

NOTICE OF MEETING

**SHEBOYGAN COUNTY BOARD OF SUPERVISORS**

Sheboygan County Courthouse  
615 North 6<sup>th</sup> Street, 5<sup>th</sup> Floor  
Sheboygan WI

**TUESDAY, September 20, 2016 at 6:00 P.M.**

In compliance with Rule V under the Rules of Order of the Sheboygan County Board of Supervisors, as County Clerk of Sheboygan County, I herewith submit the following AGENDA.

**AGENDA**

**CALL TO ORDER – Chairperson Thomas G. Wegner**

**CERTIFICATION OF COMPLIANCE WITH OPEN MEETING LAW**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPROVAL OF AUGUST 16, 2016 JOURNAL**

**CONSIDERATION OF APPOINTMENTS BY CHAIRPERSON**

**Airport Advisory Committee**

Richard Bemis, W7085 Hillside Drive, Adell

*(Representing-Member of the Transportation Committee)*

Jack VanDixhorn, 4020 Meadowbrook Ct., Sheboygan – (Re-appointment)

*(Representing-Member of the Transportation Committee)*

**CONSIDERATION OF APPOINTMENT BY COUNTY ADMINISTRATOR**

**Airport Advisory Committee**

Steven Bauer, W3798 County Road C, Plymouth – (Re-appointment)

*(Representing Town of Sheboygan Falls Board)*

**PRESENTATION**

Ryan O'Rourke, Court Commissioner – Overview of the Court Commissioner Department

**PUBLIC ADDRESSES**

*As of the preparation of this Agenda the following person has requested to speak. County Board rules allow interested persons to register to speak until 5:00 pm on the Monday before the County Board Meeting.*

Allen Nohl, N7666 Bittersweet Road, Plymouth – Update of Veterans Memorial

**\*POSTED\***  
**09.16.16**  
**2:00 PM**

**LETTERS, COMMUNICATIONS AND ANNOUNCEMENTS**

*Items introduced under this heading are either referred to a Committee for action, or received for information. No action is taken at this meeting.*

**COUNTY ADMINISTRATOR'S REPORT**

*The County Administrator's Report is a monthly report by the Administrator in which noteworthy activities of County government are highlighted. In addition, the Administrator's Report presents the Administrator's perspective on the Resolutions and Ordinances being considered or introduced at this meeting. The Administrator's Report is not an action item, and no debate or deliberation arises from the Report.*

**CONSIDERATION OF COMMITTEE REPORTS - EXECUTIVE COMMITTEE**

- Resolution No. 15 (2016/17)**      Re: 2017 Five-Year Capital Plan  
**Committee Recommendation: Amend per the  
Committee Report and Adopt as Amended**  
**Signed in Opposition: None**
- Resolution No. 16 (2016/17)**      Re: Supporting Drug Treatment Court for Sheboygan County  
**Committee Recommendation: Adopt**  
**Signed in Opposition: None**
- Ordinance No. 05 (2016/17)**      Re: Updating Portion of Peace and Good Order Ordinance (Marijuana/Synthetic Cannabinoid Possession)  
**Committee Recommendation: Enact**  
**Signed in Opposition: None**
- Ordinance No. 06 (2016/17)**      Re: Repealing and Re-creating Chapter 72, Shoreland Ordinance  
**Committee Recommendation: Amend per the  
Committee Report and Enact as Amended**  
**Signed in Opposition: None**

**CONSIDERATION OF COMMITTEE REPORTS - FINANCE COMMITTEE**

- Resolution No. 17 (2016/17)**      Re: Approving Land Swap at Amsterdam Dunes  
**Committee Recommendation: Adopt**  
**Signed in Opposition: None**

**RESOLUTIONS INTRODUCED**

*Items introduced under this heading are referred to a Committee for recommendation. No formal action is taken at this meeting unless noted.*

- Resolution No. 18 (2016/17)** (From Executive Committee)  
Re: Authorizing County to Lend Bay-Lake Regional Planning Commission \$72,608.63 to Refinance Pension Liability
- Resolution No. 19 (2016/17)** (From Executive Committee)  
Re: Approving Standard Intergovernmental Agreement for County Sales Tax Revenue-Sharing
- Resolution No. 20 (2016/17)** (From Planning, Resources, Agriculture and Extension Committee)  
Re: Acceptance of Dedicated Donation for Amsterdam Dunes
- Resolution No. 21 (2016/17)** (From Planning, Resources, Agriculture and Extension Committee)  
Re: Approving Revisions to Farmland Preservation Plan
- Resolution No. 22 (2016/17)** (From Planning, Resources, Agriculture and Extension Committee)  
Re: Authorizing Sheboygan County Planning and Conservation Department to Apply for County Conservation Aids
- Resolution No. 23 (2016/17)** (From Transportation Committee)  
Re: Authorizing Relocation of Highway Offices and Facilities
- Resolution No. 24 (2016/17)** (From Transportation Committee)  
Re: Supporting "Just Fix It" for Statewide Road Maintenance
- Resolution No. 25 (2016/17)** (From Transportation Committee)  
Re: Authorizing County Aid for Bridge/Culvert Construction in the Town of Wilson

**ORDINANCES INTRODUCED - NONE**

**ADJOURNMENT**

Respectfully submitted this 16<sup>th</sup> day of September, 2016.

  
 \_\_\_\_\_  
 JON DOLSON, COUNTY CLERK

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**NOTES: Please return your budget books if you have not already done so!**

**Reminder:** Expense sheets for the period ending September 15, 2016 are due in the County Clerk's Office no later than Tuesday, September 20, 2016.

The Legislative Breakfast will be held on October 10, 2016 at 8:00 A.M. at the Fountain Park Family Restaurant.

The Legislative Breakfast is a monthly informational question and answer session between Sheboygan County's federal and state legislative delegation and Sheboygan County Supervisors and department heads. Because a majority of the Board or a Committee may attend, it is a meeting open to the public under the Open Meeting law even though there is no formal agenda, no action will be taken, and no minutes are being kept.

The next Town's Association meeting will be held on October 21, 2016 at 7:30 P.M. at the Town of Mitchell.

Persons with disabilities needing assistance to attend or participate are asked to notify the County Clerk's Office at 920.459.3003 prior to the meeting so that accommodations may be arranged.

**JOURNAL OF THE MEETING OF THE  
SHEBOYGAN COUNTY BOARD OF SUPERVISORS**

**August 16, 2016**

Pursuant to Wis. Stat. § 59.11, the August 16, 2016 session of the Sheboygan County Board was called to order by Chairperson Thomas Wegner at 6:00 p.m. Chairperson Wegner noted that the notice of meeting was posted on August 12, 2016 at 2:30 p.m. in compliance with the open meeting law. The meeting opened with the Pledge of Allegiance by all present.

The roll call was taken and recorded with 24 Supervisors present; Absent: 1, Supervisor Ogea.

**Supervisor Winkel moved for approval of the July 19, 2016 Journal, which was distributed to all supervisors prior to the meeting. The motion was seconded by Supervisor Epping and carried on unanimous roll call vote of the board.**

**APPOINTMENTS**

The Chairperson announced that the next order of business was the consideration of the following appointments by the County Administrator.

**Emergency Medical Services (EMS) Council**

Randy Narbatovics (Representing Town Government)

**Glacierland Resource Conservation and Development Advisory Board**

Julie Stodolka (Citizen Member)

**Supervisor Goehring moved to concur with the appointments from the County Administrator. The motion was seconded by Supervisor Bemis and carried on unanimous roll call vote of the board.**

**PRESENTATIONS**

Judge Angela Sutkiewicz – Introduced Judge Kent Hoffmann and Judge Daniel Borowski.

Bryan Grunewald, Schenck & Associates – Presentation of the 2015 Comprehensive Annual Financial Report for Sheboygan County.

Aaron Brault – Update on the Nonmotorized Transportation Pilot Program.

**LETTERS AND COMMUNICATIONS**

The Clerk presented resolutions from the Dodge, Ozaukee, and Washington County Boards of Supervisors in support of approving the merger of the Mid-Wisconsin Federated Library System with the Eastern Shores Library System. By Chairperson received for information.

**COUNTY ADMINISTRATOR'S REPORT**

County Administrator Adam Payne provided a status report on the 2017 annual budget development and reviewed a budget memo and summary of the Five-Year Capital Plan that was distributed. At present, Mr. Payne said the Board will be positioned to reduce the property tax rate approximately 2%. Mr. Payne thanked and acknowledged Finance Director Wendy Charnon for her key work on the budget, the excellent audit report that was just shared, and congratulated County Board Supervisors, Department Heads, and employees for their strong track record of collaboration and teamwork.

## COMMITTEE REPORTS

The Clerk read the report of the Executive Committee regarding **Resolution No. 12 (2016/17) Authorizing Application for Emerald Ash Borer Mitigation Projects** recommending adoption.

**Supervisor Goehring moved to adopt the resolution.** The motion was seconded by Supervisor Abler and carried on roll call vote of the board of Ayes: 23; Noes: 1, Supervisor Epping; Absent: 1, Supervisor Ogea.

The Clerk read the report of the Executive Committee regarding **Resolution No. 14 (2016/17) Approving Merger of Eastern Shores Library System with Mid-Wisconsin Library System** recommending adoption.

**Supervisor Goehring moved to adopt the resolution.** Supervisor Nelson seconded the motion which carried on roll call vote of the board of Ayes: 23; Noes: 1, Supervisor Otten; Absent: 1, Supervisor Ogea.

The Clerk read the report of the Executive Committee regarding **Ordinance No. 03 (2016/17) Changing Supervisory District Boundaries to Reflect Annexation** recommending enactment.

**Supervisor Goehring moved to enact the ordinance.** The motion was seconded by Supervisor Te Stroete and carried on unanimous roll call vote of the board.

The Clerk read the report of the Executive Committee regarding **Ordinance No. 04 (2016/17) Amending Shoreland Ordinance in Section 30, Town of Wilson (.15 Acres of Property – Replacement of Existing Three-span Bridge on Marine Drive Over Barr Creek)** recommending amending the ordinance by replacing "Town of Wilson" with "Town of Holland" in the title and as so amended recommend enactment.

**Supervisor Goehring moved to enact the ordinance as amended per the committee report.** Supervisor Damp seconded the motion which carried on unanimous roll call vote of the board.

The Clerk read the report of the Finance Committee regarding **Resolution No. 13 (2016/17) Authorizing Sheboygan County to Become a Member of the Property Assessed Clean Energy (PACE) Commission** recommending adoption.

**Supervisor Abler moved to adopt the resolution.** The motion was seconded by Supervisor Winkel and carried on unanimous roll call vote of the board.

The Clerk read the report of the Human Resources Committee regarding **Resolution No. 11 (2016/17) Dissolving Loss Prevention Committee** recommending adoption.

**Supervisor Damp moved to adopt the resolution.** Supervisor Glavan seconded the motion which carried on roll call vote of the board of Ayes: 23; Noes: 1, Supervisor Uraynar; Absent: 1, Supervisor Ogea.

(Vice-Chairperson Marthenze presiding)

Pursuant to Rule IV of the Rules of Order, the following resolutions and ordinances were introduced by the Clerk and referred by the Vice-Chairperson as indicated:

**Resolution No. 15 (2016/17) Re: 2017 Five-Year Capital Plan** referred to the Executive Committee.

**Resolution No. 16 (2016/17) Re: Supporting Drug Treatment Court for Sheboygan County** referred to the Executive Committee.

**Resolution No. 17 (2016/17)** Re: Approving Land Swap at Amsterdam Dunes referred to the Finance Committee.

**Ordinance No. 05 (2016/17)** Re: Updating Portion of Peace and Good Order Ordinance (Marijuana/Synthetic Cannabinoid Possession) referred to the Executive Committee.

**Ordinance No. 06 (2016/17)** Re: Repealing and Re-creating Chapter 72, Shoreland Ordinance referred to the Executive Committee.

#### **ADJOURNMENT**

**Supervisor Bemis moved to adjourn.** Supervisor Winkel seconded the motion which carried on unanimous roll call vote of the board. The meeting was adjourned at 7:10 p.m. The next scheduled meeting is Tuesday, September 20, 2016 at 6:00 p.m.



