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SHORELAND/FLOODPLAIN ZONING

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9.01 Title. This ordinance shall be known as, referred to, or cited as “Chapter 9, Manitowoc County Code, Shoreland/Floodplain Zoning.”

9.02 General Provisions. (1) Authority. These regulations are adopted pursuant to the authorization in Wis. Stat. §§ 59.69, 59.694, 59.692, 87.30 and 281.31 as amended. Therefore, the Board of Supervisors of Manitowoc County, Wisconsin, hereby ordains, enacts, and publishes as follows:

(2) Finding of Fact. The uncontrolled use of shorelands, floodplains, and wetlands and pollution of the navigable waters of the County of Manitowoc, Wisconsin, adversely affects the public health, safety, and general welfare and impairs the tax base of the county.

(3) Purpose. (a) It is the intention of this ordinance to further the maintenance of safe and healthful conditions for human habitation; aid in the prevention and control of water pollution; protect spawning beds, fish, and aquatic life; minimize erosion sedimentation caused by filling, grading, lagooning, dredging, ditching, or excavation; control building sites, placement of structures, and land uses; preserve shore cover and natural beauty; protect stream channels from encroachment; provide for the movement and storage of flood waters; which, in effect, further the promotion of public health, safety, and general welfare.

(b) The floodplain provisions of this ordinance have been established to reduce the hazard of floods to life and property through:

1. Prohibiting certain uses, which are dangerous to life or property in time of flood.

2. Restricting uses which, acting alone or in combination with other future uses, will be hazardous to the public health, safety, and general welfare in time of flood.

3. Restricting uses particularly susceptible to flood damage, which acting alone or in combination with other or future uses, will cause hardships and demands for public expenditures for relief and protection.

4. Requiring permitted floodplain uses, including public facilities which serve such uses, to be protected against flood by providing flood protection at the time of initial construction.

(c) The floodplain provisions of this ordinance have been established to protect floodplain occupants from flood damages, which are or may be caused by their own land use and which is or may be undertaken without full realization of the danger, through:

1. Regulating the location in which structures designed for human occupancy may be constructed so as to prevent danger to life within such structures.

2. Regulating the method of construction of private sewage systems so as to prevent disease, contamination, and unsanitary conditions.

3. Delineating the described areas that could be inundated by floods so as to protect individuals from purchasing floodplain lands for purposes which are, in fact, unsuitable.

(4) Jurisdiction. (a) The jurisdiction of this ordinance shall include all shorelands, floodplains, shoreland-wetlands of navigable waters, and

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designated conservancy areas in the unincorporated areas of Manitowoc County.

1. Floodplains include all lands in the County designated as floodway and floodfringe on the FIA Maps, as well as the general floodplain as designated on the Manitowoc County General Floodplain and Conservancy Zoning Map.

2. Shorelands include all lands in the County which are within 1,000 feet of a navigable lake, pond, or flowage or within 300 feet of a navigable river or stream or to the landward side of the floodplain, whichever distance is greater. Navigable waters shall be as defined in Wis. Stat. § 281.31 and shall include all lakes, ponds, and flowages shown in blue and all rivers and streams shown in solid blue on U.S.G.S. Quadrangle Maps. Other bodies of water determined by the Department of Natural Resources to be navigable under the laws of the State shall be deemed navigable for the purposes of this ordinance.

3. Shoreland Wetlands includes all wetlands, designated on the Wisconsin Wetland Inventory Maps dated May 10, 1989, within the shorelands as identified in MCC § 9.02(4)(a)2.

4. Other conservancy areas include all lands in the county which are designated as conservancy on the Manitowoc County General Floodplain and Conservancy Zoning Map.

(5) Abrogation and Greater Restrictions.

(a) This Ordinance supersedes all provisions of any Manitowoc County Zoning Ordinance enacted under Wis. Stat. § 59.69 which relates exclusively to Shorelands, Wetlands, and Floodplains, except that the provisions of the Manitowoc County Zoning Ordinance, 1965 are hereby incorporated by reference and shall, to the extent of greater restrictions only, be made as much a part of this ordinance as if the matter described were fully set out herein. The floodplain provisions of this ordinance shall apply to the extent of greater restrictions.

(b) It is not otherwise intended by this ordinance to repeal, abrogate, or impair any existing deed restrictions; however, where this ordinance imposes greater restrictions, the provisions of this ordinance

shall prevail.

(6) Severability. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

(7) Warning and Disclaimer of Liability. The degree of flood protection intended to be provided by this ordinance is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. On rare occasions, larger floods may occur or the flood height may be increased by man-made or natural causes such as ice jams or bridge openings restricted by debris. Therefore, this section does not imply that areas outside of the delineated floodplain or land uses permitted within the floodplain will be totally free from flooding and associated flood damages. Nor shall this section create a liability on the part of or be a cause of action against the County of Manitowoc or any office or employee thereof for any flood damages that may result from reliance on this ordinance.

(8) Municipalities and State Agencies Regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when Wis. Stat. § 13.48(13) applies. The construction, reconstruction, maintenance, and repair of State highways and bridges by the Wisconsin Department of Transportation are exempt when Wis. Stat. § 30.12(4)(a) applies.

(9) Removal of Lands from FW Floodway, FF Floodfringe Districts. Compliance with the provisions of this ordinance shall not be grounds for removing lands from the FW Floodway, FF Floodfringe districts, unless they are removed by filling to a height of at least two feet (2') above the regional flood elevation, the fill is contiguous to land lying outside the FW Floodway, FF Floodfringe districts, and the map is amended pursuant to MCC § 9.11. (Note: To remove flood insurance requirements, FEMA must first revise the Flood Insurance Rate Map or issue a Letter of Map Amendment or Revision.)

(10) Compliance. Any development or use

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within the areas regulated by this ordinance shall be in full compliance with this ordinance and other applicable local, state, and federal regulations.

9.03 Definitions. For purposes of this ordinance, the following words or phrases used in this ordinance shall have the following meanings:

(1) "A Zones" are those areas shown on the County's FIA maps (see definition(s), which would be inundated by the "regional flood" as defined herein. These areas may be numbered as AO, A1 - A30, A99, or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

(2) "Accessory Structure or Use" means a detached subordinate structure or a use which is clearly incidental to and customarily found in connection with the principal structure or use to which it is related and which is located on the same lot as the principal structure or use.

(3) "Board of Adjustment" means the body established under Wis. Stat. § 59.694, for counties and designated "board of adjustment."

(4) "Boathouse" means any structure designed exclusively for the purpose of sheltering boats. Boathouses shall not be used for human habitation or commercial purposes. A boathouse, with rooms above or within used for purposes other than the storage of boats, shall not be deemed to be a boathouse. Boathouses shall not be located below the ordinary high water mark.

(5) "Building" means any structure used, designed, or intended for the protection, shelter, enclosure, or support of persons, animals, or property.

(6) "Bulkhead" means upright structure to dissipate wave energy, which can be placed behind it.

(7) "Bulkhead Line" means a shoreline legislatively established by municipal ordinance under Wis. Stat. § 30.11 with approval of the department. A bulkhead line allows limited landward filling subject to local floodplain zoning regulations.

(8) "Certificate of Compliance" means a certification by the Planning and Park Commission staff that a structure, use, or development is in compliance with all provisions of this ordinance.

(9) "Channel" means a channel is a natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.

(10) "Conditional Use" means a use permitted within a particular zoning district, provided certain conditions and standards specified in this ordinance are complied with and such use is authorized by the Manitowoc County Board of Adjustment.

(11) "Department" means the Wisconsin Department of Natural Resources.

(12) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to: the construction of buildings, structures, or accessory structures; the construction of additions to buildings, structures, or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; the storage, deposition, or extraction of materials; the construction or improvements of public or private sewage disposal systems or water supply systems.

(13) "Drainage System" means one or more artificial ditches, tile drains, or similar devices, which collect surface runoff or groundwater and convey it to a point of discharge.

(14) "Dryland Access" means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain.

(15) "Encroachment" is any fill, structure, building, accessory use, use or development in the floodway.

(16) "Erosion" means the wearing away of soil by wind and water action.

(17) "Existing Mobile Home Park" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at

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a minimum the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of floodplain management regulations adopted by a community.

(18) “(FEMA) Federal Emergency Management Agency” means the federal agency that administers the National Flood Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA), or Department of Housing and Urban Development (HUD).

(19) “FIA Maps” means a map prepared by the U.S. Department of Housing and Urban Development (HUD) designating areas of special flood hazard and flood insurance rate zones for a given community. Flood hazard and insurance rate zones are designated as A Zones.

(20) “Flood or Flooding” means a temporary condition of partial or complete inundation of normally dry land areas caused by:

(a) The overflow or rise of inland waters;

(b) The rapid accumulation or runoff of surface waters from any source;

(c) The inundation caused by waves or currents of water exceeding the anticipated cyclical levels along the shore of Lake Michigan; and

(d) The sudden increase caused by an unusually high water level in a natural body of water, accompanied by severe storm, or by an unanticipated force of nature, such as a seich, or by some similarly unusual event.

