permit holder must notify the county zoning agency within 30 days of the
1998 date that the disabled or handicapped person no longer occupies or uses the
1999 premises.

2000
2001 (5) A zoning permit issued pursuant to this section must include a provision
2002 stating that any addition or external structural change allowed by the waiver
2003 must be constructed, insofar as is practicable, in such a way that it can be
2004 removed when the disabled or handicapped person no longer occupies or
2005 uses the premises, unless Manitowoc County determines that removal will

2006 not be required and includes a written statement of the reason that removal
2007 is not required as part of the permit.

2008
2009 (6) A zoning permit issued pursuant to this section that requires the removal of
2010 any addition or external structural change will not become effective until
2011 the permit holder:

2012
2013 (a) Signs an affidavit that contains the legal description of the property,
2014 acknowledges that the waiver granted by the zoning permit is
2015 authorized only for so long a disabled or handicapped person uses
2016 the premises, agrees to notify the county zoning agency within 30
2017 days of the date that the premises are no longer occupied or used by
2018 a disabled or handicapped person, and agrees to remove any
2019 addition or external structural change authorized by the zoning
2020 permit within 30 days of the date that the premises are no longer
2021 occupied or used by a disabled or handicapped person; and

2022
2023 (b) Records the affidavit with the Register of Deeds and provides a
2024 copy of the recorded affidavit to the county zoning agency.

2025
2026 9.71 Conditional Use Permit Application.

2027
2028 Any use listed as a conditional use in this Shoreland Zoning Ordinance shall be permitted
2029 only after an application has been submitted to the Department Director and a conditional
2030 use permit has been granted by the Board of Adjustment. To secure information upon
2031 which to base its determination, the Board of Adjustment may require the applicant to
2032 furnish, in addition to the information required for a zoning permit, the following
2033 information:

2034
2035 (1) A plan of the area showing surface contours, soil types, ordinary high water
2036 mark, ground water conditions, subsurface geology and vegetative cover.

2037
2038 (2) Location of buildings, parking areas, traffic access, driveways, walkways,
2039 piers, open space and landscaping.

2040
2041 (3) Plans of buildings, sewage disposal facilities, water supply systems and
2042 arrangement of operations.

2043
2044 (4) Specifications for areas of proposed filling, grading, lagooning or dredging.

2045
2046 (5) Other pertinent information necessary to determine if the proposed use
2047 meets the requirements of this Shoreland Zoning Ordinance.

2048
2049 (6) Rationale for why the proposed conditional use meets all of the conditional
2050 use criteria listed in this Shoreland Zoning Ordinance.

2051

2052 9.72 Standards Application to All Conditional Use Permits.
2053

2054 In deciding a conditional use application, the Board of Adjustment shall evaluate the effect
2055 of the proposed use upon:
2056

- 2057 (1) The maintenance of safe and healthful conditions.
2058
- 2059 (2) The prevention and control of water pollution including sedimentation.
2060
- 2061 (3) Compliance with local floodplain zoning ordinances and opportunity for
2062 damage to adjacent properties due to altered surface water drainage.
2063
- 2064 (4) The erosion potential of the site based upon degree and direction of slope,
2065 soil type and vegetative cover.
2066
- 2067 (5) The location of the site with respect to existing or future access roads.
2068
- 2069 (6) The need of the proposed use for a shoreland location.
2070
- 2071 (7) The compatibility of the proposed use with uses on adjacent land.
2072
- 2073 (8) The amount of liquid and solid wastes to be generated and the adequacy of
2074 the proposed disposal systems.
2075
- 2076 (9) Location factors under which:
2077
 - 2078 (a) Domestic uses shall be generally preferred.
 - 2079
 - 2080 (b) Uses not inherently a source of pollution within an area shall be
2081 preferred over uses that are or may be a pollution source.
2082
 - 2083 (c) Use locations within an area tending to minimize the possibility of
2084 pollution shall be preferred over use locations tending to increase
2085 that possibility.
2086

2087 9.73 Conditions Attached to Conditional Use Permits.
2088

2089 Conditions attached to conditional use permits may include, but are not limited to, the
2090 following specifications: type of shore cover; specific sewage disposal and water supply
2091 facilities; landscaping and planting screens; period of operation; operational control;
2092 sureties; deed restrictions; location of piers, docks, parking and signs; and type of
2093 construction. Upon consideration of the factors listed above, the Board of Adjustment shall
2094 attach such conditions, in addition to those required elsewhere in this Shoreland Zoning
2095 Ordinance, as are necessary to further the purposes of this Shoreland Zoning Ordinance.
2096 Violations of any of these conditions shall be deemed a violation of this Shoreland Zoning
2097 Ordinance. In granting a conditional use permit, the Board of Adjustment may not impose