# SHEBOYGAN COUNTY

**Thomas G. Wegner**  
*County Board Chairman*

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TO THE HONORABLE MEMBERS OF THE SHEBOYGAN COUNTY BOARD:

I, Thomas G. Wegner, Chairman of the Sheboygan County Board of Supervisors, pursuant to Chapter 65 of the Sheboygan County Code of Ordinances, do hereby submit for your confirmation the following appointment to the Airport Advisory Committee to serve a two-year term expiring September, 2018:

**Richard Bemis, W7085 Hillside Drive, Adell WI 53001**  
*(Representing – Member of the Transportation Committee)*

Respectfully submitted this 20<sup>th</sup> day of September, 2016.

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Thomas G. Wegner, Chairman of the Board





# SHEBOYGAN COUNTY

**Thomas G. Wegner**  
*County Board Chairman*


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TO THE HONORABLE MEMBERS OF THE SHEBOYGAN COUNTY BOARD:

I, Thomas G. Wegner, Chairman of the Sheboygan County Board of Supervisors, pursuant to Chapter 65 of the Sheboygan County Code of Ordinances, do hereby submit for your confirmation the following re-appointment to the Airport Advisory Committee to serve a two-year term expiring September, 2018:

**Jack VanDixhorn, 4020 Meadowbrook Ct., Sheboygan, WI 53081**  
*(Representing – Member of the Transportation Committee)*

Respectfully submitted this 20<sup>th</sup> day of September, 2016.

  
Thomas G. Wegner, Chairman of the Board



# SHEBOYGAN COUNTY

**Adam N. Payne**  
*County Administrator*

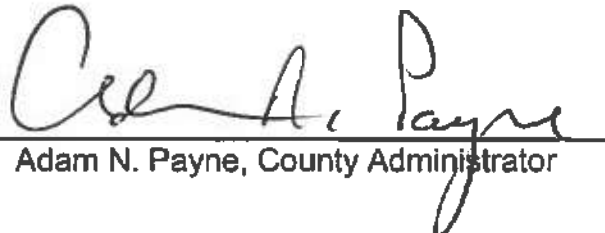
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TO THE HONORABLE MEMBERS OF THE SHEBOYGAN COUNTY BOARD:

I, Adam Payne, Sheboygan County Administrator, pursuant to Chapter 65 of the Sheboygan County Code of Ordinances, do hereby submit for your confirmation the following re-appointment to the Airport Advisory Committee to serve a two-year term expiring September, 2018:

**Steven Bauer, W3798 County Road C, Plymouth WI 53073**  
*(Representing Town of Sheboygan Falls Board)*

Respectfully submitted this 20<sup>th</sup> day of September, 2016.

  
Adam N. Payne, County Administrator

COMMITTEE REPORT TO THE COUNTY BOARD

WE, THE EXECUTIVE COMMITTEE

TO WHOM WAS REFERRED RESOLUTION NO: 15

RE: **2017 Five-Year Capital Plan**

HAVE CONSIDERED THE SAME AND RECOMMEND:

- ADDITIONAL TIME BE GRANTED TO CONSIDER THE MATTER
- THE RESOLUTION BE ADOPTED
- FILING WITH THE CLERK
- AMENDING THE RESOLUTION AS FOLLOWS:

Include the County Clerk's request for \$500,000 for voting equipment in 2017

And as so amended, recommend adoption.

RESPECTFULLY SUBMITTED THIS 20th DAY OF September 2016

**EXECUTIVE COMMITTEE**

OPPOSED TO THE REPORT:

\_\_\_\_\_  
THOMAS WEGNER


\_\_\_\_\_  
GEORGE MARTHENZE

\_\_\_\_\_  
WILLIAM C. GOEHRING


\_\_\_\_\_  
VERNON KOCH


\_\_\_\_\_  
EDWARD J. PROCEK


CONCURRING IN THE REPORT:

  
\_\_\_\_\_  
THOMAS WEGNER

\_\_\_\_\_  
GEORGE MARTHENZE

  
\_\_\_\_\_  
WILLIAM C. GOEHRING

  
\_\_\_\_\_  
VERNON KOCH

  
\_\_\_\_\_  
EDWARD J. PROCEK

SHEBOYGAN COUNTY RESOLUTION NO. 15 (2016/17)

Re: 2017 Five-Year Capital Plan

WHEREAS, Section 5.06(b) of the County Code requires the Finance Committee to propose a Five-Year Capital Plan for submission to the County Board at its August monthly meeting, and

WHEREAS, the Finance Committee has considered the capital projects of \$100,000.00 or more included in the budget requests of the Liaison Committees and has placed each project which it endorses into the upcoming budget year or into any budget year for the following four (4) years of the Five-Year Capital Plan, and

WHEREAS, the attached Exhibit A is the proposed Five-Year Capital Plan of the Finance Committee;

NOW, THEREFORE, BE IT RESOLVED, that the attached Exhibit A be adopted as the Five-Year Capital Plan for Sheboygan County and that pursuant to Section 5.06(b)(6) of the County Code of Ordinances, that portion of the Five-Year Capital Plan as adopted by the Board at its September meeting which identifies the capital projects approved for the upcoming budget year shall constitute the capital projects portion of the full budget for 2017.


Respectfully submitted this 16th day of August, 2016.

FINANCE COMMITTEE

  
\_\_\_\_\_  
Greg Weggeman, Chairperson

  
\_\_\_\_\_  
Mark S. Winkel, Secretary

  
\_\_\_\_\_  
George J. Marthenze, Vice-Chairperson

  
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William C. Goehring

  
\_\_\_\_\_  
Roger L. Te Stroete

Opposed to Introduction:

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DEPARTMENT NAME	PRIORITY	FIVE YEAR CAPITAL PROJECT TITLE	PROJECT ID	PRIOR YEARS		2017		2018		2019		2020		2021		2017-2021
				BUDGET	REIMBURSE-MENT	BUDGET	REIMBURSE-MENT	BUDGET	REIMBURSE-MENT	BUDGET	REIMBURSE-MENT	BUDGET	REIMBURSE-MENT	BUDGET	REIMBURSE-MENT	
PLANNING & CONSERVATION	1	Amnstedden Drive Restoration (Religation)	9832	\$ 87,280	\$ (97,780)	\$ 119,000	\$ (114,000)	\$ 200,000	\$ (354,500)	\$ 201,350	\$ (201,750)	\$ 100,875	\$ (100,875)	\$ 100,875	\$ (100,875)	\$ 280,000
	2	Marsh Marsh - Purpose Building & Storage Facilities (site preparation & initial construction improvements)	9208	\$ 50,000	\$ -	\$ 60,000	\$ (30,000)	\$ -	\$ -	\$ -	\$ -	\$ 370,000	\$ -	\$ 3,600,000	\$ (1,400,000)	\$ 2,600,000
	3	Marsh Dipsy Reconstruction	9137	\$ -	\$ -	\$ 75,000	\$ (37,500)	\$ 300,000	\$ (150,000)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 187,500
	4	Crystal Lake to Elkhart Lake bridge connection	N	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	5	OPRT new construction from Greenbush to DL	9208	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 55,000	\$ (27,500)	\$ 350,000	\$ (175,000)	\$ 202,500
	6	County Line	9215	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 80,000	\$ (64,000)	\$ 725,000	\$ (530,000)	\$ 191,000
	7	WJ Estimation from OPRT to Malinoway/Culmet	9065	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 955,938
BUILDING SERVICES	1	University of Wisconsin Stebbins Fire Arms	1053	\$ 35,000	\$ (14,000)	\$ 179,000	\$ -	\$ 25,000	\$ -	\$ 1,895,000	\$ (270,000)	\$ 2,866,000	\$ (720,000)	\$ 639,000	\$ (730,000)	\$ 352,000
	2	Fire Alarm System Upgrades	1030	\$ 184,000	\$ -	\$ 90,000	\$ -	\$ 33,000	\$ -	\$ 146,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 123,000
	3	Key Card Upgrade	1031	\$ 111,000	\$ -	\$ 453,000	\$ -	\$ 477,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 930,000
	4	HVAC Control Upgrade	1032	\$ 745,000	\$ -	\$ 92,600	\$ (20,000)	\$ -	\$ -	\$ -	\$ -	\$ 29,500	\$ -	\$ 84,400	\$ -	\$ 186,500
	5	Elevator Upgrade	H	\$ -	\$ -	\$ 108,000	\$ -	\$ -	\$ -	\$ 373,000	\$ (10,000)	\$ 135,000	\$ -	\$ -	\$ 57,000	\$ 108,000
	6	Countdown Front Steps & Flag Pole	1037	\$ -	\$ -	\$ 105,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,118,500
	7	Roof Replacement	1040	\$ 2,535,688	\$ -	\$ 457,200	\$ -	\$ -	\$ -	\$ 76,125	\$ (117,385)	\$ 230,000	\$ (12,000)	\$ 73,500	\$ (77,300)	\$ 457,200
	8	Courthouse Security Enhancement	H	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 250,000
	9	High School Parking Lot Replacement	1016	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 197,540
	10	Courthouse Boiler Replacement	H	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500,000
STEBBINS	1	Real System Replacement/Upgrade*	1939	\$ 9,477,968	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,000,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500,000
	2	New Election Equipment	1163	\$ -	\$ -	\$ 150,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 150,000
	3	Wireless Resident Call System	2754	\$ -	\$ -	\$ -	\$ -	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100,000
	4	B Building Exterior Panel Renovation	H	\$ -	\$ -	\$ -	\$ -	\$ 100,000	\$ -	\$ 120,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100,000
ROCKY MOUNT	1	Building C (Woodland Village) Beliefs	2756	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 286,707
	2	VOIP	3004	\$ -	\$ -	\$ 286,707	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 286,707
	3	Replace Redundant SANs	H	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 210,000
	4	Reconstruct GA Apartment and Tawney B	2035	\$ 2,084,000	\$ (2,079,800)	\$ 1,000,000	\$ (950,000)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000
AIRPORT	1	Reconstruct Tawney K1 and 5	2085	\$ -	\$ -	\$ 575,000	\$ (575,000)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000
	2	Runway 04/22 Resurface	H	\$ -	\$ -	\$ 1,275,000	\$ (1,200,000)	\$ 1,300,000	\$ (800,000)	\$ 1,200,000	\$ (800,000)	\$ 600,000	\$ (400,000)	\$ -	\$ -	\$ 1,000,000
	3	Terminal Building Development	H	\$ -	\$ -	\$ -	\$ -	\$ 85,000	\$ (50,000)	\$ 954,000	\$ (954,000)	\$ -	\$ -	\$ -	\$ -	\$ 75,000
	4	Tawney B Center Logic - Reconstruct and Resurface	H	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 175,000	\$ (100,000)	\$ 315,000	\$ (300,000)	\$ 50,000
HIGHWAY	1	GA Hanger Area & Camps	2960	\$ 1,800,740	\$ -	\$ 11,682,613	\$ (4,607,220)	\$ 11,197,387	\$ (3,472,880)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 45,000,000
	2	Reconstruction of CHI Dr from CHI E to CHI V	2942	\$ 1,843,760	\$ (65,000)	\$ 1,000,000	\$ (1,000,000)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	3	Bridges on CHFE	2932	\$ 50,000	\$ (50,000)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	4	Bridge on CHI 08	2945	\$ 60,000	\$ -	\$ 250,000	\$ (150,000)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL				\$ 19,054,936	\$ (2,316,580)	\$ 18,733,610	\$ (8,733,620)	\$ 14,545,387	\$ (4,037,380)	\$ 5,467,375	\$ (2,704,740)	\$ 5,144,250	\$ (1,549,063)	\$ 7,616,075	\$ (4,307,224)	\$ 25,836,885
NET COUNTY COST				\$ 16,738,356	\$ 9,500,000	\$ 18,733,610	\$ 14,545,387	\$ 5,467,375	\$ 2,704,740	\$ 5,144,250	\$ 1,549,063	\$ 7,616,075	\$ 4,307,224	\$ 25,836,885	\$ 29,076,885	

Priority: Established by Department Head and Liaison Committee  
 Project Status Key:  
 M - New project  
 C - Continuation of a funded project  
 P - Reimbursement in last year's plan (2016 - 2020)

NOTE:  
 Per Transportation Proposal, bonding for the Transportation Complex is total to \$15.0M  
 Per Transportation Proposal, bonding for other departments to be no more than \$5.0M over the two year cycle.