(21) “Flood Frequency” is a means of expressing the probability of flood occurrences as determined from a statistical analysis of representative stream flow records. The frequency of a particular stage or discharge is usually expressed as occurring once in a specified number of years.

(22) “Flood Fringe” is that portion of the floodplain outside of the floodway, which is covered by flood waters during the regional flood; it is generally associated with standing water, rather than rapidly flowing water.

(23) “Flood Insurance Study” is a technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and regional flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A Zones. Flood insurance study maps form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

(24) “Floodplain” is the land which has been or may be hereafter covered by floodwater during the regional flood. The floodplain, for the purpose of this ordinance, includes the Floodway (FW) and the Flood Fringe (FF) Districts as shown on the Manitowoc County Shoreland-Floodplain Maps.

(25) “Floodplain Management” means the full range of public policy and action for insuring the wise use of floodplains. It includes everything from the collection and dissemination of flood data to the acquisition of floodplain lands and the enactment and administration of statutes, codes, and ordinances for land use in the floodplain.

(26) “Flood Profile” means a graph or longitudinal profile showing the relationship of the water surface elevation of a flood event to locations along a stream or river.

(27) “Flood Proofing” involves any combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the purpose of reducing or eliminating flood damage to properties, water and sanitary facilities, structures, and contents of buildings in flood hazard areas.

(28) “Flood Protection Elevation” means the flood protection elevation shall correspond to a point two feet (2') above the regional flood. Also see: Freeboard.

(29) “Flood Stage” is a term commonly used by the U. S. Weather Bureau and others to designate that stage, on a particular river gauge, at which overflow of the natural banks of the stream results in significant damage in any portion of the reach for which the gauge is a representative index.

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(30) “Floodway” is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry and discharge the flood water or flood flows associated with the regional flood.

(31) “Freeboard” is a factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors include, but are not limited to ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development, and aggradation of the river or stream bed.

(32) “General Floodplain” means lands identified as General Floodplain District (GFP), on the Manitowoc County Shoreland-Floodplain Maps which were derived from factors such as examination of aerial photos, soils, flora, and fauna, but not the result of a detailed engineered analysis.

(33) “Habitable Building” means any building, or portion thereof used for human habitation.

(34) “Increase in Regional Flood Height” means a calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, resulting from a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion, and contraction coefficients and discharges.

(35) “Mobile Home” means any vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction. A mobile home exceeding statutory size (which is 45 feet) under Wis. Stat. § 348.07(2) shall be considered a primary housing unit. A mobile home not exceeding the statutory size (45 feet) under Wis. Stat. § 348.07(2) shall be considered a touring or recreational unit.

(36) “Navigable Waters” for the purposes of this ordinance includes Lake Superior, Lake Michigan,

all natural inland lakes within Wisconsin and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Also included are all areas identified on the FIA Maps, all lakes, ponds, and flowages shown in blue on the U.S.G.S. quadrangles, the rivers and streams shown with a solid blue line on the U.S.G.S. quadrangles, indicating the stream is “continuous”, and determinations of navigability made in the field by the Department. Under Wis. Stat. § 281.31(2)(d), notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Wis. Stat. § 59.692 and Chapter NR 115, Wisconsin Administrative Code, do not apply to farm drainage ditches if:

(a) Such lands are not adjacent to a natural navigable stream or river;

(b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and

(c) Such lands are maintained in nonstructural agricultural use.

(37) “NGVD or National Geodetic Vertical Datum” means elevations referenced to adjusted mean sea level datum.

(38) “Nonconforming Lot” means an existing lot which was recorded at the Manitowoc County Register of Deeds prior to the adoption of this ordinance and is located in a district requiring greater area, or dimensional requirements.

(39) “Nonconforming Structure” means an existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance.

(40) “Nonconforming Use” means the lawful use of a building, structure, or property which existed at the time this ordinance or any amendment thereto took effect and which is not in conformity with the provisions of this ordinance.

(41) “Obstruction to Flow” means any development which physically blocks the

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conveyance of flood waters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.

(42) “Ordinary High Water Mark” means the point on the bank of shore up to which the presence and action of surface water is so continuous as to have a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

(43) “Person” is an individual or group of individuals, corporation, partnership, association, municipality, or state agency.

(44) “Regional Flood” means a flood determined to be representative of large floods known to have occurred in Wisconsin or which may be expected to occur on a particular lake, river, or stream once in every 100 years. (Note: The regional flood is based upon a statistical analysis of lake level or streamflow records available for the watershed or an analysis of rainfall and runoff characteristics in the watershed or both. The flood frequency of the regional flood is once in every 100 years. In any given year, there is a one percent (1%) change that the regional flood may occur or be exceeded. During a typical 30-year mortgage period, the regional flood has a twenty-six percent (26%) chance of occurring.)

(45) “Rip-Rap” is material placed on shore or in shallow water near shore to dissipate wave energy and prevent erosion. Can be stone and/or broken concrete or similar materials.

(46) “Shorelands” include all lands within the following distances from the ordinary highwater mark of navigable water; 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.

(47) “Structure” means any man-made object with form, shape, and utility, permanently attached to or placed upon the ground and includes, but is not limited to objects such as buildings, signs, and mobile homes.

(48) “Unnecessary Hardship” means that circumstance where special conditions which were

not self-created affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance. (The term “Practical Difficulty” shall be synonymous with the term “Unnecessary Hardship”.)

(49) “Utilities” means electric, gas, telephone, water and sewer transmission, and distribution lines and related facilities.

(50) “Variance” means any authorization granted by the Board of Adjustment to construct, alter, or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.

(51) “Wetlands” means areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and/or areas that have soils indicative of wet conditions.

(52) “Terms Not Defined” in this section shall be as defined in any of the other Manitowoc County ordinances, in Wisconsin Statutes, Wisconsin Administrative Code, or if not defined in any of the preceding, the terms shall be used with a meaning of common or standard utilization so as to give this ordinance its most reasonable application. Words used in the present tense include the future, words in the singular number include the plural numbers, and words in the plural number include the singular number. The word “shall” is mandatory, not permissive. All distances, unless specified otherwise, shall be measured horizontally.

9.04 Establishment of Districts. (1) Districts. To carry out the purposes of this ordinance, the unincorporated area of Manitowoc County, which is adjacent to shorelands and floodplains of navigable water as defined in Wis. Stat. § 281.31(2)(d) is divided into the following districts:

- (a) Floodway District (FW)
- (b) Flood Fringe District (FF)
- (c) General Floodplain District (GFP)
- (d) Shoreland District (S-1)

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(e) Shoreland-Wetland District (C-2)

(f) Conservancy District (C-3)

(2) Zoning Maps. The maps designated below are hereby adopted and made a part of this ordinance.

(a) Wisconsin Wetland Inventory Maps dated May 10, 1989.

(b) FIA Maps prepared as part of the Flood Insurance Study for Manitowoc County, Wisconsin dated September 15, 1978.

(c) Manitowoc County General Floodplain and Conservancy Zoning Map.

(3) Interpretation of District Boundaries.

(a) The Floodway District (FW) shall include mapped floodways as shown on the FIA's Flood Insurance Study Maps for Manitowoc County, Wisconsin, which have been made part of this ordinance in MCC § 9.04(2)(b).

(b) The Floodfringe District (FF) shall include mapped floodfringes as shown on the FIA's Flood Insurance Study Maps for Manitowoc County, Wisconsin, which have been made part of this ordinance in MCC § 9.04(2)(b).

(c) The General Floodplain District (GFP) shall include the mapped general floodplain areas designated on the Manitowoc County General Floodplain and Conservancy Zoning Map which has been made part of this ordinance in MCC § 9.04(2)(c) and all lands that have been inundated by any other flood of record as determined by flood maps and profiles approved by the Department or such factors as the examination of soil types, ice scars, and other direct measurements in the field.

(d) The Shoreland District (S-1) shall include all lands in the unincorporated areas of the County within 1,000 feet of a navigable lake, pond, or flowage and land within 300 feet of a navigable river or stream or to the landward side of a floodplain whichever distance is greater.

(e) The Shoreland Wetland District (C-2) shall include all wetlands, five (5) acres or larger is size,

which are identified on the Wisconsin Wetland Inventory Maps, which have been made a part of this ordinance in MCC § 9.04(2)(a), which are located in Shorelands.

(f) The Conservancy District (C-3) shall include all lands designated C-3 on the Manitowoc County General Floodplain and Conservancy Zoning Map which has been made part of this ordinance in MCC § 9.04(2)(c), or as determined by such factors as an examination of flora and fauna, soil types, or other direct measurement in the field.