2098 conditions which are more restrictive than any of the specific standards in this Shoreland
2099 Zoning Ordinance. Where this Shoreland Zoning Ordinance is silent as to the extent of
2100 restriction, the Board of Adjustment may impose any reasonable permit conditions to
2101 affect the purpose of this Shoreland Zoning Ordinance.

2102
2103 9.74 Recording.
2104
2105 When a conditional use permit is approved, an appropriate record shall be made of the land
2106 use and structures permitted. Such permit shall be applicable solely to the structures, use
2107 and property so described.

2108
2109 9.75 Conditional Use Permit Revocation.
2110
2111 Where the conditions of a conditional use permit are violated, the conditional use permit
2112 shall be revoked.

2113
2114 9.76 Variances.
2115
2116 The Board of Adjustment may grant upon appeal a variance from the standards of this
2117 Shoreland Zoning Ordinance where an applicant convincingly demonstrates that:

- 2118
2119 (1) Literal enforcement of the provisions of this Shoreland Zoning Ordinance
2120 will result in unnecessary hardship on the applicant.
2121
2122 (2) The hardship is due to special conditions unique to the property.
2123
2124 (3) The variance is not contrary to the public interest.

2125
2126 9.77 Board of Adjustment.
2127
2128 The County Executive shall appoint, subject to County Board approval, a Board of
2129 Adjustment consisting of five (5) members under Wis. Stat. § 59.694. The County Board
2130 shall adopt such rules for the conduct of the business of the Board of Adjustment as
2131 required by Wis. Stat. § 59.694(3).

2132
2133 9.78 Powers and Duties.
2134
2135 (1) The Board of Adjustment shall adopt such additional rules as it deems
2136 necessary and may exercise all of the powers conferred on such boards by
2137 Wis. Stat. § 59.694.
2138
2139 (2) The Board of Adjustment shall hear and decide appeals where it is alleged
2140 there is error in any order, requirements, decision or determination made by
2141 an the Department Director in the enforcement or administration of this
2142 Shoreland Zoning Ordinance.

2143

2144 (3) The Board of Adjustment shall hear and decide applications for conditional
2145 use permits.

2146
2147 (4) The Board of Adjustment may grant a variance from the standards of this
2148 Shoreland Zoning Ordinance pursuant to Section 9.76 of this Shoreland
2149 Zoning Ordinance. In granting a variance, the Board of Adjustment may not
2150 impose conditions which are more restrictive than any of the specific
2151 standards in this Shoreland Zoning Ordinance. Where this Shoreland
2152 Zoning Ordinance is silent as to the extent of restriction, the Board of
2153 Adjustment may impose any reasonable permit conditions to effect the
2154 purpose of this Shoreland Zoning Ordinance.

2155
2156 9.79 Appeals to the Board.

2157
2158 Appeals to the Board of Adjustment may be made by any person aggrieved or by an
2159 officer, department, board or bureau of Manitowoc County affected by any decision of the
2160 Department Director. Such appeal must be made within 30 days of the date of the decision
2161 by filing with the Department Director, and with the Board of Adjustment, a notice of
2162 appeal specifying the reasons for the appeal. The Department Director shall promptly
2163 transmit to the Board of Adjustment all the papers constituting the record concerning the
2164 matter appealed.

2165
2166 9.80 Hearing Appeals and Applications for Variances and Conditional Use Permits.

2167
2168 (1) The Board of Adjustment shall fix a reasonable time for a hearing on the
2169 appeal or application. The Board of Adjustment shall give public notice
2170 thereof by publishing a Class 2 notice under Wis. Stat. ch. 985 specifying
2171 the date, time and place of the hearing and the matters to come before the
2172 Board of Adjustment. Notice shall be mailed to the parties in interest.
2173 Written notice shall be given to the appropriate office of the Department at
2174 least 10 days prior to hearings on proposed shoreland variances, conditional
2175 uses, and appeals for map or text interpretations.