\* User: rshenck@stebbins.wisconsin.gov  
 Date: 11/17/2016 4:47 PM  
 File: C:\stebbins\temp\internet\stebbins\content\output\summary\2017\_CapitalProjectFundingRequest.mxd  
 Original Summary Only - no Original Tab

DEPARTMENT	PROJECT NAME	PROJECT TITLE	PROJ #	STATUS	FIVE YEAR CAPITAL PROJECT COST					COUNTY COST							
					BUDGET	REIMBURSE- MENT	BUDGET	REIMBURSE- MENT	BUDGET		REIMBURSE- MENT	BUDGET	REIMBURSE- MENT				
					2017	2018	2019	2020	2021	2017-2021							
PLANNING & CONSERVATION	1	Masterplan/Growth Restoration (Malden)	933	C	\$ 87,700	\$ (87,700)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
	2	Marsh Rehabilitation Building & Storage Facilities (site preparation & infrastructure improvements)	928	P	\$ 50,000	\$ -	\$ 40,000	\$ -	\$ 700,000	\$ -	\$ -	\$ -	\$ 780,000				
	3	Marsh Bypass Reconstruction	917	P	\$ -	\$ -	\$ 60,000	\$ (30,000)	\$ -	\$ -	\$ -	\$ -	\$ 2,600,000				
	4	Crysl Lake to Elkhat Lake/Red Creek connection	N	S	\$ -	\$ -	\$ 75,000	\$ (17,500)	\$ 300,000	\$ (150,000)	\$ -	\$ -	\$ 87,500				
	5	County Line	910	P	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 55,000	\$ (27,500)	\$ 350,000				
	6	WJ Extension to Iron Wharf/Luna Road to CTH	924	P	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 80,000	\$ (64,000)	\$ 725,000				
	7	WJ Extension from DIRT to Kaulowen/Cramer County Line	905	P	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 249,375	\$ (124,688)	\$ 1,662,500				
BUILDING SERVICES	1	Upgrade of Wisconsin Sheboygan Fire Axis	1063	P	\$ 35,000	\$ (14,000)	\$ 179,000	\$ -	\$ 25,000	\$ -	\$ 1,895,000	\$ (720,000)	\$ 352,000				
	2	Fire Alarm System Upgrades	1030	P	\$ 184,000	\$ -	\$ 90,000	\$ -	\$ 33,000	\$ -	\$ 148,000	\$ -	\$ 121,000				
	3	Key Card Upgrade	1031	C	\$ 111,000	\$ -	\$ 453,000	\$ -	\$ 477,000	\$ -	\$ -	\$ -	\$ 590,000				
	4	HVAC Control Upgrade	1032	C	\$ 745,000	\$ -	\$ 92,000	\$ (20,000)	\$ -	\$ -	\$ 29,500	\$ -	\$ 186,500				
	5	Elevator Upgrade	M	M	\$ -	\$ -	\$ 108,700	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 108,700				
	6	Countdown from Steps & Flag Pole	1037	P	\$ -	\$ -	\$ 305,000	\$ -	\$ 473,500	\$ -	\$ 373,000	\$ (110,000)	\$ 1,128,500				
	7	Roof Replacement	1040	C	\$ 104,000	\$ -	\$ 457,700	\$ -	\$ -	\$ -	\$ 750,000	\$ -	\$ 457,700				
	8	Countdown Security Enhancement	M	M	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 470,000				
	9	HHS Parking Lot Repavement	1036	P	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 76,135	\$ (17,389)	\$ 77,746				
	10	Countdown Roller Repavement	M	M	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 197,548				
STEELER	1	Radio System Replacement/Upgrade*	1949	C	\$ 9,477,968	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,477,968				
	2	New Election Equipment	1163	P	\$ -	\$ -	\$ 500,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500,000				
	3	Wireless Resident Call System	2754	P	\$ -	\$ -	\$ 150,000	\$ -	\$ 100,000	\$ -	\$ -	\$ -	\$ 250,000				
	4	Building Exterior Panel Renovation	M	M	\$ -	\$ -	\$ -	\$ -	\$ 100,000	\$ -	\$ -	\$ -	\$ 100,000				
ROCKY MOUNTAIN	1	Building Floor Rehabilitation	2756	P	\$ -	\$ -	\$ -	\$ -	\$ 120,000	\$ -	\$ -	\$ -	\$ 120,000				
	2	Building C/Woodland Village Boilers	2756	P	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 286,707				
	3	VOP	3004	P	\$ -	\$ -	\$ 286,707	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 286,707				
	4	Repair Redundant S/N	M	M	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 210,000				
AIRPORT	1	Reconstruct EA Apion and Tamway B	TMS	C	\$ 2,084,000	\$ (2,079,600)	\$ 1,000,000	\$ (350,000)	\$ -	\$ -	\$ -	\$ -	\$ 90,000				
	2	Construct Taxiway K1 and S	286	C	\$ -	\$ -	\$ 575,000	\$ (935,000)	\$ -	\$ -	\$ -	\$ -	\$ 50,000				
	3	Rumney 04/23 Resurface	M	M	\$ -	\$ -	\$ 1,275,000	\$ (1,200,000)	\$ -	\$ -	\$ -	\$ -	\$ 75,000				
	4	Terminal Building Development	M	M	\$ -	\$ -	\$ -	\$ -	\$ 1,200,000	\$ (800,000)	\$ 1,200,000	\$ (800,000)	\$ 1,000,000				
	5	Taxiway B Center Lane - Resurface and Resurface	M	M	\$ -	\$ -	\$ -	\$ -	\$ 85,000	\$ (60,000)	\$ 954,000	\$ (954,000)	\$ 25,000				
HIGHWAY	1	QA Heavy Axle & Repair	2960	C	\$ 1,800,740	\$ -	\$ 11,882,613	\$ (4,607,120)	\$ 11,197,387	\$ (3,472,280)	\$ -	\$ -	\$ 15,000,000				
	2	Transportation Complex	2942	C	\$ 1,843,760	\$ (45,000)	\$ -	\$ (5,000,000)	\$ -	\$ -	\$ -	\$ -	\$ -				
	3	Reconstruction of CTH OK from CTH EE to CTH V	2952	P	\$ 50,000	\$ (50,000)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
	4	Bridge on CTH RR	2946	C	\$ 60,000	\$ -	\$ 250,000	\$ (250,000)	\$ -	\$ -	\$ -	\$ -	\$ -				
TOTAL					\$ 19,054,936	\$ (2,316,589)	\$ 18,733,670	\$ (8,733,630)	\$ 23,545,387	\$ (4,437,280)	\$ 4,296,275	\$ (2,203,135)	\$ 5,144,250	\$ (1,549,063)	\$ 7,616,015	\$ (4,107,124)	\$ 35,816,885
NET COUNTY COST					\$ 16,738,356	\$ -	\$ 10,000,000	\$ -	\$ 9,708,007	\$ -	\$ 52,764,740	\$ -	\$ 39,395,187	\$ -	\$ 59,608,951	\$ -	\$ 29,076,885

Priority: Established by Department Head and Liaison Committee  
 Project Status Key:  
 N - New project  
 C - Continuation of a bonded project  
 P - Previously included in last year's plan (2015 - 2019)

NOTE:  
 Per Transportation Proposal, bonding for the Transportation Complex in total is \$18.6M  
 Per Transportation Proposal, bonding for other department needs to be no more than \$5.0M over the two year cycle.  
 Revised by the Executive Committee, on August 18, 2016, to move the New Election Equipment from 2019 to 2017




# SHEBOYGAN COUNTY

**Thomas D. Eggebrecht**  
*Health and Human Services Director*

---

September 7, 2016

TO: Thomas Wegner, Chairman  
Honorable Members of the Sheboygan County Board of Supervisors

FROM: Tom Eggebrecht 

RE: Fiscal Note, Resolution Supporting Drug Treatment Court for Sheboygan County

This correspondence comes to clarify the fiscal impact associated with supporting the creation and sustainability of a drug treatment court for Sheboygan County.

The need for an expanded arsenal to combat the prevalence of heroin and other opiate abuse and its impact on individuals, their families and communities, has been well chronicled in recent years. That impact can be found not only in the form of associated crime, but also by way of health threats, family deterioration, and child neglect. To that end, the Health and Human Services Department prioritized the need for a response to the growing problem as part of its 2015 operating plan, played a lead role in the development initiative, and has arranged for associated treatment services.

All costs for treatment have been planned for and absorbed within the Department's approved budget for 2016 as well as in its proposed budget for 2017. We plan to augment that appropriation by way of future participant cost sharing, third party insurance, and grant support as may be available while retaining a commitment to the operation of the Court without a request for additional levy assistance.

To be clear, the initiative cannot operate without expense. That expense, however, is being born by the Health and Human Services Department as a priority within the limits of Federal, State, local and private funds available to it without any additional ask of the taxpayers. We are pleased to be able to support the Court, delighted to work with the many partners it has taken and will take for the initiative to be successful, and look forward to providing persons struggling with addiction a new path to a better life.

I trust this explanation will prove satisfactory though will be happy to respond to questions should there be any.

TE:te

C: Adam Payne  
Wendy Charnon  
Shannon Otten  
Nicholas Larkin  
Jody Gallaway

1                   SHEBOYGAN COUNTY   RESOLUTION NO. 16 (2016/17)

2  
3           Re:    **Supporting Drug Treatment Court for Sheboygan County**

4  
5  
6           **WHEREAS**, since 2011, prosecutions for possession and delivery of heroin and other  
7 opiates in Sheboygan County have skyrocketed, and

8  
9           **WHEREAS**, Sheboygan County has also experienced a marked increase in property  
10 crimes related to heroin and opiate addictions, and

11  
12           **WHEREAS**, in addition to the toll that heroin and opiate abuse puts on the criminal  
13 justice system, the abuse of heroin and opiates has significant adverse consequences for the  
14 individuals and their families who suffer from addictions, as most dramatically reflected by the  
15 significant increase in heroin and opiate overdoses and deaths in Sheboygan County since  
16 2011, and

17  
18           **WHEREAS**, heroin and other opiates are highly addictive and require intensive and long  
19 term treatment, and

20  
21           **WHEREAS**, because of the particular challenges that heroin and opiate abuse brings to  
22 our community, various Sheboygan County entities, including the Department of Health and  
23 Human Services, the District Attorney's Office, the Public Defender's Office, the Department of  
24 Corrections (Probation & Parole), support of county law enforcement agencies, private  
25 counseling providers and our Circuit Judges have joined to establish a Sheboygan County Drug  
26 Treatment Court to collaboratively and comprehensively apply the full power of the criminal  
27 justice system to address this powerful addiction, and

28  
29           **WHEREAS**, the Criminal Justice Advisory Committee has endorsed this effort,

30  
31           **NOW, THEREFORE, BE IT RESOLVED** that the Sheboygan County Board of  
32 Supervisors hereby supports the Drug Treatment Court initiative commends the entities involved  
33 in the formation of the Drug Treatment Court and believes that this initiative will to provide  
34 assistance to those who have succumbed to addiction and their families.

35  
36           **BE IT FURTHER RESOLVED** that the County Board Clerk is directed to share a copy of  
37 this resolution with the Sheboygan County Circuit Judges and the members of the Criminal  
38 Justice Advisory Committee.

39  
40   (The rest of this page intentionally left blank.)  
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Respectfully submitted this 16<sup>th</sup> day of August, 2016.

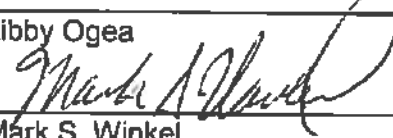
**LAW COMMITTEE**

  
\_\_\_\_\_  
Vernon Koch, Chairperson

  
\_\_\_\_\_  
Thomas V. Epping, Vice-Chairperson

  
\_\_\_\_\_  
Fay Uraynar, Secretary

\_\_\_\_\_  
Libby Ogea

  
\_\_\_\_\_  
Mark S. Winkel

Opposed to Introduction:

\_\_\_\_\_  
\_\_\_\_\_

**FISCAL NOTE**  
**July 2016**

**Resolution No. 16 (2016/17) Re: Supporting Drug Treatment Court for Sheboygan County**

This resolution is to provide support for the formation of the Drug Treatment Court for Sheboygan County. As noted by the Director of Health and Human Services, the costs for the formation of this court are part of the 2017 Budget and will be achieved without an additional levy increase request. Represented in the proposed Health and Human Services budget for 2017 for the operations of this court is an estimated cost of \$223,874.

**Funding:**

Funding for the Drug Treatment Court will be part of the 2017 Budget proposal.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Wendy A. Charon", with a horizontal line extending to the right from the end of the signature.