(g) Where uncertainty exists with respect to the boundaries of any zoning districts, the following rules shall apply:

1. Where use district boundaries are indicated as being approximately coterminous with street or highway centerlines, right-of-way lines, platted lot lines, section lines, quarter section lines, or other survey lines, such lines shall be construed to be said boundaries.

2. Where the boundary of a Shoreland, General Floodplain, Shoreland Wetland, or Conservancy District follows the shoreline of a stream, lake, or other body of water, the district boundary line shall be interpreted as following the ordinary highwater mark of such shoreline and in the event of a change in shoreline, shall be construed as moving with said shoreline.

3. Where a conflict exists between the boundary of a FW, Floodway or FF, Floodfringe district and actual field conditions, the elevations from the water surface profile and/or the cross sections shall be assumed to be accurate in locating the official floodplain limit.

4. The Planning and Park Commission staff shall make an initial determination of the location of zoning district boundaries using the standards and criteria contained in this ordinance. The staff decision may be appealed to the Manitowoc County Board of Adjustment in accordance with MCC § 9.09(3). The staff and Board shall use the following procedure and standards to determine contested zoning district boundaries. In all cases, the person contesting the location of the district boundary shall be given a reasonable opportunity to present his/her case to the Board of Adjustment and to submit his

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technical evidence, if he so desires.

a. The Board shall not allow deviations from the boundary lines of the Floodway District (FW) and the Flood Fringe District (FF) unless the evidence clearly and conclusively establishes that the mapped location or the interpretation of the mapped location is significantly incorrect, and the map is amended according to MCC § 9.11.

b. The Board of Adjustment, in the General Floodplain District (GFP), Shoreland District (S-1) and Conservancy District (C-3) may examine any available evidence that is relevant to determine district boundaries, however, when the location of district boundaries has been established by experience, flood maps, the flood elevation of flood profiles for the point in question shall be the governing factor in locating the district boundary.

c. The Board of Adjustment, in the Shoreland Wetland District (C-2), shall examine the final Wisconsin Wetland Inventory Maps, prepared by the Department and compare the actual field conditions at the time of adoption of this ordinance with the delineation of the district lines as shown on the final Wisconsin Wetland Inventory Maps.

9.05 General Regulations. General regulations apply to all districts except as noted herein. When requirements of a general regulation and a district regulation differ, the most restrictive combination of regulations shall prevail.

(1) The regulations of this ordinance are supplementary to the regulations imposed on the same land by the underlying Manitowoc County Zoning, Setback, and Sanitary Ordinances and Manitowoc County Subdivision Regulations. When the Shoreland and Floodplain Ordinance conflicts with the underlying ordinances, the most restrictive combination of regulations shall prevail.

(2) All applicants for development as described in MCC § 9.03(14) are advised that all development must be in compliance with applicable federal, state, and local regulations.

(3) The minimum lot area for lots not served by public sanitary sewer shall be twenty thousand (20,000) square feet and minimum lot width shall be one hundred feet (100') at the building line and one

hundred feet (100') at the ordinary high water mark except where greater areas or widths are required by the Manitowoc County Zoning Ordinance, 1965. The minimum lot area for a lot served by public sanitary sewer shall be ten thousand (10,000) square feet and the minimum lot width at the building line shall be sixty-five feet (65') and sixty-five feet (65') in width at the ordinary high water mark except where greater lot widths or areas are required by the provisions of the Manitowoc County Zoning Ordinance, 1965.

(4) Tree cutting and shrubbery removal in a strip paralleling the shoreline and extending thirty-five feet (35') inland from all points along the ordinary highwater mark of all navigable water shall be limited to the lesser of thirty percent (30%) of the lot frontage or thirty feet (30') wide strip at the ordinary highwater mark and shall not create a clear cut opening greater than ten feet (10') wide measured between the outward extension of branches to the depth of the strip. The cutting of trees and shrubbery shall be regulated to protect natural beauty, control erosion, and reduce the flow of effluent, sediments, and nutrients from the shoreland area. Exemption from this tree cutting and shrub removal provision may be obtained by special permit from the Board of Adjustment by public utility and transportation facilities subject to the approval of the Board of Adjustment.

(5) The minimum setback for all structures, except piers, wharves, bridges, dams, and boathouses, patios, and walkways and stairways which are necessary to provide pedestrian access to the shoreline, from the ordinary high water mark shall be seventy-five feet (75'). In addition, a greater setback for permanent principal structures and accessory uses shall be required in areas where the shoreline has been receding and/or where bluffs of ten feet (10') or more in height which rise ten feet (10') or more vertically for every twenty-five feet (25') of horizontal distance exist. In these cases, the setback line shall be established by the Code Administrator by use of the following procedures:

(a) A stable slope angle setback shall be established for bluffs at a ratio of 2.5 feet of horizontal distance for every one (1) foot of vertical distance. The measurement shall be made from the ordinary high water mark perpendicular to the shoreline. There shall be two (2) such measurements

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made for every one hundred feet (100') of shoreline at points not less than fifty feet (50') apart. The stable slope angle setback shall be a line connecting these two (2) points or such line extended. In cases of highly irregular shoreline, more than two (2) measurement points per one hundred feet (100') feet may be required by the Code Administrator.

(b) A recession rate setback shall be established for all receding shorelines by multiplying the average annual long term recession rate, which is two feet (2') per year adjacent to Lake Michigan, by a structural design life of fifty (50) years for principal or conditional uses or a structural design life of twenty-five (25) years for accessory uses.

(c) In areas where both shoreline recession and bluffs exist, the stable slope angle setback shall be added to the recession rate setback to arrive at the required setback for permanent principal structures. In areas where only one condition exists, either shoreline recession in areas without bluff, or a bluff along shoreline, which is not receding, only the applicable setback shall apply. The seventy-five (75) foot setback from the ordinary high water mark shall be the minimum in all cases.

(d) Notwithstanding any other provisions of this ordinance to the contrary, the Manitowoc County Board of Adjustment may permit a setback less than seventy-five feet (75') but not less than the development pattern on adjacent lots on inland lakes of the County where an existing development pattern exists. (An existing development pattern shall be deemed to exist when all zoning lots within three hundred feet (300') of the property in question have been developed with a permitted principal use). The Board shall use the following criteria when considering the establishment of a setback less than seventy-five feet (75'):

1. The subject property has unusual topography that significantly limits its development potential.
2. The lot dimensions are such as would significantly limit the lot's development potential.
3. Surface water drainage or ground water flow would be adversely affected if the reduced setback is not permitted.

The Board may establish a setback of less than

seventy-five feet (75') only in those circumstances where a development pattern exists and the setbacks of existing principal structures on adjoining lots within three hundred feet (300') of the subject lot are set back less than seventy-five feet (75').

(e) Structures exempted from the setback requirements of MCC § 9.05(5) shall be subject to the following requirements and also shall require the issuance of a zoning permit:

1. Patios shall be constructed so as to minimize earth disturbing activities and shoreland vegetation removal and to be visually inconspicuous as viewed from the adjacent waterway and public roadways. Further, no permanent benches or tables shall be attached to the patio; the patio shall not exceed a height of six (6) inches above the original grade, and canopies, roofs, and railings on such structures are prohibited.

2. Stairways, walkways, and that portion of piers and wharves landward of the ordinary high water mark which are necessary to access the shoreline because of steep slopes or wet, unstable soils shall be located so as to minimize earth disturbing activities and shoreland vegetation removal during construction and to be visually inconspicuous as viewed from the adjacent waterway and public roads. The structure shall be no more than forty-two inches (42") wide; open railings not exceeding forty-two inches (42") in height are permitted only where required by safety concerns; canopies, roofs, and closed railings/walls on such structures are prohibited. Stairways shall be supported on piles or footings rather than being excavated from erodible soils on steep slopes or bluff faces. Landings for stairways or docks are permitted only where required by safety concerns and shall not exceed twenty-five (25) square feet in area.

(6) All domestic, commercial, and industrial waste including, but not limited to liquid wastes, garbage, rubbish, trash, sludge, and other waste products, shall be disposed of in a safe and healthful manner consistent with the provisions of this ordinance and other applicable laws and regulations of Manitowoc County and the State of Wisconsin. All public and private solid or hazardous waste disposal sites, are expressly prohibited, except within the Shoreland District (S-1). There shall be no

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further encroachment upon the floodway at existing disposal sites.

(7) Notwithstanding any other provisions of this ordinance, mobile homes and or mobile home parks are not permitted in FW (Floodway) or FF (Floodfringe) zoning districts.

(8) Notwithstanding any other provisions of this ordinance, the following structures shall not require issuance of a zoning permit: Belfries, chimneys, flag poles, masts, and aerals. In addition, ordinary maintenance repairs are not considered structural repairs, modifications, or additions and shall not require issuance of a zoning permit; such ordinary maintenance repairs include but are not limited to: internal and external painting, decorating, paneling, and the replacement of doors, windows, roofs, and other non-structural components, and the maintenance, repair, or replacement of private sewage systems, water supply systems or connections to public utilities.