2176
2177 (2) A decision regarding the appeal or application shall be made as soon as
2178 practical. Copies of all decisions on shoreland variances, conditional uses,
2179 and appeals for map or text interpretations shall be submitted to the
2180 appropriate office of the Department within 10 days after they are granted
2181 or denied.

2182
2183 (3) The final disposition of an appeal or application to the Board of Adjustment
2184 shall be in the form of a written resolution or order signed by the chairman
2185 and secretary of the Board of Adjustment. Such resolution shall state the
2186 specific facts which are the basis of the Board of Adjustment's
2187 determination and shall either affirm, reverse, vary or modify the order,
2188 requirement, decision or determination appealed, in whole or in part,

2189 dismiss the appeal for lack of jurisdiction or prosecution or grant the
2190 application.

2191
2192 (4) At the public hearing, any party may appear in person or by agent or by
2193 attorney.

2194
2195 9.81 Amendments and Changes.

2196
2197 (1) The County Board may from time to time amend, supplement, or repeal the
2198 regulations or change the district boundaries of this Shoreland Zoning
2199 Ordinance in accordance with the procedure provided in Wis. Stats.
2200 § 59.69(5)(e), as amended and Wis. Admin. Code ch. NR115. Amendments
2201 may be made upon petition by any interested party in accordance with the
2202 appropriate provisions of Wis. Stat. § 59.69. Actions that require an
2203 amendment include, but are not limited to any upgrading of the Shoreland
2204 Zoning Ordinance in accordance with Wis. Admin. Code ch. NR 115.

2205
2206 (2) Map Amendments to the Shoreland-Wetland District.

2207
2208 A wetland, or portion thereof in a Shoreland-Wetland District, shall not be
2209 rezoned if the proposed rezoning may result in a significant adverse impact
2210 upon any of the following:

2211
2212 (a) Storm and flood water storage capacity.

2213
2214 (b) Maintenance of dry season stream flow, the discharge of
2215 groundwater to a wetland, the recharge of groundwater from a
2216 wetland to another area, or the flow of groundwater through a
2217 wetland.

2218
2219 (c) Filtering or storage of sediments, nutrients, heavy metals, or organic
2220 compounds that would otherwise drain into navigable waters.

2221
2222 (d) Shoreline protection against soil erosion.

2223
2224 (e) Fish spawning, breeding, nursery, or feeding grounds.

2225
2226 (f) Wildlife habitat.

2227
2228 (g) Areas of special recreational, scenic, or scientific interest; including
2229 scarce wetland types.

2230
2231 (3) For all proposed text and map amendments to the Shoreland-Wetland
2232 District the appropriate district office of the Department shall be provided
2233 with the following:

2234

- 2235 (a) A copy of every petition for text or map amendment to the
2236 Shoreland-Wetland District within five (5) days of the filing of such
2237 petition with the Manitowoc County Clerk.
2238
- 2239 (b) A written notice of the public hearing to be held on a proposed
2240 amendment at least ten (10) days prior to such hearing.
2241
- 2242 (c) A copy of the Planning and Park Commission's findings and
2243 recommendations on each proposed amendment within ten (10)
2244 days after the submission of those findings and recommendations to
2245 the County Board.
2246
- 2247 (d) Written notice of the County Board's decision on the proposed
2248 amendment within ten (10) days after it is issued.
2249
- 2250 (4) If the Department notifies the Planning and Park Commission that a
2251 proposed text or map amendment to the Shoreland-Wetland provisions of
2252 this Shoreland Zoning Ordinance may have a significant adverse impact
2253 upon any of the criteria listed in Section 9.81(2) of this Shoreland Zoning
2254 Ordinance, that amendment if approved by the County Board shall not take
2255 effect until more than thirty (30) days have elapsed after written notice of
2256 the County Board's approval of the amendment is mailed to the
2257 Department. During that thirty (30) day period the Department may notify
2258 the County Board that it will adopt a superseding shoreland zoning
2259 ordinance for Manitowoc County under Wis. Stat. § 59.692(6). If the
2260 Department does so notify the County Board, the effect of this amendment
2261 shall be stayed until Wis. Stat. § 59.692(6) adoption procedure is completed
2262 or otherwise terminated.
2263