---

Wendy A. Charon, Finance Director  
September 13, 2016

1                   SHEBOYGAN COUNTY    ORDINANCE NO. 05 (2016/17)

2  
3           Re:    Updating Portion of Peace and Good Order Ordinance  
4               (Marijuana/Synthetic Cannabinoid Possession)

5  
6  
7           WHEREAS, the County Peace and Good Order Ordinance was last updated in a  
8 comprehensive manner by the enactment of Ordinance No. 8 (2002/03) on September 17,  
9 2002, and

10  
11           WHEREAS, because of legislative changes, the Ordinance requires updating;

12  
13           NOW, THEREFORE, the County Board of Supervisors of the County of Sheboygan  
14 does ordain as follows:

15  
16               Section 1.    Updating Section 38.25(a). Section 38.25(a) of the Sheboygan  
17 County Code of Ordinances is hereby amended as follows (deletions indicated by  
18 strikeouts, additions by redlining):

19  
20           (a)    Pursuant to the authority granted to the County Board by Wis. Stat. §§  
21 59.54(25) and (25g), ~~the statutory provisions of Wis. Stat. § 961.41(3g)(e)~~  
22 ~~prohibiting the possession or attempted possession of~~  
23 ~~tetrahydrocannabinols included under Wis. Stat. § 961.14(4)(t) or a~~  
24 ~~controlled substance analog of tetrahydrocannabinols are hereby enacted~~  
25 ~~by reference and made a part of this Ordinance~~the possession of  
26 marijuana as defined at Wis. Stat. § 961.01(14) or the possession of a  
27 synthetic cannabinoid as defined at Wis. Stat. § 961.14(4)(b) is  
28 prohibited, subject to the following limitations:

- 29  
30           (1)    This Ordinance is only applicable to circumstances where the  
31 possession is in an amount of twenty-five (25) grams or less.  
32  
33           (2)    This Ordinance is only applicable if the defendant has not  
34 previously been convicted of a violation of Wis. Stat. §  
35 961.41(3g)(e) or this Ordinance provision.  
36  
37           (3)    This Ordinance does not apply in any Sheboygan County  
38 municipality that has enacted a similar Ordinance prohibiting the  
39 possession of marijuana.  
40  
41           (4)    This Ordinance does not apply where the person has obtained the  
42 substance or the analog directly from or pursuant to a valid  
43 prescription or order of a practitioner who is acting in the course of

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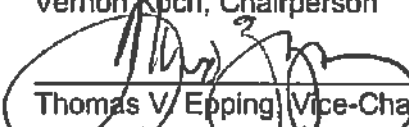
his or her professional practice, or unless the person is otherwise authorized by Wis. Stat. ch. 961 to possess the substance or analog.


Section 2. **Effective Date.** The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 16<sup>th</sup> day of August, 2016.

**LAW COMMITTEE**

  
\_\_\_\_\_  
Vernon Koch, Chairperson

  
\_\_\_\_\_  
Thomas V. Epping, Vice-Chairperson

  
\_\_\_\_\_  
Fay Uraynar, Secretary

\_\_\_\_\_  
Libby Ogea

  
\_\_\_\_\_  
Mark S. Winkel

Opposed to Introduction:  
\_\_\_\_\_  
\_\_\_\_\_

Countersigned by:  
  
\_\_\_\_\_  
Thomas Wegner, Chairperson

**FISCAL NOTE**  
**August 2016**

**Resolution No. 17 (2016/17) Re: Approving Land Swap at Amsterdam Dunes**

**Ordinance No. 05 (2016/17) Re: Updating Portion of Peace and Good Order Ordinance (Marijuana/Synthetic Cannabinoid Possession)**

**Ordinance No. 06 (2016/17) Re: Repealing and Re-creating Chapter 72, Shoreland Ordinance**

**Funding:**

No additional funding is required.

Respectfully Submitted,



---

Wendy A. Charnon, Finance Director  
September 13, 2016

COMMITTEE REPORT TO THE COUNTY BOARD

WE, THE EXECUTIVE COMMITTEE

TO WHOM WAS REFERRED ORDINANCE NO: 06

RE: **Repealing and Recreating Chapter 72, Shoreland Ordinance**

HAVE CONSIDERED THE SAME AND RECOMMEND:

- ADDITIONAL TIME BE GRANTED TO CONSIDER THE MATTER
- THE ORDINANCE BE ENACTED
- FILING WITH THE CLERK
- AMENDING THE ORDINANCE AS FOLLOWS:

Delete Section 72.29 as written and replace with the following:

Pursuant to Wis. Stat. §59.692(1t), no enforcement action shall be commenced against a person who owns a building or structure that is in violation of a shoreland zoning standard or this Ordinance if the building or structure has been in place for more than ten (10) years.

And as so amended, recommend enactment.

RESPECTFULLY SUBMITTED THIS 20th DAY OF September 2016

**EXECUTIVE COMMITTEE**

OPPOSED TO THE REPORT:

\_\_\_\_\_  
THOMAS WEGNER

\_\_\_\_\_  
GEORGE MARTHENZE

\_\_\_\_\_  
WILLIAM C. GOEHRING

\_\_\_\_\_  
VERNON KOCH

\_\_\_\_\_  
EDWARD J. PROCEK

CONCURRING IN THE REPORT:

  
\_\_\_\_\_  
THOMAS WEGNER

\_\_\_\_\_  
GEORGE MARTHENZE

  
\_\_\_\_\_  
WILLIAM C. GOEHRING

  
\_\_\_\_\_  
VERNON KOCH

  
\_\_\_\_\_  
EDWARD J. PROCEK

1                   **SHEBOYGAN COUNTY    ORDINANCE NO. 06 (2016/17)**

2  
3                   **Re:    Repealing and Re-creating Chapter 72, Shoreland Ordinance**

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5  
6                   **WHEREAS**, the Wisconsin legislature, by the enactment of 2015 Wisconsin Act 55,  
7 2015 Wisconsin Act 176, and 2015 Wisconsin Act 291, has made changes to the Wisconsin  
8 shoreland zoning laws which require Sheboygan County to make changes to its Shoreland  
9 Ordinance, and

10  
11                   **WHEREAS**, consistent with these requirements, Sheboygan County has made proposed  
12 modifications to its Shoreland Ordinance, as set forth hereafter, and

13  
14                   **WHEREAS**, Sheboygan County has held a public hearing on July 26, 2016, in which the  
15 proposed changes were presented to the public

16  
17                   **NOW, THEREFORE**, the County Board of Supervisors of the County of Sheboygan  
18 does ordain as follows:

19  
20                   Section 1.    **Repealing and Re-creating Chapter 72.** Chapter 72 of the  
21 Sheboygan County Code of Ordinances is hereby repealed and recreated as follows:

22  
23   **CHAPTER 72**  
24   **SHORELAND ORDINANCE**

25  
26 72.01    **STATUTORY AUTHORITY.** This Ordinance is adopted under the authorization at Wis. Stat. §  
27 59.692 to implement Wis. Stat. §§ 59.692 and 281.31.

28  
29 72.02    **FINDING OF FACT.** Uncontrolled use of the shorelands and wetlands and pollution of the  
30 navigable waters of Sheboygan County will adversely affect the public health, safety,  
31 convenience, and general welfare, and impair the tax base. The Wisconsin legislature has  
32 delegated to the County responsibility to further the maintenance of safe and healthful conditions;  
33 to prevent and control water pollution; to protect spawning grounds, fish and aquatic life; to  
34 control building sites, placement of structures and land uses; to discourage development in  
35 erosion hazard areas, particularly along the coast of Lake Michigan; and to preserve shore cover  
36 and natural beauty. This responsibility is hereby recognized by Sheboygan County.

37  
38 72.03    **STATEMENT OF PURPOSE.** The purpose of this Ordinance is to promote the public health,  
39 safety, convenience, and welfare, and promote and protect the public trust in navigable waters in  
40 the following manner:

41  
42                   (1)    **Furthering the maintenance of safe and healthful conditions and preventing and**  
43                   **controlling water pollution through:**

44  
45                   (a)    **Limiting structures to those areas where soil and geological conditions will**  
46                   **provide a safe foundation;**

47                   (b)    **Establishing minimum lot sizes to provide adequate area for private on-site waste**  
48                   **treatment systems;**

49                   (c)    **Controlling filling and grading to prevent soil erosion problems; and**

50                   (d)    **Limiting impervious surfaces to control runoff which carries pollutants;**

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52                   (2)    **Protecting spawning grounds and fish and aquatic life through:**

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- (a) Preserving wetlands and other fish and aquatic habitat;
  - (b) Regulating pollution sources; and
  - (c) Controlling shoreline alterations, dredging and lagooning;
- (3) Controlling building sites, placement of structures, and land uses through:
- (a) Prohibiting certain uses detrimental to the shoreland-wetlands;
  - (b) Setting minimum lot sizes and widths;
  - (c) Setting minimum building setbacks from waterways; and
  - (d) Setting the maximum height of near shore structures;
- (4) Preserving and restoring shoreland vegetation and natural scenic beauty through:
- (a) Restricting the removal of natural shoreland cover;
  - (b) Preventing shoreline encroachment by structures;
  - (c) Controlling shoreland excavation and other earth-moving activities; and
  - (d) Regulating the use and placement of boathouses and other structures.

72.04 TITLE. This Ordinance shall be known, cited, and referenced to as: **CHAPTER 72, SHORELAND ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN**. As used herein, it may be referred to as "this Ordinance."

72.05 JURISDICTION. Areas regulated by this Ordinance shall include shorelands and wetlands of all navigable waters, as "navigable waters" is defined in Wis. Stat. § 281.31(2)(d) in the unincorporated areas of Sheboygan County which are:

- (1) Within one thousand feet (1,000') of the Ordinary High Water Mark (OHWM) of navigable lakes, ponds, or flowages.
- (2) Within three hundred feet (300') of the OHWM of navigable waterways, or to the landward side of a floodplain, whichever is greater.
- (3) The provisions of this Chapter apply to regulation of the use and development of unincorporated shoreland areas. Unless specifically exempted by law, all cities, villages, towns, counties and, when Wis. Stat. § 13.48(13) applies, state agencies are required to comply with and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance, or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland zoning ordinances if Wis. Stat. § 30.2022(1) applies. Shoreland zoning requirements in annexed or incorporated areas are provided in Wis. Stat. §§ 61.353 and 62.233.
- (4) Lakes, ponds, flowages, or waterways in Sheboygan County shall be presumed to be navigable if they are designated on the shoreland and wetland maps described in Section 72.07 of this Ordinance. If evidence to the contrary is presented (i.e. that they are navigable or that they are not navigable), the Department shall make the determination as to whether or not the waters in question are navigable under the laws of Wisconsin. The Department shall also make the determination of the location of the OHWM. The Department may contact the appropriate office of the DNR for assistance in the determination of navigability or the location of the OHWM.
- (5) Notwithstanding any other provision of law or administrative rule promulgated thereunder pursuant to Wis. Stat. § 281.31(2a), this Shoreland Zoning Ordinance does not apply to:



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- (a) Lands adjacent to farm drainage ditches if:
  - 1. Such lands are not adjacent to a natural stream or river;
  - 2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching, and
- (b) Lands adjacent to artificially constructed drainage ditches, ponds, or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

**72.06 COMPLIANCE.**

- (1) The use of any land or water; the size, shape, and placement of lots; the use, size, type, and location of structures on lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, lagooning, and dredging of any lands; the cutting or removal of shoreland vegetation; and, the subdivision of lots on any area within the boundaries of the districts created and regulated by this Ordinance shall be in full compliance with the terms of this Ordinance and all other applicable local, state, or federal regulations. (See Section 72.20 of this Ordinance for standards applicable to pre-existing, non-conforming uses and structures.) Property owners, builders, and contractors are responsible for all Ordinance and code compliance and for reasonable care in construction or other development.
- (2) 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 Wis. Stat. § 13.48(13). Activities that are carried out under the direction and supervision of the Department of Transportation in connection with highway bridge or other transportation project design, location, construction, reconstruction, maintenance, and repair are not subject to the provisions of this Ordinance, provided the requirements of Wis. Stat. § 30.2022 are complied with. Activity where not exempt under Wis. Stat. § 30.2022 and the activity of County and local highways and bridges shall comply with this Ordinance and follow the procedure established in Wis. Admin. Code Ch. Trans 207, pursuant to an agreement with the DNR, and a Shoreland Zoning Permit shall not be required.  
  