(9) Any use not listed as a permitted use, accessory use, or conditional use is not permitted.

(10) Filling, grading, lagooning, dredging, ditching, or excavating that is done in conjunction with a permitted, accessory, or conditional use must comply with the appropriate sections of this ordinance so as to minimize any impairment of fish and wildlife habitat.

(11) In their interpretations and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers to the County by the Wisconsin Statutes.

9.06 Zoning District Regulations.

(1) Floodway District (FW)

(a) Permitted Uses. The following open space uses having a low flood damage potential and not obstructing flood flows, shall be permitted within the Floodway District, provided that they are not prohibited by any other ordinance, and provided that no buildings or structures are constructed, erected, or located.

1. Hunting
2. Fishing
3. Wildlife Preserves
4. Grazing
5. General Farming
6. Pasturage
7. Wild Crop Harvesting
8. Drainage
9. Nature Preserves
10. Navigational Aids on Land

(b) Accessory Uses. Those open space uses permitted as accessory uses in the underlying Manitowoc County Zoning Ordinance, 1965, that do not require structures, fill, or storage of materials or equipment, are permitted accessory uses in the Floodway District.

(c) Conditional Uses. 1. The following uses may be authorized by the Manitowoc County Board of Adjustment by the issuance of a conditional use permit in accordance with the provisions of the MCC § 9.07 provided that the conditional use standards of MCC § 9.06(1)(c)2. and applicable conditional use standards of the underlying Manitowoc County Zoning Ordinance, 1965, are complied with:

- a. Open Markets
- b. Sod Farming
- c. Truck Gardening
- d. Outdoor Plant Nurseries
- e. Hiking and Horseback Riding Trails
- f. Horticulture
- g. Viticulture
- h. Golf Courses

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- i. Tennis Courts
 - j. Driving Ranges
 - k. Archery Ranges
 - l. Firearm Ranges
 - m. Picnic Grounds
 - n. Boat Docks and Launching Ramps
 - o. Parks
 - p. Game Farms
 - q. Fish Hatcheries
 - r. Shooting Preserves
 - s. Loading Areas
 - t. Parking Areas
 - u. Airport Landing Strips
 - v. Railroads
 - w. Streets
 - x. Public Utilities
 - y. Pipelines
 - z. Marinas
 - aa. Boat Rental
 - ab. Piers
 - ac. Wharves
 - ad. Sports Fields
 - ae. Beaches
 - af. Outdoor Skating Rinks
 - ag. Transient Amusement Uses
 - ah. Stream Bank Protection
 - ai. Uses or Structures Accessory to Open Space Uses
 - aj. Mobile Homes are Expressly Prohibited
 - ak. Filling or grading of land accessory to the preceding listed principal or conditional uses, provided the applicant can show that such filling will not obstruct navigation or movement of flood waters, increase flood flow velocities, or increase flood stage. Such filling or grading will also require a permit from the department.
2. All conditional uses in the Floodway District (FW) must meet and comply with the following standards and/or requirements:
- a. No developments or uses including fill or deposits, shall be allowed in a floodway which, acting alone or in combination with existing or future uses, cause an obstruction to flow by physically blocking the conveyance of floodwaters causing an increase in the regional flood height; or causes an increase in regional flood height due to floodplain storage area lost, which is equal to or exceeding 0.01 foot. Obstructions or increases equal to or greater than 0.01 foot may be permitted, but only if amendments are made to this ordinance, the Manitowoc County Shoreland-Floodplain Zoning Map, the official floodway lines and the water surface profiles pursuant to MCC § 9.11; provided further that the total cumulative effect of the proposed development will not increase the height of the regional flood more than 1.0 foot for the affected hydraulic reach of the stream.
 - b. Structures which are accessory to permitted open space uses may be permitted as a conditional use, provided the structures:
 - i. Are not designed for human habitation;
 - ii. Have a low flood damage potential;
 - iii. Are to be constructed and placed on the building site so as to offer minimum obstruction to the flow of flood waters. Whenever possible, structures will be constructed with the longitudinal axis parallel to the direction of the flow of flood waters; and will be placed on their longitudinal axis approximately on the same line as those of adjoining structures.

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iv. Are firmly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and

v. Have all service facilities, such as electrical and heating equipment at or above the flood protection elevation for the particular area;

vi. Are not for storage of materials that are bouyant, flammable, explosive, or injurious to human, animal, plant, fish, or other aquatic life.

c. Fill or deposition of materials in the floodway must meet the following requirements:

i. The requirements of MCC § 9.06(1)(c)2.a. are met.

ii. The fill or deposition of materials does not encroach on the channel area between the ordinary high water mark on each bank of the stream unless a permit has been granted by the department pursuant to Wis. Stat. Ch. 30, and a permit pursuant to section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met.

iii. The fill or other materials shall be protected against erosion by riprap, vegetative cover, sheet piling, or other similar materials.

iv. Such fills are not associated with private or public solid or hazardous waste disposal.

(2) Flood Fringe District (FF).

(a) Permitted Uses. The following open space uses having a low flood damage potential and not obstructing flood flows, shall be permitted within the Flood Fringe District, provided that they are not prohibited by any other ordinance, and provided that no buildings or structures are constructed, erected, or located.

1. Hunting
2. Fishing
3. Wildlife Preserves
4. Grazing

5. General Farming

6. Pasturage

7. Wild Crop Harvesting

8. Drainage

9. Nature Preserves

10. Navigational Aids on Land

(b) Accessory Uses.

1. Those open space uses permitted as accessory uses in the underlying Manitowoc County Zoning Ordinance, 1965, that do not require structures, fill, or storage of materials or equipment, are permitted accessory uses in the Flood Fringe District.

2. Accessory structures not connected to a principal structure, including non-residential agricultural structures, may be allowed in the Flood Fringe. Any such structure may be constructed at elevations lower than the flood protection elevation. However, no such structure may be inundated to a depth greater than two feet (2') or subject to flood velocities greater than two feet (2') per second upon the occurrence of the regional flood. In addition, such structures shall meet the following criteria:

a. Are not designed for human habitation;

b. Have a low flood damage potential;

c. Are firmly anchored to prevent them from floating away and restricting bridge openings or other constricted sections of the stream or river;

d. All service facilities, such as electrical and heating equipment, shall be at or above the flood protection elevation for the particular area.

(c) Conditional Uses.

1. The following uses may be authorized by the Manitowoc County Board of Adjustment by the issuance of a conditional use permit in accordance with the provisions of MCC § 9.07, provided that the conditional use standards of MCC § 9.06(2)(c) and applicable conditional use standards of the underlying Manitowoc County Zoning Ordinance,

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1965, are complied with:

a. All uses designated as conditional uses in the Floodway District (FW) and in the underlying Manitowoc County Zoning Ordinance, 1965.

b. All permitted accessory and/or conditional uses designated in the underlying Manitowoc County Zoning Ordinance, 1965, which involves structures, fill, or storage of materials or equipment, may be authorized by the Manitowoc County Board of Adjustment, subject to the standards, requirements, and procedures of this ordinance.

c. Approved secondary sewage effluent disposal or public water measurement and water control facilities.

2. All conditional uses in the Flood Fringe District (FF) must meet and comply with the following standards and/or requirements.

a. All developments or uses in the floodfringe shall be compatible with local land use plans. In the absence of formal plans, developments, or uses shall be compatible with uses in adjoining districts. Floodfringe developments or uses may be permitted provided such developments or uses do not cause an obstruction to flood flows of any tributaries to the main stream, drainage ditches, or any other drainage facilities or system; do not affect conveyance capacity by causing an obstruction to flow of storage capacity of the floodplain, such that it causes any increase in the regional flood height or discharge; or amendments are made to this ordinance, the Manitowoc County Shoreland-Floodplain Zoning Map, the official floodway lines and the water surface profile pursuant to MCC § 9.11.