2264 9.82 Violations and Penalties.
2265

- 2266 (1) Any person, firm, or corporation who violates, disobeys neglects, omits, or
2267 refuses to comply with, or who resists the enforcement of any of the
2268 provisions of this Shoreland Zoning Ordinance shall, upon conviction,
2269 remove the building, structure, or part thereof or discontinue the use thereof
2270 which violates the terms of this Shoreland Zoning Ordinance, within ninety
2271 (90) days of such conviction. Upon failure to do so, the County Board may
2272 order the removal of such building, structure, use, or part thereof which
2273 violates the terms of this Shoreland Zoning Ordinance. Such removal may
2274 be performed by an agent or by contract arrangement with private persons
2275 and the cost of such removal shall become a lien upon the property,
2276 collectible as permitted by law.
2277
- 2278 (2) Such person, firm, or corporation may also be required, upon conviction, to
2279 forfeit not less than twenty dollars (\$20) nor more than two thousand dollars
2280 (\$2000) for each offense, together with the costs of prosecution, and in

2281 default of the payment of such forfeiture and costs of prosecution, shall be
2282 imprisoned in the county jail of Manitowoc County until such forfeiture and
2283 costs are paid, but not to exceed thirty (30) days. Each day that a violation
2284 continues to exist shall constitute a separate offense. Every violation of this
2285 Shoreland Zoning Ordinance is a public nuisance and the creation thereof
2286 may be enjoined and the maintenance thereof may be abated by action at
2287 suit of Manitowoc County, any municipality, the State of Wisconsin, or any
2288 citizen thereof pursuant to Wis. Stat. § 87.30.

2289
2290 (3) Statute of Limitations. Under Wis. Stat. § 59.692(1t), where a building or
2291 structure violates the dimensional or use standards of this Shoreland Zoning
2292 Ordinance and such building or structure has been in place for more than 10
2293 years, no enforcement action may be commenced by Manitowoc County.
2294 A property owner claiming immunity from an enforcement action under
2295 this provision shall establish:

2296
2297 (a) That the noncompliant features or use of the building or structure
2298 have been in place for more than 10 years before commencement of
2299 an enforcement action.

2300
2301 (b) That use of such building or structure has been active and
2302 continuous for the 10 years prior to commencement of an
2303 enforcement action. If use of the structure was discontinued for
2304 more than 12 months, such use shall be deemed abandoned and this
2305 exemption from enforcement forfeit.

2306

2307 9.83 Effective Date.

2308
2309 This Shoreland Zoning Ordinance, upon passage and publication by the County Board
2310 shall be effective in all of the unincorporated areas within Manitowoc County and shall not
2311 require approval or be subject to disapproval by any town or town board as provided by Wis.
2312 Stats. §§ 59.692 and 87.30.

2313

Dated this 20th day of September 2016.

Respectfully submitted by the
Planning and Park Commission

Melvin Waack, Chair

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. _____

COUNTERSIGNED:

Jim Brey, County Board Chair

Date

APPROVED:

Bob Ziegelbauer, County Executive

Date

ORDINANCE AMENDING ZONING MAP

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment by the Town of Manitowoc Rapids
3 to rezone multiple parcels to Exclusive Agriculture (EA) on August 22, 2016; and
4

5 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony
6 and an examination of the facts, recommends that the petition be approved for the reasons stated in
7 the attached report;
8

9 NOW, THEREFORE, the Manitowoc County Board of Supervisors does ordain that the
10 Town Zoning Map of the Town of Manitowoc Rapids shall be amended to reflect the rezoning of
11 the following parcels of land located in T19N, R23E, Town of Manitowoc Rapids, to the Exclusive
12 Agriculture (EA) zoning district in order to implement changes to the town's land use plan and to
13 better represent current and future land use:
14

15 Property Owners and Parcels Numbers:

16
17 *James & Jane Lepich:* 010-003-015-001.00; 010-003-016-001.00; 010-010-005-002.00;
18 and 010-010-008-001.00;
19

20 *Twin Cities Vue Dairy:* 010-011-010-001.00; 010-011-011-000.00; 010-011-009-001.00;
21 010-011-012-001.00; 010-011-014-002.00; and 010-010-016-002.00;
22

23 *David & Emily Kluenker:* 010-011-007-004.00; 010-009-007-001.00; and
24 010-009-006-000.00 (the southern portion is RR);
25

26 *David & Debra Kluenker:* 010-010-004-001.00;
27

28 *Donald Shimon:* 010-010-001-002.00; 010-010-002-002.00; 010-010-003-001.01;
29 010-010-014-001.00; 010-011-006-002.00; and 010-010-003-001.00;
30

31 *David Grotegut:* 010-003-001-001.00; and 010-003-002-000.00;
32

33 *Soaring Eagle Daily LLC:* 010-022-003-000.00; 010-022-004-002.00;
34 010-022-001-007.00; 010-011-002-001.00; 010-011-001-000.00; 010-011-004-004.00;
35 010-012-007-001.00; 010-012-008-004.00; 010-012-007-002.00; 010-012-008-002.00;
36 010-012-003-001.00; and 010-012-010-001.00.