Notwithstanding the above, the permit and hearing fees set may be waived for such governmental applicants or agencies thereof, including special purpose units of government (e.g. sanitary and utility districts, lake management districts, school districts, housing authorities, public utilities).
- (3) Unless specifically exempted or prohibited by law, all maps, plats, or descriptions which are prepared by Sheboygan County or which are prepared by individuals or entities pursuant to this Chapter shall be oriented and referenced to the Sheboygan County Coordinate Grid as defined as the Sheboygan County Coordinate Monumentation System at Section 71.26 of the Sheboygan County Code of Ordinances.

**72.07 SHORELAND DISTRICTS AND BOUNDARIES.** The areas of Sheboygan County regulated by this Ordinance as described in Section 72.05 and 72.06 of this Code are hereby divided into two (2) districts as defined and described in Sections 72.09 and 72.10.

The boundaries of the districts shall follow the boundaries illustrated on the following maps which are hereby adopted and made a part of this Ordinance and which are on file with the Department:

161 "Shoreland Zoning Map, Sheboygan County, Wisconsin" and the supporting Wisconsin Wetland  
162 Inventory Maps for Sheboygan County as found on the Wisconsin Department of Natural  
163 Resources Surface Water Data Viewer as of the date of enactment.  
164

165 72.08 LOCATING BOUNDARIES. Where an apparent discrepancy exists between the boundaries  
166 shown on the maps described in Section 72.07 and actual field conditions at the time the maps  
167 were adopted, the Department shall contact the appropriate office of the DNR to determine if the  
168 boundaries as mapped are in error. If the DNR staff concur with the Department that a particular  
169 area was incorrectly mapped, the Department shall have the authority to immediately grant or  
170 deny a Shoreland Zoning Permit in accordance with the regulations applicable to the correct  
171 zoning district. In order to correct wetland mapping errors on the zoning map described in  
172 Section 72.07, the Department shall be responsible for initiating a map amendment within a  
173 reasonable period of time, but not to exceed one (1) year following the determination.  
174

175 72.09 SHORELAND-WETLAND DISTRICT. This District includes all shorelands subject to regulation  
176 under Section 72.05 which are designated as wetlands on the wetland inventory maps referred to  
177 in Section 72.07 or by application of Section 72.08.  
178

179 (1) PURPOSE. The purpose of the Shoreland-Wetland District is to maintain safe and  
180 healthful conditions, to prevent water pollution, to protect fish spawning grounds and  
181 wildlife habitat, to preserve shore cover and natural beauty, and to control building and  
182 development in wetlands whenever possible. Development in wetlands should be limited  
183 and, when development is permitted, it shall occur in a manner that minimizes the  
184 adverse impacts upon the wetland.  
185

186 (a) Wetlands are seldom suitable as building sites for the following reasons:  
187

- 188 1. On-site sewage disposal systems will not function because of high  
189 ground water.
- 190 2. Water supplies are often polluted by septic tank wastes that have not  
191 been adequately absorbed and purified by the soil.
- 192 3. Foundations, roads, and other pavements crack due to poor support  
193 capabilities and frost action.
- 194 4. Flooding is common in spring and other times of high water.

195 (b) Wetlands provide fish spawning grounds and wildlife habitat, and the natural  
196 plant and animal communities found in wetlands provide ecological balance to a  
197 watercourse.  
198

199 (c) Wetlands serve as water storage areas and, therefore, minimize flooding and  
200 costly flooding damages.  
201

202 (d) Wetlands biologically treat and purify water and, therefore, prevent water  
203 pollution.  
204

205 (2) PERMITTED USES. The following uses shall be allowed, subject to the other general  
206 shoreland zoning regulations as applicable throughout this Ordinance, the provisions of  
207 Wis. Stat. chs. 30 and 31, Wis. Stat. §§ 281.36 and 281.37, and the provisions of other  
208 local, state, and federal laws, if applicable.  
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- (a) Activities and uses which do not require the issuance of a Shoreland Zoning Permit, but which must be carried out without filling, flooding, draining, dredging, ditching, tiling, or excavating:
1. Hiking, fishing, trapping, swimming, boating, and hunting, including the construction and maintenance of blinds for water fowling.
  2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
  3. The practice of silviculture, including the planting, thinning, and harvesting of timber.
  4. The pasturing of livestock.
  5. The cultivation of agricultural crops.
- (b) Uses which do not require the issuance of a Shoreland Zoning Permit and which may involve limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
1. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.
  2. The cultivation of cranberries including flooding, dike and dam construction, or ditching necessary for the growing and harvesting of cranberries.
  3. The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating, and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible.
  4. The construction or maintenance of fences for the pasturing of livestock including limited excavating and filling necessary for such construction or maintenance.
  5. The construction or maintenance of piers, docks or walkways built on pilings including limited excavating and filling necessary for such construction and maintenance.
  6. The maintenance, repair, replacement, or reconstruction of existing town and county highways and bridges including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.
- (c) Uses which require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, tiling, or excavating, but only to the extent specifically provided below:

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1. The construction and maintenance of roads which are necessary to conduct silvicultural activities or are necessary for agricultural cultivation provided that:
  - A. The road cannot, as a practical matter, be located outside the wetland
  - B. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland enumerated in Section 72.09(4)(b)1 through 7;
  - C. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
  - D. Road construction activities are carried out in the immediate area of the roadbed only.
  
2. The construction and maintenance of non-residential buildings provided that:
  - A. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals or some other use permitted in the Shoreland-Wetland District;
  - B. The building cannot, as a practical matter, be located outside the wetland;
  - C. Such building is not designed for human habitation and does not exceed five hundred (500) square feet in floor area; and
  - D. Filling or excavating is authorized only to that which is necessary to provide structural support for the building.
  
3. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
  - A. Any private development is used exclusively for the permitted purpose and the applicant has received a permit or license under Wis. Stat. ch. 29, where applicable;
  - B. Filling or excavating necessary for the construction or maintenance of boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria of Section 72.09(2)(c); and
  - C. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor educational areas, historic and scientific areas, wildlife refuges, game, bird, and animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

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4. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power, or water to their members, and the construction or maintenance of railroad lines, provided that:
  - A. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland; and
  - B. Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetlands enumerated in Section 72.09(4)(b)1 through 7.

(3) PROHIBITED USES. Any use not listed in Section 72.09(2), above, is prohibited, unless the wetland or a portion of the wetland is rezoned by an amendment of this Ordinance in accordance with the requirements of Wis. Stat. § 59.69(5)(e), Wis. Admin. Code Ch. NR 115, and Section 72.09(4).

(4) REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT.

- (a) For all proposed text and map amendments to the Shoreland-Wetland District, the appropriate office of the DNR shall be provided with the following:
  1. A copy of every petition for a text or map amendment to the Shoreland-Wetland District within five (5) days of the filing of such petition with the County Clerk with a copy to the Department. Such petition shall include a copy of the Wisconsin Wetland Inventory Map adopted and referred to at Section 72.07 describing the proposed rezoning of a shoreland-wetland;
  2. Written notice of the public hearing to be held on a proposed amendment, at least ten (10) days prior to such hearing;
  3. A copy of the Department'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
  4. Written notice of the County Board's enactment or other action, within ten (10) days after it is issued.
- (b) A wetland or a portion thereof in the Shoreland-Wetland District shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
  1. Storm and flood water storage capacity;
  2. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
  3. Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;

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4. Shoreline protection against soil erosion;
5. Fish spawning, breeding, nursery, or feeding grounds;
6. Wildlife habitat; or
7. Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in Wis. Admin. Code § NR 103.04 which can be accessed at the following web site:

<http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.

- (c) If the DNR has notified the Department that a proposed text or map amendment to the Shoreland-Wetland District may have a significant adverse impact upon any of the criteria listed in Subsection (b), above, that amendment, if approved by the County Board, shall contain the following provision: "This amendment shall not take effect until more than thirty (30) days have elapsed since written notice of the County Board's approval of this amendment was mailed to the DNR. During that thirty- (30-) day period, the DNR may notify the County Board that it will adopt a superseding shoreland ordinance for the County under Wis. Stat. § 59.692(6). If the DNR does so notify the County Board, the effect of this amendment shall be stayed until the adoption procedure under Wis. Stat. § 59.692(6) is completed or otherwise terminated. If the DNR does not so notify the County Board, the amendment shall take effect upon publication." The Department shall notify the property owner that the amendment has been stayed.

#### 72.10 SHORELAND DISTRICT.

- (1) DESIGNATION. This District includes all shorelands subject to regulation under Section 72.05 which are not designated as wetlands on the "Shoreland Zoning Map" and wetland inventory maps cited in Section 72.07.
- (2) PURPOSE. The purpose of the Shoreland District is to protect waters by providing for safe and orderly shoreland development. In this District, residential, recreational, and conservancy uses are permitted and a limited number of commercial uses are allowed as conditional uses. All permitted uses or conditional uses are subject to the general provisions of this Ordinance and all other applicable laws and regulations.
- (3) PERMITTED USES.
  - (a) Any use permitted under Section 72.09(2), except that if the use requires the issuance of a Shoreland Zoning Permit under Section 72.09, it requires a Shoreland Zoning Permit under this Section as well.
  - (b) Single-family detached dwellings, including mobile homes that meet the definition and standards set forth in Section 72.31(35), provided a Shoreland Zoning Permit under Section 72.23 is issued.
  - (c) Parks and playgrounds, provided a Shoreland Zoning Permit under Section 72.23 is issued.

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- (d) Accessory uses, provided a Shoreland Zoning Permit under Section 72.23 is issued.
  - (e) Boathouses, provided they meet the standards of Section 72.15(2)(a), and provided a Shoreland Zoning Permit under Section 72.23 is issued.
  - (f) Signs that meet the Shoreland setback requirement if approved by the Town in which they are located.
- (4) **CONDITIONAL USES.** The following uses, if permitted or approved pursuant to the underlying municipal zoning and other land use ordinances, are permitted upon the issuance of a Conditional Use Permit according to the procedure set forth in Section 72.24.
- (a) Two- (2-) family dwellings.
  - (b) Multiple-family dwellings.
  - (c) Planned Unit Developments, planned, designed, and developed in conformance with Section 71.24 of the Sheboygan County Code of Ordinances. The County Board may, at its discretion, upon its own motion or upon petition, approve a Planned Residential Unit Development Overlay District upon finding, after a public hearing, that all of the following facts exist:
    - 1. **Area.** The area proposed for the Planned Residential Unit Development shall be at least two (2) acres in size or have a minimum of two hundred (200) feet of frontage on navigable water.
    - 2. **Lots.** Any proposed lot in the Planned Residential Unit Development that does not meet the minimum size standards of Section 72.14 and as otherwise may be required shall be a non-riparian lot.
    - 3. **Vegetative buffer zone and preservation of ground cover.** The location of lots and the dedication of part of the land for use by the public or residents of the Planned Residential Unit Development shall preserve the vegetative buffer zone and ground cover of the shoreland to enhance scenic beauty of the navigable water, prevent erosion, and provide wildlife habitat. In cases where the vegetative buffer does not exist it shall be re-established. All lands not used for lots and streets shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of lots in the development or to a corporation formed by them, or by dedication to the County, Town, or municipality. Lands dedicated to the public must be accepted by action of the governing body of the accepting unit of government. If the land is to be conveyed to owners of lots in the development, a homeowner's association, or similar legally constituted body shall be created to maintain the open space land. Any restriction placed on platted land by covenant, grant of easement, or any other manner which was required by a public body or which names a public body as grantee, promisee, or beneficiary, shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction.

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- 4. Density. The number of platted lots shall not exceed those which would have been possible if the same land were platted in accordance with the minimum lot sizes and widths provided by the applicable provisions of the zoning ordinance. This figure shall be determined by dividing the total area of the subdivision by the minimum lot size requirement by Section 72.14.
  