The applicant may submit documentation from a registered professional engineer or architect indicating that the proposed development or use will not cause an increase in flood height equal to or greater than .01 foot or that an equal degree of mitigation will be provided so that the proposed development will not increase the flood height equal to or greater than .01 foot.

b. Residential Uses - Any structure or building used for human habitation (seasonal or permanent) which is to be erected, constructed, reconstructed, structurally altered, or moved into the flood fringe

area shall meet or exceed the following standards:

i. The elevation of the lowest floor excluding the basement or crawlway, shall be at or above the flood protection elevation (which is a point two feet (2') above the regional flood elevation) on fill except where par ii. is applicable. The fill elevation shall be one foot (1') or more above the regional flood elevation extending at least fifteen feet (15') beyond the limits of the structure. The Department may authorize other flood proofing measures where existing streets or sewer lines are at elevations which make compliance impractical provided the Board of Adjustment grants a variance due to dimensional restrictions.

ii. The basement or crawlway floor may be placed at the regional flood elevation providing it is flood proofed to the flood protection elevation. No permit or variance shall allow any floor, basement, or crawlway below the regional flood elevation.

iii. Contiguous dryland access as defined in this ordinance, shall be provided from a structure or building to land which is outside of the floodplain, except as provided in par. iv.

iv. In existing developments where existing streets or sewer lines are at elevations which make compliance with par. iii. impractical, the Board of Adjustment may permit new development and substantial improvements where access roads are at or below the regional flood elevation provided:

The applicant shall provide Manitowoc County with written assurances from the appropriate local units of police, fire, and emergency services that rescue and relief can be provided to the structure(s) by wheeled vehicles, considering the anticipated depth, duration, and velocity of the regional flood event; or

Manitowoc County has an adequate natural disaster plan concurred with the Division of Emergency Management and approved by the Department.

c. Commercial Uses - Any commercial structure or building which is to be erected, constructed, reconstructed, altered, or moved into the flood fringe shall meet the requirements of 9.06(2)(c)2.b. of this ordinance. Yards, parking lots, and other accessory

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structures with a low flood damage potential may be at elevations lower than the flood protection elevation. However, no such area in general use by the public may be inundated to a depth of greater than two feet (2') or subjected to flood velocities greater than two feet (2') per second upon the occurrence of the regional flood. Inundation to depths of greater than two feet (2') may be approved by the Board of Adjustment provided an adequate warning system exists to protect life and property.

d. Manufacturing & Industrial Uses - Any manufacturing or industrial structure or building which is to be erected, constructed, reconstructed, altered, or moved into the flood fringe shall be protected to the flood protection elevation utilizing fill, adequate flood proofing measures as enumerated in MCC § 9.07(1)(d), or combination thereof. Storage yards, parking lots, and other accessory structures with low flood damage potentials may be allowed by the Board of Adjustment subject to the conditions in par. c. above.

e. Storage of Materials - Storage of any materials which are buoyant, flammable, or explosive or which in times of flooding could be injurious to property, water quality, or human, animal, plant, fish, or aquatic life, shall be either flood proofed to or placed at or above the flood protection elevation. Adequate measures shall be taken to assure that said materials will not enter the river or stream during flooding.

f. Private Sewage Systems - All private sewage systems located in the flood fringe shall be flood proofed to the flood protection elevation and shall meet the applicable provisions of ILHR 83 Wisconsin Administrative Code and the Manitowoc County Private Sewage System Ordinance.

g. Wells - All public or private wells located in a flood fringe shall be flood proofed to the flood protection elevation and shall meet the applicable provisions of NR 111 and NR 112 Wisconsin Administrative Code.

h. Public Utilities, Roads, and Bridges - Public utilities, roads, and bridges within the flood fringe shall be designed to be compatible with local floodplain development plans. If failure or interruption of public facilities would result in danger to public health or safety, or if such facilities

are essential to the orderly functioning of the area, adequate flood proofing measures pursuant to MCC § 9.07(1)(d) shall be provided to the flood protection elevation; a lesser degree of protection may be provided for minor or auxiliary roads or utilities if these conditions do not exist.

i. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the stream or river, and service facilities shall be constructed at or above the flood protection elevation or flood proofed to the same level in accordance with the flood proofing measures enumerated in MCC § 9.07(1)(d).

(3) General Floodplain District (GFP).

(a) Permitted Uses.

1. Those open space uses permitted in the underlying Manitowoc County Zoning Ordinance 1965, that do not require structures, fill, or storage of materials or equipment, are permitted uses in the General Floodplain District.

2. The following open space uses shall also be permitted, provided that no conflicts with other county or town ordinances, which place greater restrictions upon the uses in any specific area:

- a. Drainage
- b. Navigational Aids on Land
- c. Nature Reserves
- d. Hunting
- e. Fishing
- f. Wildlife Preserve
- g. Grazing
- h. General Farming
- i. Pasturage
- j. Wild Crop Harvesting

(b) Accessory Uses.

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1. Those open space uses permitted as accessory uses in the underlying Manitowoc County Zoning Ordinance 1965, that do not require structures, fill, or storage of materials or equipment, are permitted accessory uses in the General Floodplain District.

2. Accessory structures not connected to a principal structure, including non-residential agricultural structures, may be allowed in the general floodplain. Such structures shall meet the following criteria:

- a. Are not designed for human habitation;
- b. Have a low flood damage potential;
- c. Are firmly anchored to prevent them from floating away and restricting bridge openings or other constricted sections of the stream or river;
- d. All service facilities, such as electrical and heating equipment, shall be at or above the flood protection for the particular area.

(c) Conditional Uses.

1. The following uses may be authorized by the Manitowoc County Board of Adjustment by the issuance of a conditional use permit in accordance with the provisions of MCC § 9.07, provided that the conditional use standards of MCC § 9.06(3)(c)2. and applicable conditional use standards of the underlying Manitowoc County Zoning Ordinance, 1965, are complied with:

- a. Utility Transmission Lines
- b. Archery and Firearm Ranges
- c. Boat Dock or Launching Facilities
- d. Parks and Playgrounds
- e. Sports Fields
- f. Beaches
- g. Camping
- h. Outdoor Skating Rinks
- i. Golf Courses

j. Driving Ranges

k. Open Markets

l. Sod Farming

m. Truck Gardening

n. Outdoor Plant Nurseries

o. Horticulture

p. Transient Amusement Uses

q. Filling or grading of land accessory to the preceding listed principal or conditional uses, provided the applicant can show that such filling will not obstruct navigation or movement of flood waters, increase flood flow velocities, or increase flood stage. Such filling or grading may also require a permit from the State of Wisconsin Department of Natural Resources.

r. Approved secondary sewage effluent disposal or public water measurement and water control facilities.

s. All permitted accessory and/or conditional uses designated in the underlying Manitowoc County Zoning Ordinance, 1965, which involves structures, fill, or storage of materials or equipment may be authorized by the Manitowoc County Board of Adjustment, subject to the standards, requirements, and procedures of this ordinance.

2. All conditional uses in the General Floodplain District which involves structures, fill or storage of materials or equipment must meet and comply with the following standards and/or requirements of MCC §§ 9.06(1)(c)2. and/or 9.06(2)(c)2., whichever may apply. The criteria of MCC § 9.07(1)(c)1.-5. shall be provided to the Planning and Park Commission staff in order to determine which Section applies to a particular proposed use. The Planning and Park Commission staff shall transmit one copy of the information required in MCC § 9.07(1)(c)1.-5. to the Department District Office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data.

(4) Shoreland District (S-1).

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(a) Permitted Uses. All uses designated as permitted uses in the General Floodplain District (GFP) and in the underlying Manitowoc County Zoning Ordinance, 1965, are permitted in the Shoreland District (S-1).

(b) Accessory Uses. All uses designated as accessory uses in the General Floodplain District (GFP) and in the underlying Manitowoc County Zoning Ordinance, 1965, are permitted in the Shoreland District (S-1).

(c) Conditional Uses. All uses designated as conditional uses in the General Floodplain District (GFP) and in the underlying Manitowoc County Zoning Ordinance, 1965, may be authorized by the Manitowoc County Board of Adjustment by the issuance of a conditional use permit in accordance with the provisions of MCC § 9.07, provided that the conditional use standards contained in the underlying Manitowoc County Zoning Ordinance, 1965, are complied with.

(d) Other Regulations. All uses must comply with the requirements of MCC § 9.05 of the Shoreland and Floodplain Ordinance.

(5) Shoreland-Wetland District (C-2).

(a) Permitted Uses. The following open space uses are permitted in the Shoreland-Wetland District (C-2), provided, however, that buildings or storage of materials are prohibited, and no filling, flooding, draining, dredging, ditching, tiling, or excavating is allowed:

1. Hiking
2. Fishing
3. Trapping
4. Hunting
5. Swimming
6. Boating
7. Wild Crop Harvest
8. Silviculture

9. Sustained Yield Forestry

10. Agricultural Crop Production

11. Livestock Pasturing

12. Construction and Maintenance of Deer and Duck Blinds

13. Construction and Maintenance of Piers, Docks, Walkways (including those built on pilings)

14. Maintenance, repair, replacement, and reconstruction of existing town and county highway and bridges

(b) Accessory Uses. The following accessory open space uses are permitted and may involve filling, draining, dredging, ditching, tiling, or excavating to the extent specifically provided below:

1. Temporary water stabilization measures, in the practice of silviculture, which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.

2. Dike and dam construction and ditching for the purpose of growing and harvesting cranberries.

3. Ditching, tiling, dredging, excavating, or filling done to maintain or repair existing agricultural drainage systems only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.

(c) Conditional Uses.

1. The following uses may be authorized by the Manitowoc County Board of Adjustment by the issuance of a conditional use permit in accordance with the provisions of MCC § 9.07, provided that the conditional use standards of MCC § 9.06(5)(c)2. and applicable conditional use standards of the underlying Manitowoc County Zoning Ordinance, 1965, are complied with:

a. Roads necessary for agricultural or silvicultural activities.

b. Non-residential buildings less than five hundred (500) square feet.