Dated this 20th day of September 2016.

ORDINANCE AMENDING ZONING MAP
(Joseph and Susan Resch)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on August 22, 2016; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony
5 and an examination of the facts, recommends that the petition be approved for the reasons stated in
6 the attached report;
7

8 NOW, THEREFORE, the Manitowoc County Board of Supervisors does ordain as
9 follows:
10

11 A parcel of land located in the SE¹/₄, NE¹/₄, Section 19, T20N, R23E, Town of Kossuth,
12 commencing at the E¹/₄ Corner of said Section 19 which is the point of real beginning;
13 thence northerly approximately 1320 feet; thence westerly approximately 1320 feet thence
14 southerly approximately 1320 feet; thence easterly approximately 1320 feet to the point of
15 real beginning, excepting therefrom Lot 1 of a Certified Survey Map recorded in the
16 Manitowoc County Register of Deeds Office in Volume 31 Page 253 of Certified Survey
17 Maps (Document No. 1151029), said parcel containing approximately 38.50 acres of land
18 and is hereby rezoned from Natural Area (NA) to Exclusive Agriculture (EA); and
19

20 A parcel of land located in the SW¹/₄, NE¹/₄ , Section 19, T20N, R23E, Town of Kossuth,
21 commencing at the Center of said Section 19 which is the point of real beginning; thence
22 northerly approximately 1320 feet; thence easterly approximately 1320 feet thence
23 southerly approximately 1320 feet; thence westerly approximately 1320 feet to the point of
24 real beginning, said parcel containing approximately 40.0 acres of land and is hereby
25 rezoned from General Agriculture (GA) to Exclusive Agriculture (EA); and
26

27 A parcel of land located in the NE¹/₄, SE¹/₄, Section 19, T20N, R23E, Town of Kossuth,
28 commencing at the E¹/₄ Corner of said Section 19; thence westerly approximately 809 feet
29 which is the point of real beginning; thence continue westerly approximately 518 feet;
30 thence southerly along the centerline of Honey Bee Lane approximately 1251 feet; thence
31 easterly approximately 518.93 feet; thence northerly approximately 1272.6 to the point of
32 real beginning, said parcel containing approximately 14.95 acres of land and is hereby
33 rezoned General Agriculture (GA) to Exclusive Agriculture (EA).

Dated this 20th day of September 2016.

Respectfully submitted by the
Planning and Park Commission

Melvin Waack, Chair

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. _____

COUNTERSIGNED: _____
James Brey, County Board Chair Date

APPROVED: _____
Bob Ziegelbauer, County Executive Date

ORDINANCE AMENDING ZONING MAP
(Fredrick and Hannah Beachy)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on August 22, 2016; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony
5 and an examination of the facts, recommends that the petition be approved for the reasons stated in
6 the attached report;
7

8 NOW, THEREFORE, the Manitowoc County Board of Supervisors does ordain as
9 follows:
10

11 An existing parcel of land located in the NW¼, SE¼, Section 28, T21N, R24E, Town of
12 Mishicot, commencing at the Center of said Section 28; thence southerly approximately 33
13 feet to the south r/w of Assman Road; thence easterly along the south r/w of Assman Road
14 approximately 131.28 feet which is the point of real beginning; thence continue easterly
15 approximately 565.48 feet; thence southerly approximately 169.48 feet; thence westerly
16 approximately 558.32 feet; thence northerly approximately 171.50 feet to the point of real
17 beginning, said parcel containing approximately 2.55 acres of land and is hereby rezoned
18 from Small Estate (SE) to Rural Residential (RR).

Dated this 20th day of September 2016.

Respectfully submitted by the
Planning and Park Commission

Melvin Waack, Chair

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. _____

COUNTERSIGNED: _____
James Brey, County Board Chair Date

APPROVED: _____
Bob Ziegelbauer, County Executive Date