- 5. Lot sizes, widths, setbacks, and vegetation removal. When considering approval of a Planned Residential Unit Development, the governing body shall consider whether proposed lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions shall apply, except that maximum width of a lake frontage opening shall be one hundred (100) feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.
  - (d) Public, parochial, and private schools.
  - (e) Churches and similar places of religious worship.
  - (f) Professional offices.
  - (g) Governmental and cultural uses such as fire and police stations, community centers, municipal buildings, libraries, cemeteries, and museums.
  - (h) Golf courses and country clubs.
  - (i) Hotels, resorts [including two (2) or more seasonal dwelling units on a single lot for rent or lease], motels, restaurants, dinner clubs, taverns, and other private or public clubs.
  - (j) Recreational camps and campgrounds. Recreational camps shall conform to Wis. Admin. Code Ch. H 75 and campgrounds shall conform to Wis. Admin. Code Ch. H 78.
  - (k) Individual gift and retail specialty shops.
  - (l) Marinas, boat liveries, bait shops, sports equipment stores, watercraft and marine motor sales and service stores, and fish farms.
  - (m) Agricultural uses, provided that the following conditions shall apply in addition to any other conditions that may be established by the Committee:
    - 1. New farm buildings housing animals, and all new barnyards or feedlots shall be located so that manure will not drain into any navigable water. (Waste collection and disposal systems may be required to prevent manure from draining into any navigable water.)
    - 2. The floodplain zoning standards set forth in Chapter 73 of the Sheboygan County Code of Ordinances shall apply hereto.



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- (n) Warehouses, provided that the underlying zoning is industrial or commercial and that the following conditions shall apply in addition to any other conditions that may be established by the Committee:
  - 1. Stormwater management and erosion control plans (prepared in accordance with Wis. Admin. Code Chs. NR 151 and NR 152 or Chapter 78 of the Sheboygan County Code of Ordinances regardless of whether a permit might otherwise be required, whichever is more restrictive) shall be submitted for developments in which parking lots, support and accessory facilities, and other impervious surfaces, in the aggregate, exceed ten thousand (10,000) square feet in area. Such plans shall discourage direct stormwater discharge to the navigable waters, or shall provide for adequate detention/retention or pretreatment.
  - 2. The storage, processing, or manufacture of any materials hazardous, explosive, or otherwise injurious to humans, animals, vegetation, ground, and surface waters shall be prohibited.
  - 3. Motor vehicle service and repair facilities shall be prohibited.
  
- (o) Light Industry, provided that the following conditions shall apply in addition to any other conditions that may be established by the Committee:
  - 1. The underlying municipal zoning is industrial or commercial.
  - 2. Stormwater management and erosion control plans for the site shall be required and implemented. The plans and implementation shall be reviewed and approved by the Department for existing developments in which parking lots, support and accessory facilities, and other impervious surfaces, in the aggregate, exceed ten thousand (10,000) square feet in area. The plans and their implementation shall be based on Best Management Practices (BMPs) and shall be designed and installed to handle the largest storm event possible considering the physical constraints of the existing property prior to the planning and construction of additional impervious surfaces. The plans shall discourage direct stormwater discharge to the navigable waters, or shall provide for adequate detention/retention or pretreatment. In addition, the plans shall include an "Operation and Maintenance Plan" that establishes monitoring and maintenance requirements for the BMPs to ensure the BMPs will operate as designed and thereby protect the waters of the state. BMPs shall be constructed prior to the start of the industrial/manufacturing operation pending soil and weather conditions.
  - 3. Outdoor storage of raw materials, finished products, and waste materials/process by-products shall be prohibited or otherwise screened from view and covered to prevent off-site migration via wind or water.
  - 4. The storage, processing, or manufacture of any materials which are hazardous, explosive, or otherwise injurious to humans,

588 animals, vegetation, ground, and surface waters shall be  
589 prohibited.  
590  
591 5. Motor vehicle service and repair facilities shall be prohibited.  
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593 (p) Non-metallic mining, provided all provisions of Chapter 78 of the Sheboygan  
594 County Code of Ordinances are adhered to regardless of whether a permit is  
595 required and provided that the activity has a set-back of three hundred (300') feet  
596 from the OHWM.  
597

598 72.11 LAND DIVISION REVIEW. In addition to the zoning provisions set forth herein, all land divisions  
599 involving land in the Shoreland-Wetland District and/or in the Shoreland District are subject to the  
600 requirements of Chapter 71 of the Sheboygan County Code of Ordinances, including Section  
601 71.16 thereof.  
602

603 72.12 *RESERVED.*  
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605 72.13 SANITARY REGULATIONS. In addition to the zoning provisions set forth herein, all land in the  
606 Shoreland-Wetland District and/or in the Shoreland District are subject to the sanitary regulations  
607 of Chapter 70 of the Sheboygan County Code of Ordinances.  
608

609 72.14 BUILDING SITES AND DIMENSIONS. Any Shoreland Zoning Permit or Conditional Use Permit  
610 issued hereunder shall have as applicable these additional requirements:  
611

612 (1) The dimensions of all building lots hereinafter created shall be subject to Chapter 71 of  
613 the Sheboygan County Code of Ordinances, and in addition, in order to afford protection  
614 against danger to health, safety, and welfare and protection against pollution of adjacent  
615 bodies of water:  
616

617 (a) "Sewered lots." Lots served by a public sanitary sewer shall have a minimum  
618 width of sixty-five feet (65') and ten thousand (10,000) square feet of area. If  
619 abutting a navigable waterway, it shall have at least sixty-five feet (65') of  
620 frontage at the OHWM.  
621

622 (b) "Unsewered lots." Lots not served by a public sanitary sewer shall have a  
623 minimum width of one hundred feet (100'), and twenty thousand (20,000) square  
624 feet of area. If abutting a navigable waterway, it shall also have at least one  
625 hundred feet (100') of frontage at the OHWM.  
626

627 (2) A legally-created lot or parcel that met minimum area and minimum average width  
628 requirements when created but does not meet current lot size requirements may be used  
629 as a building site if all of the following apply:  
630

631 (a) The substandard lot or parcel was never reconfigured or combined with another  
632 lot or parcel by plat, survey, or consolidation by the owner into one (1) parcel;  
633

634 (b) The substandard lot or parcel has never been developed with one (1) or more of  
635 its structures placed partly upon an adjacent lot or parcel; and  
636

637 (c) The substandard lot or parcel is developed to comply with all other ordinance  
638 requirements.  
639

- 640 (3) Except for lots which meet the requirements of Section 72.14(1) and (2), a Shoreland  
 641 Zoning Permit for the improvement of a lot having lesser dimensions than those stated  
 642 herein shall be issued only if a variance is granted by the Board of Adjustments.  
 643
- 644 (4) Only one (1) principal structure and one (1) principal use shall be permitted on a single  
 645 parcel, lot, or tract of land unless expressly approved on an individual basis for such uses  
 646 as Planned Unit Developments, condominiums, or other clustered projects, in  
 647 accordance with the provisions of Sections 72.10, 72.11, and 72.13.  
 648
- 649 (5) Accessory structures shall not be constructed or placed until their principal structure is  
 650 present or under construction.  
 651

652 72.15 SETBACKS. In order to conform to health and safety concerns, preserve natural beauty, reduce  
 653 flood hazards, and avoid water pollution, any use of property within a Shoreland-Wetland District  
 654 or a Shoreland District shall have as applicable these additional requirements:  
 655

- 656 (1) SETBACKS FROM THE OHWM. [NOTE: Setbacks hereunder are to be measured at  
 657 right angles from lot lines or the OHWM, horizontally, to the closest projection of the  
 658 structure or integral part thereof, including attached decks, porches, balconies, attached  
 659 covered stairs and landings, chimneys, such architectural projections as sills, eaves, and  
 660 belt courses, and attached garages.]

661 (a) Inland Navigable Waters, except if exempt or reduced as hereafter provided.

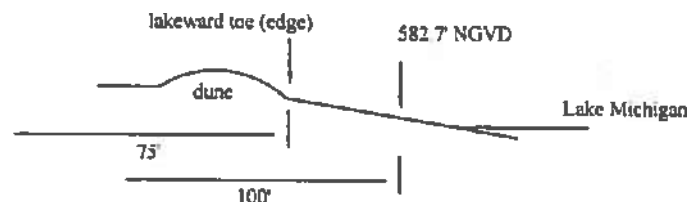
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- 663 1. Required Setbacks. All structures shall require a setback of at least  
 664 seventy-five feet (75') from the OHWM although a greater setback may  
 665 be required where otherwise regulated by the floodplain provisions of  
 666 Chapter 73 of the County Code of Ordinances or other more restrictive  
 667 ordinances.  
 668

669 (b) Lake Michigan.

- 670 1. Findings of Fact. Lake Michigan possesses unique ecological  
 671 characteristics, water level fluctuations, and erosion hazards, not found  
 672 on other surface waters in Sheboygan County.  
 673
- 674 2. Required Setbacks. All structures shall be set back at least one hundred  
 675 feet (100') from the OHWM elevation of 582.7' National Geodetic Vertical  
 676 Datum (NGVD) or Mean Sea Level (MSL) or 75' from the lakeward toe of  
 677 the natural primary dune, whichever is less.  
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Toe The lowest point on the slope of a dune  
 or bluff

Lakeward toe The toe or edge on the lake  
 side of the dune.



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(c) **Reduced Setback for New Principal Structures.** A setback less than the seventy-five foot (75') required setback from the OHWM shall be permitted for a proposed principal structure and shall be determined as follows:

1. Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the OHWM provided all of the following are met:
  - A. Both of the existing principal structures are located on an adjacent lot to the proposed principal structure;
  - B. Both of the existing principal structures are located within two hundred fifty feet (250') of the proposed principal structure;
  - C. Both of the existing principal structures are located less than seventy-five feet (75') from the OHWM; and
  - D. The average setback shall not be reduced to less than thirty-five feet (35') from the OHWM of any navigable water.

Functional appurtenances such as decks or porches that are attached to the proposed principal structure must comply with the reduced principal structure setback but shall not be used in the calculation of the reduced principal structure setback.

(2) **EXEMPT STRUCTURES.** All of the following structures are exempt from the setback standards in Subsection (1), above:

- (a) **Boathouses** located entirely above the OHWM and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation, subject to the following:
  1. Boathouses shall be designed and constructed solely for the storage of watercraft and related equipment.
  2. Only one boathouse is permitted on a lot as an accessory structure.
  3. Boathouses shall not exceed one (1) story in height.
  4. Boathouses shall not extend below the OHWM or more than thirty feet (30') landward of the OHWM and shall be constructed in conformity with all floodplain zoning standards.
  5. The sidewall height of boathouses shall not exceed ten feet (10').
  6. The main door must face or open towards the lake.
  7. The roof of a boathouse may be used as a deck provided that:
    - A. The boathouse has a flat roof;
    - B. The roof has no side walls or screens; and

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- C. The roof may have a railing that meets the Department of Safety and Professional Services standards.
  
- (b) Open-sided and screened structures such as gazebos, decks, patios, and screen houses in the shoreland setback area that satisfy the requirements in Wis. Stat. § 59.692(1v).
  - 1. The part of the structure that is nearest to the water is located at least thirty-five feet (35') landward from the OHWM.
  - 2. The floor area of all the structures in the shoreland setback area will not exceed two hundred (200) square feet excepting stairways, walkways, and boathouses.
  - 3. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
  - 4. The Department must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least seventy percent (70%) of the half of the shoreland setback area that is nearest to the water.
  - 5. A Department-approved affidavit must be filed by the property owner with the Register of Deeds prior to construction acknowledging the limitations on the vegetation required above which shall run with the land.
  - 6. The structure must be free-standing and more than five feet (5') from a principal structure.
  
- (c) Broadcast signal receivers, including satellite dishes or antennas that are one (1) meter or less in diameter and satellite earth station antennas that are two (2) meters or less in diameter, and small, moveable structures at the discretion of Department staff.
  
- (d) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with Wis. Admin. Code Ch. SPS 383, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.
  
- (e) Walkways, stairways, or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of sixty (60) inches in width. One (1) walkway is allowed per single-family residential property; two (2) walkways are allowed for a two-family residence. For all other uses, one (1) walkway is allowed per one hundred feet (100') of frontage.
  
- (f) Devices or systems used to treat runoff from impervious surfaces.
  
- (3) **EXISTING EXEMPT STRUCTURES.** Existing exempt structures that were legally constructed may be maintained, repaired, replaced, restored, rebuilt, and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure without permit, fee, or

788 mitigation. Expansion of a structure beyond the existing footprint is allowed if the  
789 expansion is necessary to comply with applicable state or federal requirements.

790  
791 (4) FLOODPLAIN STRUCTURES. Buildings and structures to be constructed or placed in a  
792 floodplain shall be required to comply with Chapter 73 of the Sheboygan County Code of  
793 Ordinances.