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- c. Public and private parks and recreation areas.
- d. Boat access sites.
- e. Natural and outdoor education areas.
- f. Historic and scientific areas.
- g. Wildlife refuges.
- h. Game preserves.
- i. Private wildlife habitat areas.
- j. Utility transmission and distribution lines and related facilities.
- k. Railroad lines.

2. Conditional uses in the Shoreland-Wetland District must meet and comply with the following standards and/or requirements:

a. It must be proven that any buildings or structures, utility transmission and distribution lines, and related facilities and railroad lines cannot, as a practical matter, be located outside of the Shoreland-Wetland District.

b. All structures shall be used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals, or used solely for some other purpose, which is compatible with wetland preservation.

c. No filling, flooding, draining, dredging, ditching, tiling, or excavating shall be allowed for the placement of structures.

d. Roads constructed for agricultural or silvicultural activities shall be designed and constructed to minimize the adverse impact upon the natural functions of the wetland, specifically:

i. The road is designed and constructed as a single lane roadway with only such depth and width as is necessary to accommodate the machinery required to conduct agricultural or silvicultural activities.

ii. Road construction activities are carried out in

the immediate area of the roadbed only.

iii. Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is done is necessary for the construction or maintenance of the road.

e. Ditching, excavating, dredging, dike, and dam construction may be allowed in wildlife refuges, game preserves, and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance wetland values. No filling shall be allowed in these areas.

f. Private wildlife habitat areas shall be used exclusively for that purpose.

g. Filling, excavating, ditching, or draining necessary for the construction of railroad lines, utility transmission and distribution lines, and related facilities may be allowed provided such construction or maintenance is done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.

(6) Conservancy District (C-3).

(a) Permitted Uses. The following open space uses are permitted in the Conservancy District (C-3) provided, however, that buildings or storage of materials are expressly prohibited:

1. Fishing
2. Wild crop harvest
3. Hunting
4. Sustained yield forestry
5. Wildlife preserves

(b) Accessory Uses. Apparatus and machinery normally used or associated with the permitted principal uses are permitted as accessory uses in the Conservancy District (C-3).

(c) Conditional Uses. The following uses may be authorized in this district by the Manitowoc County Board of Adjustment by the issuance of a conditional use permit in accordance with the

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provisions of MCC § 9.07 of the Shoreland and Floodplain Ordinance and applicable conditional use standards of the under-lying Manitowoc County Zoning Ordinance, 1965:

1. Utility, transmission, and distribution lines and related facilities
2. Cranberry bogs
3. Piers and docks
4. Special crop farming
5. Roads necessary for agricultural or silvicultural activities
6. Non-residential buildings less than five hundred (500) square feet
7. Other open space uses including filling, which would not impair the natural fauna, flora, or water regimen

9.07 Special Provisions for Conditional Uses.

(1) Provisions Applicable to All Conditional Uses.

(a) Purpose. Certain land use activities entitled “conditional uses” may be authorized in various zoning districts. Conditional uses must be especially considered and placed into the development pattern which exists in the surrounding area, because they are unique in nature, require large land areas, are potentially incompatible with existing development, or because the effects of such conditional uses cannot definitely be foreseen.

(b) Application. Applications for conditional use permits shall be submitted to the Code Administrator on a form supplied for such purpose. Applications shall be accompanied by a site development plan, which shall show the following;

1. Total area in the development project.
2. Location, shape, area, and dimension of the lot, lots, or acreage to be used; a north arrow, the scale, and date of the site development plan.
3. Present zoning of the subject property and adjacent property.

4. All public and private rights-of-way and easement lines located on and adjacent to the subject property, which are proposed to be continued, created, relocated, or abandoned; all official mapped areas including but not limited to: streets, parks, and schools.

5. Location and total number of curb cuts, driveways, off-street parking space, and loading spaces.

6. Proposed exterior building dimensions (horizontal and vertical), gross floor area, number of floors, and proposed uses.

7. Location and dimensions of all existing and proposed structures, walks, malls, open areas, walls, fences, screen paintings, and/or other landscaping.

8. Existing and proposed sewer, water, and other utility lines plus location and type of sewage treatment facility and water source.

9. Required setbacks of the zoning district.

10. Area of subject property to be covered by buildings.

11. Location, size, height, and orientation of all signs.

12. Development plans for multiple family developments and mobile home parks shall include the following additional information:

- a. Minimum floor area of dwelling units.
- b. Total number of units proposed.
- c. Number of bedrooms per unit in multiple family development.
- d. Areas to be used for open space and recreation.

13. Such other information regarding the development area that may be required to determine conformance with this ordinance.

(c) Applicability. When any development is proposed within a General Floodplain District, a determination shall be made to establish the

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boundaries of the floodway and determine whether floodway or flood fringes uses apply, and where applicable, to determine the regional flood elevation. Applications for conditional use permits in the General Floodplain Districts, Regional Floodway Districts, and Regional Flood Fringe Districts, shall be accompanied by submission of the following information in addition to that required under MCC § 9.07(1)(b).

1. Plans in triplicate drawn to a reasonable scale showing the location, legal description, dimensions, and elevation of the lot, existing and/or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the preceding to the water's edge and to the floodway, flood fringe, and/or general floodplain district limits.

2. A typical valley cross section showing the channel of the stream, elevation of land area adjoining each side of the channel, cross sectional areas to be occupied by the proposed development, and high water information.

3. Plan (surface view) showing elevation or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangements of all proposed and existing structures on the site, location, and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses, and vegetation upstream and downstream, soil types and other pertinent information.

4. Profile showing the slope of the bottom of the channel or flow line of the stream.

5. Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply, and sanitary facilities.

(d) Flood Proofing. Other uses or structures requiring flood proofing measures by this ordinance shall be designed consistent with the flood protection elevation for the particular area as defined in this ordinance and flood velocities, forces, and other factors associated with the flood protection elevation. The applicant shall submit a certification by a registered professional engineer or architect that the flood proofing measures are consistent with the flood protection elevation (equals two feet (2') above

the regional flood), for the particular area and are adequate to withstand flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the regional flood. The minimum HUD, FIA flood proofing measures are contained in 1910.3.c.3.ii. of the Federal Register and shall include, but not be limited to, the following:

a. Anchorage to resist flotation and lateral movement.

b. Installation of watertight doors, bulkheads, and shutters.

c. Construction of water supply and waste treatment systems to prevent the entrance of flood waters.

d. Pumping facilities for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures to lower water levels.

e. Construction to resist rupture or collapse caused by water pressure of floating debris.

f. Cutoff valves on sewer lines or the elimination of gravity flow basement drains.

g. Utility and sanitary facilities shall be designed so that below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

h. Use of paints, membranes, or mortars to reduce seepage of water through walls.

i. Addition of mass or weight to structures to prevent flotation.

(e) Standards. The Manitowoc County Board of Adjustment shall review the proposed conditional use in regard to the standards, requirements, provisions, and terms of this ordinance as well as the condition, standards, etc., of the Manitowoc County Zoning Ordinance, 1965. In addition, the Board of Adjustment shall find adequate evidence of the following:

1. The proposed use will be designed, operated,

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and maintained so as to be harmonious with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed to be located.

2. The location size, nature, and intensity of the proposed operation or use of the site will be in harmony with the orderly development of the district and further, that the location, nature, and height of buildings, walls, and fences on the proposed site will not discourage the appropriate development and use of adjacent lands or buildings or impair the value thereof.

3. The proposed use will be adequately served by essential public services and facilities and the use will not create excessive additional public costs or be detrimental to the economic welfare of the County.

4. Operations in connection with any conditional use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration, or flashing lights than would be the operation of a permitted use.

5. Conditional uses may be authorized only if it is determined that the spirit and intent of this ordinance is observed; that there will be no adverse effect upon adjacent properties and that substantial justice is done if the use is authorized.

6. The proposed conditional use must be found to be equal to or an improvement in relation to property in the immediate vicinity and to the County as a whole.

9.08 Nonconforming Uses, Structures, and Lots. The lawful use of any structure or land, at the time of the enactment of this ordinance (December 29, 1967) or any amendment thereto, may be continued, although such does not conform with the provisions of this ordinance. However, a nonconforming use or structure shall be subject to the following regulations:

(1) Non-conforming Uses.

(a) A nonconforming use may be extended throughout the building, provided no structural alterations or modifications are made therein, except those required by law or ordinance or such as may be required for safety, or such as may be necessary to

secure the continued use of the building during its natural lifetime. For the purpose of this section, any modification, any change in load-bearing walls, or increase in gross floor area shall be deemed an addition or modification.

(b) A nonconforming use may be changed to another non-conforming use of the same or greater restriction by the issuance of a conditional use permit. No such use shall thereafter be changed again to another non-conforming use of the same restriction but only to one of greater restriction. The granting of a conditional use permit changing one non-conforming use to another non-conforming use shall not be construed to have conferred conforming use status to a use.

(c) No nonconforming use of a building may be moved to any other part of a parcel of land upon which same was conducted at the time of the adoption of this ordinance.

(d) If a non-conforming use is discontinued for twelve (12) consecutive months, any future use of the building, structure, or property shall conform to this ordinance.

(2) Non-conforming Structures.

(a) No modification, alteration, addition, or structural repair of a nonconforming structure over the life of the structure shall exceed fifty percent (50%) of the structure's present equalized assessed value at the time such modification, alteration, addition, or structural repair is made except to make it a conforming structure, in compliance with applicable requirements of this ordinance. Further, no non-conforming use excluding structures (e.g. gravel pits, rock quarries, salvage yards, and similar land uses) shall be enlarged to more than fifty percent (50%) of the original area except to make it conforming or to comply with requirements of health and safety laws. Any modification, alteration, addition, or repair to a non-conforming structure located in the FW, Floodway, FF, Floodfringe, GFP, General Floodplain districts shall be protected by flood proofing measures pursuant to MCC § 9.07(1)(d).

(b) Any nonconforming structure, which has been destroyed or damaged by fire, explosion, act of God, or by public enemy to the extent of fifty

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percent (50%) or more of its present equalized assessed value at the time such damage occurred, shall thereafter be made to conform with the provisions of this ordinance.

(c) Dimensional non-conformities are buildings or structures which may conform to this ordinance as to land use but do not conform as to dimensional rules (such as setbacks, height, yards, separations, etc.) Structures determined to be dimensional non-conformities may be altered, added to, or repaired subject to the following requirements:

1. Any alteration, addition, or repair of a building that is a dimensional non-conformity and that is located in a floodplain shall be protected by flood proofing measures pursuant to MCC § 9.07(1)(d).

2. Alterations, additions, or repairs which change the exterior dimension of the structure or building but which conform to the dimensional requirements of this ordinance are permitted [subject to preceding MCC § 9.08(2)(c)1].

(3) Floodway Areas.

(a) No modifications or additions shall be allowed to any nonconforming structure or use located in a floodway, unless such modification or addition meets the following:

1. Meets all applicable requirements of MCC § 9.08, and

2. Will not increase the obstruction to flood flows or increase the regional flood height, and

3. Any addition to the existing structure shall be flood proofed, pursuant to MCC § 9.07(1)(d), by means other than the use of fill, to the flood protection elevation.

(b) No new private sewage system, or addition to an existing private sewage system, shall be allowed in a floodway area. Any maintenance, repair, or replacement of a private sewage system in a floodway shall meet the applicable requirements of all Manitowoc County Ordinances and Ch. ILHR 83 Wisconsin Administrative Code.

(c) No new well, or modifications to an existing

well, which is used to obtain water for ultimate human consumption, shall be allowed in a floodway area. Any maintenance, repair, or replacement of an existing well in a floodway area shall meet the applicable requirements of Chs. NR111 and 112 Wisconsin Administrative Code.

(4) Floodfringe Areas.

(a) Except as provided in par. (b) or (c), no modification or addition to any nonconforming structure or use in the floodfringe area shall be allowed unless such modification or addition is placed on fill or flood proofed to the flood protection elevation in compliance with the requirements of MCC § 9.06(2)(c)2.

(b) Where compliance with the provisions of par. (a) would result in unnecessary hardship, and only where the structure will not be used for human habitation and will not be associated with a high flood damage potential, the Board of Adjustment, using the procedures established in MCC § 9.09, may grant a variance from par. (a), for modifications or additions which are protected to elevations lower than the flood protection elevation provided:

1. No floor is allowed below the regional flood elevation for residential or commercial structures;

2. Human lives will not be endangered;

3. Water or private sewage systems will not be installed;

4. Flood depths will not exceed two feet (2') above present grade;

5. Flood velocities will not exceed two feet (2') per second; and

6. The structure will not be used for storage of materials described in MCC § 9.06(2)(c)2e.

(c) If the provisions of pars. (a) or (b) above cannot be met, an addition to an existing room in a nonconforming structure or a structure with a nonconforming use may be allowed in the flood fringe on a one-time basis only, if the addition:

1. Meets all other regulations and will be granted by permit or variance;

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2. Does not exceed sixty (60) square feet in area; and

3. In combination with other previous modifications or additions to the structure, does not exceed fifty percent (50%) of the present equalized assessed value of the structure.

(5) Nonconforming Lots. A nonconforming lot, which has been owned separately and individually from all adjoining tracts of land continuously since the passage of this ordinance shall be subject to the following provisions:

(a) Where an existing nonconforming lot or combination of existing nonconforming lots held in common ownership result in a lot which does not contain sufficient area or width or conform to the dimensional requirements of this ordinance or the underlying Manitowoc County Zoning Ordinance, but which is at least fifteen thousand (15,000) square feet in area and seventy-five feet (75') wide at the water's edge and building line, shall be deemed to be a conforming lot, provided that the following conditions are met:

1. The proposed use is listed as a permitted or accessory use.

2. The lot is on record in the County Register of Deeds office prior to the effective date of this ordinance (December 29, 1967).

3. The lot is in separate ownership from abutting lands.

4. A minimum side yard setback of ten feet (10') is required.

(b) Development may occur upon nonconforming lots provided the use is listed as a permitted or accessory use and all setback distances required by this ordinance and any other applicable Manitowoc County Ordinances are complied with.

(6) As permit applications are received by Manitowoc County for modifications or additions to nonconforming uses or nonconforming structures, a record shall be kept which lists the nonconforming uses and nonconforming structures, their present equalized assessed value, and the cost of those additions or modifications which have been

permitted.

9.09 Board of Adjustment. (1) A Board of Adjustment is hereby established under Wis. Stat. § 59.694. The Board of Adjustment shall consist of five (5) members appointed by the Chairman of the County Board, subject to confirmation by the County Board, for three (3) years, except that of those first appointed, two (2) shall serve for one (1) year, two (2) for two (2) years, and one (1) for three (3) years. The members of the Board of Adjustment shall all reside within those areas of the County which are under the jurisdiction of this ordinance, but no two (2) members shall be from the same town. One (1) member of the Board of Adjustment may be a member of the County Board. The County Board shall allow the same compensation for members of the Board of Adjustment that is allowed County Board members for attendance at committee meetings. The Board of Adjustment shall designate one of its members as Chairman. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

The Board of Adjustment may employ a secretary and other employees.

(2) The County Board adopts the following rules for the government and procedure of the Board of Adjustment:

(a) Meetings shall be held at the call of the Chairman and at such other times as the Board of Adjustment may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All public hearings shall be open to all interested parties.

(b) The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and shall keep records of its examination and other official actions; all of which shall be immediately filed in the office of the Board and shall be a public record.

(3) Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of Manitowoc County affected by any decision of the Code Administrator. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with

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the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed was taken.

The Chairman shall fix a reasonable time for the hearing of the appeals and give public notice thereof according to Wis. Stat. § 59.694(6), send a copy of the notice to the Department and parties in interest, and see to it that the Board makes a decision upon the appeal within a reasonable time.

(4) Powers of the Board of Adjustment. Except as specifically provided in this ordinance or in the Statutes, no action of the Board of Adjustment shall have the effect of permitting in any district, uses prohibited in such district.

The Board of Adjustment shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in any interpretation, order, requirement, decision, or determination made by the Planning and Park Commission staff.

(b) To hear and decide requests for conditional uses that are authorized and listed within this ordinance.

(c) To hear and decide and to authorize, upon appeal in specific cases, such variance from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done. A variance:

1. Shall be consistent with the spirit and intent of this floodplain ordinance.

2. Shall not permit any change in established flood elevations or profiles.

3. Shall not be granted unless it is shown that the variance will not be contrary to the public interest or damaging to the rights of other persons or property values in the area.

4. Shall not be granted for actions which require an amendment to the floodplain zoning ordinance.

5. Shall not have the effect of allowing or expanding a use of structure which is prohibited in that zoning district by the floodplain zoning ordinance.

6. Shall not be granted on the basis of economic gain or loss.

7. Shall not be granted for a self-created hardship.

No variance shall permit a lower degree of flood protection than a point two feet (2') above the regional flood or be contrary to state law or administrative code.

(5) In every case where a variance from these regulations has been granted by the Board, the minutes of the Board shall affirmatively show that an "unnecessary hardship" or "practical difficulty" exists and the records of the Board shall clearly show in what particular and specific respects an "unnecessary hardship" or "practical difficulty" is created.

(6) Notice of the public hearing on all floodplain, shoreland, and shoreland wetland appeals and conditional uses shall be provided to the Green Bay District Office of the Wisconsin Department of Natural Resources at least ten (10) days prior to the hearing and a copy of all such decisions shall be provided to the district DNR office within ten (10) days after they are granted or denied.