794  
795 (5) BLUFF SETBACKS. From the north City of Sheboygan limit to the north County line the  
796 coast of Lake Michigan consists almost entirely of steep bluffs  $\pm 50$  feet in height; long-  
797 term recession (erosion) rates of  $\pm 2$  feet per year have been recorded along this coastal  
798 reach. To protect property and life and minimize costly damage, the structure setback in  
799 this area is based upon the long-term recession rate of two feet (2') per year and a fifty-  
800 (50-) year period as the useful life of the structure. As such, all new principal structures  
801 must be setback at least one hundred feet (100') from the edge of the bluff. New  
802 accessory structures must meet the setback found in Section 72.15 (1)(a)1.

803  
804 The Board of Adjustment may approve, as a variance under the provisions of Section  
805 72.25, a reduction of the bluff setback upon presentation by the applicant of acceptable  
806 engineering studies documenting:

- 807  
808 A. Lower recession rates;  
809 B. More stable slope conditions;  
810 C. Plans for structural protection against wave attack; and  
811 D. Plans for stabilization of the bluff or shoreline.

812  
813 72.16 VEGETATION

814  
815 (1) Purpose. To protect water quality, fish and wildlife habitat and natural scenic beauty, and  
816 to promote preservation and restoration of native vegetation, owners of property in  
817 shoreland-wetland zones and/or shoreland zones must consider sound forestry and soil  
818 conservation practices and the effect of vegetation removal on water quality, including  
819 soil erosion, and the flow of effluents, sediments and nutrients.

820  
821 (2) Limitations. Land that extends from the ordinary high water mark to a minimum of  
822 thirty-five feet (35') inland shall be designated as a vegetative buffer zone and removal of  
823 vegetation in the vegetative buffer zone is prohibited except as follows:

824  
825 (a) Routine maintenance of vegetation is allowed.  
826  
827 (b) Removal of trees and shrubs in the vegetative buffer zone is allowed to create  
828 access and viewing corridors. The viewing corridor may be thirty-five feet (35')  
829 wide for every one hundred feet (100') of shoreline frontage or a maximum of  
830 thirty-five percent (35%) of the frontage. The viewing corridor may run  
831 contiguously for the entire maximum width of shoreline frontage owned.

832  
833 (c) Removal of trees and shrubs in the vegetative buffer zone on a parcel with ten  
834 (10) or more acres of forested land consistent with "generally accepted forestry  
835 management practices" as defined in Wis. Admin. Code  $\S$  NR 1.25(2)(b) and  
836 described in DNR publication *Wisconsin Forest Management Guidelines*  
837 (publication FR-226), provided that vegetation removal be consistent with these  
838 practices.

839  
840 (d) Removal of vegetation within the vegetative buffer zone is allowed to manage  
841 exotic or invasive species, damaged vegetation, vegetation that must be

842 removed to control disease, or vegetation creating an imminent safety hazard,  
843 provided that any vegetation removed under the permit be replaced by replanting  
844 in the same area as soon as practicable. The Department may require  
845 documentation from a qualified professional supporting the need for removal of  
846 the additional vegetation.  
847

848 (e) Additional vegetation management activities in the vegetative buffer zone may be  
849 authorized by permit. The permit shall require that all management activities  
850 comply with detailed plans approved by the Department and designed to control  
851 erosion by limiting sedimentation into the waterbody, to improve the plant  
852 community by replanting in the same area, and to maintain and monitor the  
853 newly-restored area. The permit also shall require an enforceable restriction to  
854 preserve the newly-restored area. The Department may require documentation  
855 from a qualified professional supporting the need for additional vegetation  
856 management activities.  
857

858 (3) Cutting More than Thirty-five Feet (35') Inland. From the inland edge of the thirty-five-foot  
859 (35') area to the outer limits of the shoreland, the cutting of vegetation shall be allowed  
860 when accomplished using accepted forest management and soil conservation practices  
861 which protect water quality.  
862

863 72.17 FILLING, DREDGING, LAGOONING, GRADING, DITCHING, AND EXCAVATING. Any filling,  
864 grading, lagooning, dredging, ditching, and excavating on property within a Shoreland-Wetland  
865 District or a Shoreland District shall be permitted only in accordance with the provisions of Wis.  
866 Admin. Code § NR 115.04, the requirements of Wis. Stat. chs. 30 and 31 and only if done in a  
867 manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat  
868 and natural scenic beauty, and these additional requirements:  
869

870 (1) GENERAL STANDARDS. Filling, dredging, lagooning, grading, ditching, or excavating  
871 which does not require a Shoreland Zoning Permit is allowed, provided that:  
872

873 (a) It is done in a manner designed to minimize erosion, sedimentation, and  
874 impairment of fish and wildlife habitat.  
875

876 (b) Filling, dredging, lagooning, grading, ditching, or excavating in a  
877 shoreland-wetland area meets the requirements of Section 72.09(2)(b).  
878

879 (c) A local, state, or federal permit is obtained if local, state, or federal laws require  
880 the issuance of a permit for the filling, dredging, lagooning, grading, ditching, or  
881 excavating that is proposed.  
882

883 (d) Any fill placed in the shoreland area is protected against erosion by the use of  
884 riprapping, vegetative cover, or a bulkhead.  
885

886 (2) PERMIT REQUIRED. Except as provided in Section 72.17(4), a Shoreland Zoning  
887 Permit is required:  
888

889 (a) For development anywhere in a mapped floodplain under the jurisdiction of  
890 Chapter 73 of the Sheboygan County Code of Ordinances.  
891

892 (b) For any filling or grading of any area which is within three hundred feet (300') of  
893 the OHWM of a navigable waterway and which has surface drainage toward the  
894 water and on which there is either:  
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1. Any filling or grading on slopes of twenty percent (20%) or more; or
  2. Filling or grading of more than one thousand (1,000) square feet on slopes of twelve percent (12%) to twenty percent (20%); or
  3. Filling or grading of more than two thousand (2,000) square feet on slopes of twelve percent (12%) or less.
- (c) For construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake, or similar waterway which is within three hundred feet (300') of the OHWM of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

(3) **PERMIT CONDITIONS.** In granting a permit under Subsection (2), above, the Department shall attach the following conditions, where appropriate, in addition to those provisions specified in Sections 72.23.

- (a) The smallest amount of bare ground shall be exposed for as short a time as feasible.
- (b) Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.
- (c) Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.
- (d) Lagoons shall be constructed to avoid fish trap conditions.
- (e) Fill shall be stabilized according to accepted engineering standards.
- (f) Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.
- (g) Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.

(4) **SOIL CONSERVATION PRACTICES AND AGRICULTURAL DRAINAGE MAINTENANCE.**

- (a) Soil conservation practices such as tiled terraces, runoff diversions and grassed waterways used for erosion control shall not require a permit when designed and constructed to Natural Resources Conservation Service technical standards.
- (b) The maintenance of existing agricultural drainage systems shall be permitted in conformity with the following construction standards:
  1. The maintenance dredging of farm drainage ditches is limited to reestablishing the original ditch cross section unless a permit under Section 72.17(2) is obtained.
  2. Ditch banks shall be constructed at a slope of 2 horizontal to 1 vertical (50% grade) or flatter.



- 950 3. Ditch banks shall be maintained in a sod cover and free of woody  
951 vegetation.  
952  
953 4. A minimum thirty-five- (35-) foot wide buffer strip of untilled, ungrazed  
954 sod cover shall be maintained adjacent to the ditch bank.  
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956 **72.18 IMPERVIOUS SURFACE STANDARDS.**  
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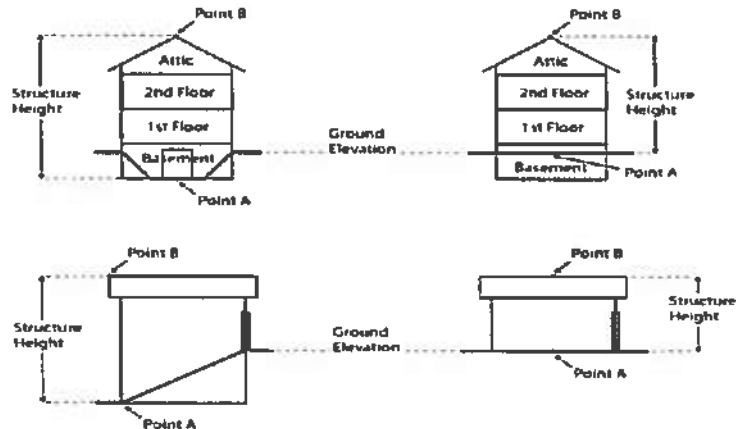
- 958 (1) **PURPOSE.** To protect water quality and fish and wildlife habitat and to protect against  
959 pollution of navigable waters, these impervious surface standards are established and  
960 shall apply to the construction, reconstruction, expansion, replacement, or relocation of  
961 any impervious surface on a riparian lot or parcel and any nonriparian lot or parcel that is  
962 located entirely within three hundred feet (300') of the OHWM of any navigable waterway.  
963 These standards are in addition to and do not supersede any other applicable provisions  
964 of this Ordinance.  
965
- 966 (2) **CALCULATION OF IMPERVIOUS SURFACE.** The percentage of impervious surface  
967 shall be calculated by dividing the surface area of existing and proposed impervious  
968 surfaces on the portion of a lot or parcel that is within three hundred feet (300') of the  
969 OHWM by the total surface area of the lot or parcel and multiplying by one hundred  
970 (100). The Department may require a survey of existing impervious surfaces to be  
971 included as part of the permit application.  
972
- 973 (3) **IMPERVIOUS SURFACE STANDARD.** Up to fifteen percent (15%) impervious surface  
974 can be permitted on the portion of a lot or parcel that is within three hundred feet (300') of  
975 the OHWM.  
976
- 977 (4) **MAXIMUM IMPERVIOUS SURFACE.** More than fifteen percent (15%) but not more than  
978 thirty percent (30%) impervious surface can be permitted on the portion of a lot or parcel  
979 that is within three hundred feet (300') of the OHWM, but for that portion of the  
980 development that exceeds fifteen percent (15%) impervious surface but not more than  
981 thirty (30%) impervious surface, a permit shall be required which includes a mitigation  
982 plan that meets the standards found in Section 72.21.  
983
- 984 (5) **TREATED IMPERVIOUS SURFACES.** Impervious surfaces that can be documented to  
985 show they must meet either of the following standards shall be excluded from the  
986 impervious surface calculations under Section 72.18(2) of this Code.  
987
- 988 (a) The impervious surface is treated by devices such as stormwater ponds,  
989 constructed wetlands, infiltration basins, rain gardens, bio-swales, or other  
990 engineered systems and a maintenance plan is signed by the property owner  
991 and recorded with the Register of Deeds.  
992
- 993 (b) The runoff from the impervious surface discharges to an internally drained  
994 pervious area that retains the runoff on or off the parcel and allows infiltration into  
995 the soil. If the internally drained area is located off the parcel, written permission  
996 must be granted from owner of the property to receive the runoff and submitted  
997 to the Department.  
998
- 999 (6) **EXISTING IMPERVIOUS SURFACES.** For existing impervious surfaces that were  
1000 lawfully placed when constructed but that do not comply with the impervious surface  
1001 standards provided herein, the property owner may do any of the following:  
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- 1003 (a) maintain and repair the existing impervious surfaces;

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- (b) replace existing impervious surfaces with similar surfaces within the existing impervious surface footprint;
- (c) relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of this Ordinance, and the impervious surface meets the applicable setback requirements in Section 72.15.

(7) **CONSTRUCTION.** This Section of the Ordinance shall not be construed to supersede the other provisions in this Ordinance. Maintenance, reconstruction, relocation, and expansion of existing structures must comply with other provisions in this Ordinance, including the shoreland setback and non-conforming structures provisions.

72.19 **HEIGHT.** To protect and preserve wildlife habitat and natural scenic beauty, construction shall not be permitted that results in a structure taller than thirty-five feet (35') within seventy-five feet (75') of the OHWM of any navigable waters. Structure height shall be measured as follows: The measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram) unless specified under other Sections of this Ordinance.