9.10 Administration and Enforcement.

(1) Declaration of Intent. It is intended that this ordinance shall be administered in accordance with Wis. Stat. §§ 59.69, 59.694, 59.692, and 87.30, as amended, and in conformance with Chapter NR 115 and NR 116 Wisconsin Administrative Code, as amended. Further, this ordinance shall apply only to the unincorporated portion of Manitowoc County.

(2) Duties. The Manitowoc County Board of Supervisors hereby assigns the duties of administering this ordinance to the Manitowoc County Planning and Park Commission. The Commission shall appoint a director, code

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administrator, and other qualified staff employees to assist the Commission in the performance of their duties. The Commission shall oversee all staff functions; review and make recommendations to the Manitowoc County Board of Supervisors on all proposed amendments to this ordinance, maps, and/or text; and, maintain a complete public record of all its proceedings. The Planning and Park Commission staff shall, under the direct supervision of the director, perform all of the duties assigned by this ordinance, but not limited, to the following:

(a) The Planning and Park Commission staff shall receive and process applications for zoning permits, appeals to the Board of Adjustment or to the County Planning and Park Commission, and they shall be responsible for the inspection of premises, issuing of zoning permits, and initiation of proceedings for the enforcement of the provisions of this zoning ordinance.

(b) They shall inspect each alleged violation and shall order correction in writing to the violator of all conditions found to be in violation of this ordinance. They shall report all violations of the terms of this ordinance that are not corrected to the Manitowoc County Planning and Park Commission whereupon the Commission shall make complaint to the District Attorney and/or the Corporation Counsel.

(c) If they find that the proposed building, structure or use will not be in violation of the terms of this ordinance, they shall issue a zoning permit, retain one copy, and return the other with his approval; otherwise, he shall reject the application and inform the applicant of the reasons in writing.

(3) No building, structure, or use shall hereafter be erected, moved, or structurally altered, and no placement or removal of fill or other development shall be permitted until a zoning permit shall first have been applied for and issued. Such applications shall be accompanied by plans in duplicate, drawn to scale, showing the location, actual shape, and dimensions of the lot, the existing and/or intended use of the building, the number of families to be accommodated, its situation with reference to the highway, the distance between the nearest point on the building and the centerline of the highway, and such other information with regard to the proposed building and neighboring lots or buildings as may be called for on the application or may be necessary to

provide for the enforcement of this ordinance.

Such permit shall be issued or the application shall be denied within ten (10) days after receipt of the application. Such zoning permit shall be posted on the premises so as to be visible from the highway at all times, until such construction has been completed. Statements made in the application shall subject the person making it to the penalties of this ordinance.

(4) Zoning permits shall expire one (1) year after the date of issue except that extensions may be granted.

(5) Whenever flood proofing measures are required by this ordinance, a zoning permit shall not be issued until the certification required in MCC § 9.07(1)(d) has been submitted to the Planning and Park Commission staff.

(6) A copy of all decisions, granting or denying a conditional use, variance, or amendment to the floodplain zoning ordinance shall be mailed within ten (10) days to the Department.

(7) Certificate of Compliance.

(a) The Planning and Park Commission staff may issue a Certificate of Compliance for all vacant land occupied or used and for all structures erected, altered, or moved. Such certificate shall show that the structure or premises or part thereof and the proposed use thereof are in conformity with the provisions of this ordinance. The data required in (b)1. shall be provided by the applicant and reviewed and approved by the Department. Such permits shall be issued only when the building or premises and the proposed use thereof conforms with all requirements of this ordinance.

(b) For permits issued within the Floodway District (FW), and Flood Fringe District (FF):

1. The applicant shall submit a certification by a registered professional engineer or architect that the finished fill and building floor elevations, flood proofing measures, or other flood protection factors were accomplished in compliance with the provisions of this ordinance.

(c) Under such rules and regulations as may be

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established by the County Board of Supervisors, the Planning and Park Commission staff may issue a temporary certificate of compliance for part of a building.

(d) Upon written request from the owner, the Planning and Park Commission staff may issue a certificate of compliance for any building or premises existing at the time of the adoption of this ordinance, certifying after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this ordinance.

(8) Fee Schedule. The applicant, upon filing of his application, shall pay a fee in accordance with the fee schedule of the County Board of Supervisors.

(9) Other Permits. It is the responsibility of the applicant to secure all other necessary permits from all appropriate federal, state, and local agencies, including those required under Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.C. 1334.

9.11 Amendments and Changes.

(1) The Manitowoc County Board of Supervisors may from time to time amend, supplement, or repeal the regulations or change the district boundaries of this ordinance in accordance with the procedure provided in Wis. Stat. § 59.69(5)(e), as amended and NR115 and NR116 of the Wisconsin Administrative Code. Amendments may be made upon petition by any interested party in accordance with the appropriate provisions of Wis. Stat. § 59.69. No amendment to the floodplain provisions of this ordinance, map, and/or text, shall become effective until approved by the Department.

(a) Actions which require an amendment include, but are not limited to:

1. Any change in the official floodplain zoning map including floodway lines or boundary of any floodplain area;
2. Correction of significant discrepancies between the water surface profile and floodplain zoning maps;
3. Any fill or encroachment into the floodway

which will result in obstructing flood flows;

4. Any upgrading of the Manitowoc County Shoreland-Floodplain Zoning Ordinance in accordance with Chs. NR 115 or NR 116 Wisconsin Administrative Code. All amendments of official floodway lines shall meet the applicable provisions of Ch. NR 116.11 Wisconsin Administrative Code.

(2) Map Amendments to the C-2, Shoreland-Wetland District

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

1. Storm and flood water storage capacity;
2. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
3. Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;
4. Shoreline protection against soil erosion;
5. Fish spawning, breeding, nursery, or feeding grounds;
6. Wildlife habitat; or
7. Areas of special recreational, scenic, or scientific interest; including scarce wetland types.

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

(a) A copy of every petition for text or map amendment to the Shoreland Wetland District within five (5) days of the filing of such petition with the County Clerk;

(b) A written notice of the public hearing to be held on a proposed amendment at least ten (10) days prior to such hearing;

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(c) A copy of the County Zoning agency's findings and recommendations on each proposed amendment within ten (10) days after the submission of those findings and recommendations to the County Board; and

(d) Written notice of the County Board's decision on the proposed amendment within ten (10) days after it is issued.

(4) If the Department notifies the County Zoning agency that a proposed text or map amendment to the Shoreland Wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in MCC § 9.11(2), that amendment if approved by the County Board shall not take effect until more than thirty (30) days have elapsed after written notice of the County Board's approval of this amendment is mailed to the Department of Natural Resources. During that thirty (30) day period the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the County under Wis. Stat. § 59.692(6). If the Department does so notify the County Board, the effect of this amendment shall be stayed until Wis. Stat. § 59.692(6) adoption procedure is completed or otherwise terminated.

9.12 Violations and Penalties.

(1) Any person, firm, or corporation who violates, disobeys, neglects, omits, or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance shall, upon conviction, remove the building, structure, or part thereof or discontinue the use thereof which violates the terms of this ordinance, within ninety (90) days of such conviction. Upon failure to do so, the County Board may order the removal of such building, structure, use, or part thereof which violates the terms of this ordinance. Such removal may be performed by an agent or by contract arrangement with private persons and the cost of such removal shall become a lien upon the property, collectible as are other taxes.

(2) Such person, firm, or corporation may also be required, upon conviction, to forfeit not less than twenty dollars (\$20) nor more than two thousand dollars (\$2000) for each offense, together with the costs of prosecution, and in default of the payment of such forfeiture and costs of prosecution, shall be

imprisoned in the county jail of Manitowoc County until such forfeiture and costs are paid, but not to exceed thirty (30) days. Each day that a violation continues to exist shall constitute a separate offense.

Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of Manitowoc County, any municipality, the State of Wisconsin, or any citizen thereof pursuant to Wis. Stat. § 87.30.

9.13 Effective Date.

(1) This ordinance, upon passage and publication by the County Board of Supervisors of Manitowoc County, Wisconsin, shall be effective in all of the unincorporated areas within Manitowoc County and shall not require approval or be subject to disapproval by any town or town board as provided by Wis. Stat. §§ 59.692 and 87.30.

HISTORY

12/19/1967: Adopted.

04/26/1988: Amended and codified as Chapter 9 by Ord. No. 88/89-19 effective May 9, 1988.

02/20/2000: Amended by Ord. No. 89/90-155 effective March 2, 1990.

09/20/1994: Secs. 9.04(4)(a)(1)-(3), (2), (3)(a)-(c), (e), and (f); 9.05(5); and 9.05(10) amended by Ord. No. 94/95-77 effective September 29, 1994.

04/18/2000. Sec. 9.04(2)(b) amended by Ord. No. 2000/2001-9 effective April 18, 2000.