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72.20 **NONCONFORMING USES AND STRUCTURES AND STRUCTURES AUTHORIZED BY VARIANCE.**

- (1) **DISCONTINUED NONCONFORMING USE.** If a nonconforming use is discontinued for a period of twelve (12) months, any future use of the building, structure, or property shall conform to this Ordinance.
- (2) **MAINTENANCE, REPAIR, REPLACEMENT, OR VERTICAL EXPANSION OF NONCONFORMING STRUCTURES.** An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt, or remodeled if the activity does not expand the footprint of the nonconforming structure without permit, fee, or mitigation. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded without permit fee or mitigation unless the vertical expansion would extend more than thirty-five feet

1045 (35') above grade level. The expansion of a structure beyond the existing footprint may  
1046 be allowed if the expansion is necessary to comply with applicable state or federal  
1047 requirements.  
1048

1049 (3) LATERAL EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURE WITHIN  
1050 THE SETBACK. An existing principal structure that was lawfully placed when  
1051 constructed but that does not comply with the required building setback pursuant to  
1052 Section 72.15 of this Code may be expanded laterally, provided that all of the following  
1053 requirements are met:  
1054

1055 (a) The use of the structure has not been discontinued for a period of twelve (12)  
1056 months or more if a nonconforming use.

1057  
1058 (b) The existing principal structure is at least thirty-five feet (35') from the OHWM.

1059  
1060 (c) Lateral expansions are limited to a maximum of two hundred (200) square feet  
1061 over the life of the structure.

1062  
1063 (d) No portion of the expansion may be any closer to the OHWM than the closest  
1064 point of the existing principal structure.

1065  
1066 (e) The County shall issue a permit that requires a mitigation plan that shall be  
1067 approved by the County and implemented by the property owner by the date  
1068 specified in the permit. The mitigation plan shall meet the standards found in  
1069 Section 72.21 of this Code.

1070  
1071 (f) All other provisions of this Ordinance shall be met.

1072  
1073 (4) EXPANSION OF A NONCONFORMING PRINCIPAL STRUCTURE BEYOND  
1074 SETBACK. An existing principal structure that was lawfully placed when constructed but  
1075 that does not comply with the required building setback under Section 72.15, may be  
1076 expanded horizontally, landward, or vertically provided that the expanded area meets the  
1077 building setback requirements of Section 72.15 and that all other provisions of this  
1078 Ordinance are met. A mitigation plan is not required solely for expansion under this  
1079 Subsection but may be required under Section 72.18.  
1080

1081 (5) RELOCATION OF NONCONFORMING PRINCIPAL STRUCTURE. An existing principal  
1082 structure that was lawfully placed when constructed but that does not comply with the  
1083 required building setback per Section 72.15 may be relocated on the property provided all  
1084 of the following requirements are met:

1085  
1086 (a) The use of the structure has not been discontinued for a period of twelve (12)  
1087 months or more if a nonconforming use.

1088  
1089 (b) The existing principal structure is at least thirty-five feet (35') from the OHWM.

1090  
1091 (c) No portion of the relocated structure is located any closer to the OHWM than the  
1092 closest point of the existing principal structure.

1093  
1094 (d) The Department determines that no other location is available on the property  
1095 taking into consideration other site constraints such as vegetation, lot line and  
1096 road setbacks, and topography and utilities to build a principal structure of a  
1097 comparable size to the structure proposed for relocation that will result in  
1098 compliance with the shoreland setback requirement per Section 72.15.

1099  
1100 (e) The Department shall issue a permit that requires an approved mitigation plan  
1101 which shall be implemented by the property owner by the date specified in the  
1102 permit. The mitigation plan shall meet the standards found in Section 72.21 and  
1103 shall include enforceable obligations of the property owner to establish or  
1104 maintain measures that the Department determines are adequate to offset the  
1105 impacts of the permitted construction on water quality, near-shore aquatic  
1106 habitat, upland wildlife habitat, and natural scenic beauty. The mitigation  
1107 measures shall be proportional to the amount and impacts of the replaced or  
1108 relocated structure being permitted. The obligations of the property owner under  
1109 the mitigation plan shall be evidenced by an instrument approved by the  
1110 Department and recorded by the owner in the office of the Register of Deeds.  
1111  
1112 (f) All other provisions of this Ordinance shall be met.  
1113  
1114 (6) WET BOATHOUSES. The maintenance and repair of nonconforming boathouses which  
1115 extend landward of the OHWM of any navigable waters shall comply with Wis. Stat. §  
1116 30.121.  
1117  
1118 72.21 MAINTENANCE, REPAIR, REPLACEMENT, OR VERTICAL EXPANSION OF STRUCTURES  
1119 THAT WERE AUTHORIZED BY VARIANCE. A structure of which any part has been authorized  
1120 to be located within the shoreland setback area by a variance granted before July 15, 2015, may  
1121 be maintained, repaired, replaced, restored, rebuilt, or remodeled without permit, fee, or  
1122 mitigation if the activity does not expand the footprint of the authorized structure. Additionally, the  
1123 structure may be vertically expanded without permit, fee, or mitigation unless the vertical  
1124 expansion would extend more than thirty-five feet (35') above grade level. Expansion of a  
1125 structure beyond the existing footprint may be allowed if the expansion is necessary to comply  
1126 with applicable state or federal requirements.  
1127  
1128 72.22 MITIGATION. Before the Department issues a permit requiring mitigation under Sections 72.18  
1129 and 72.20, the property owner must submit, along with the application, a complete mitigation plan  
1130 that complies with the Sheboygan County Shoreland Mitigation Handbook as has been adopted  
1131 by the Committee and which may be modified from time to time. The mitigation plan shall include  
1132 the following:  
1133  
1134 (1) A site plan that describes the proposed mitigation measures.  
1135  
1136 (a) The site plan shall be designed and implemented to restore natural functions lost  
1137 through development and human activities.  
1138  
1139 (b) The mitigation measures shall be proportional in scope to the impacts on water  
1140 quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic  
1141 beauty.  
1142  
1143 (2) An implementation schedule and enforceable obligation on the property owner to  
1144 establish and maintain the mitigation measures. The enforceable obligations shall be  
1145 evidenced by an instrument approved by the Department and recorded by the owner in  
1146 the office of the Register of Deeds prior to issuance of the permit.  
1147  
1148 72.23 ADMINISTRATION.  
1149  
1150 (1) This Ordinance shall be administered in accordance with Wis. Stat. §§ 59.69, 59.692,  
1151 and 87.30, as amended, and in conformance with Wis. Admin. Code Ch. NR 115 and NR  
1152 116, as amended.

- 1153
- 1154
- 1155 (2) The duties of administering this Ordinance are assigned to the Planning and
- 1156 Conservation Department (called "Department") employing a full-time professional
- 1157 planner and his/her duly appointed professional planning and zoning administration staff.
- 1158
- 1159 (3) The Department shall have the authority and power to:
- 1160
- 1161 (a) Advise applicants and answer any question about the provisions of this
- 1162 Ordinance.
- 1163
- 1164 (b) At all times during reasonable hours, enter upon and inspect any private or public
- 1165 premises for compliance, being clearly in the performance of their duty. If entry
- 1166 is refused after presentation of proper identification, a special inspection warrant
- 1167 may be procured in accordance with Wis. Stat. § 66.0119.
- 1168
- 1169 (c) Issue permits and approvals where appropriate unless prohibited by Wis. Stat. §
- 1170 59.692(1k).
- 1171
- 1172 (d) Keep the official records of all water surface profiles, documentations of certified
- 1173 elevation, shoreland, wetland, or floodplain zoning maps and ordinances, permits
- 1174 and permit applications, appeals, variances, and amendments related to this
- 1175 Ordinance.
- 1176
- 1177 (e) Report uncorrected violations of this Ordinance or other applicable regulations to
- 1178 the Sheboygan County Corporation Counsel for appropriate enforcement action.
- 1179
- 1180 (f) Submit copies of any required data, variances, amendments, case-by-case
- 1181 analyses, annual reports, and any other requested information to the DNR.
- 1182
- 1183 (4) The construction and maintenance of a facility is considered to satisfy the requirements
- 1184 of this Ordinance if the DNR has issued all required permits or approvals authorizing
- 1185 construction or maintenance under Wis. Stat. chs. 30, 31, 281, or 283.

72.24 PERMITS.

- 1187
- 1188 (1) WHEN REQUIRED. Except where another Section of this Ordinance specifically
- 1189 exempts certain types of development from this requirement, a Shoreland Zoning Permit
- 1190 shall be obtained from the Department to engage in activities requiring a permit, except
- 1191 that a Demolition Permit is required prior to the removal of any principal or accessory
- 1192 structures if a Shoreland Zoning Permit is not required.
- 1193
- 1194 (2) APPLICATION. An application for a permit shall be made to the Department upon forms
- 1195 furnished by the Department and shall include for the purpose of proper enforcement of
- 1196 these regulations, the following information:
- 1197
- 1198 (a) Name and address of applicant and property owner.
- 1199
- 1200 (b) Legal description of the property and type of proposed use.
- 1201
- 1202 (c) A to scale drawing of the dimensions of the lot and location of all existing and
- 1203 proposed structures and impervious surfaces relative to the lot lines, center line
- 1204 of abutting highways and the OHWM of any abutting waterways.
- 1205

- 1206 (d) Location and description of any existing private water supply or sewage system
- 1207 or notification of plans for any such installation.
- 1208
- 1209 (e) Plans for appropriate mitigation when required.
- 1210
- 1211 (f) Payment of the appropriate fee.
- 1212
- 1213 (g) Additional information that may be required by the Department.
- 1214
- 1215 (3) EXPIRATION OF PERMIT. Shoreland Zoning Permits and Demolition Permits shall
- 1216 expire one (1) year from the date of issue unless substantial work has commenced. If
- 1217 substantial work has commenced and a request for renewal is received by the
- 1218 Department prior to the expiration date, the permit can be renewed for an additional
- 1219 one- (1-) year period. If substantial work has not commenced prior to the expiration date,
- 1220 the permit will not be renewed and a new permit must be issued before work can
- 1221 commence. A permit will not be issued if the proposed development does not comply
- 1222 with the Ordinance in effect at the time of permit application.
- 1223

72.25 CONDITIONAL USE PERMITS.

- 1224
- 1225
- 1226 (1) APPLICATION. Permission for conditional uses specified in this Ordinance shall be
- 1227 allowed only application the Department, on forms furnished by the Department, and
- 1228 issuance of a Conditional Use Permit by the Department's County Board liaison
- 1229 committee (called "Committee" throughout this Ordinance) following the same notice,
- 1230 hearing, and other procedures set forth for the Board of Adjustments in Wis. Stat.
- 1231 § 59.694 and Chapter 76 of the Sheboygan County Code of Ordinances.
- 1232
- 1233 (2) EVALUATION. In passing upon a proposed conditional use application, the Committee
- 1234 shall evaluate the effect of the proposed use upon:
- 1235
- 1236 (a) Maintenance of safe and healthful conditions.
- 1237 (b) Prevention and control of water pollution, including erosion and sedimentation.
- 1238 (c) Existing topography, drainage, and vegetative cover.
- 1239 (d) Location to floodways and floodplains.
- 1240 (e) Erosion potential based on percent slope, soil type, and vegetative cover.
- 1241 (f) Existing and future access roads.
- 1242 (g) Existing and future traffic and parking needs.
- 1243 (h) Degree of site disturbance and its impact upon adjoining natural resource areas
- 1244 (e.g. wetlands, archaeological features, preserves, wildlife habitat).
- 1245 (i) Compatibility with adjacent uses.
- 1246 (j) Suitability for waste disposal and potable water supply.
- 1247 (k) Natural scenic beauty.
- 1248 (l) Conformance with other applicable codes and ordinances.
- 1249
- 1250 (3) OTHER CONDITIONS. The Committee may attach such conditions, in addition to those
- 1251 required elsewhere in this Ordinance as it deems necessary in furthering the purpose of
- 1252 this Ordinance. Violation of any such established conditions shall be deemed a violation
- 1253 of this Ordinance. Such conditions may include specifications for, without limitation
- 1254 because of specific enumeration:
- 1255
- 1256 (a) Type and extent of shore cover.
- 1257 (b) Increased setbacks and yards.
- 1258 (c) Specific sewage disposal and water supply facilities.
- 1259 (d) Landscaping, planting screens, and buffer yards.

- 1260 (e) Period of operation.  
 1261 (f) Extent and duration of site disturbance.  
 1262 (g) Operational control.  
 1263 (h) Access and parking.  
 1264 (i) Surety bonding.  
 1265 (j) Deed restrictions.  
 1266 (k) Location of structures.  
 1267 (l) Type of construction.  
 1268 (m) Floodproofing measures.  
 1269
- 1270 (4) **REQUIRED INFORMATION.** As a basis for its determination, the Committee may  
 1271 require the applicant to furnish, in addition to the information required for a permit, the  
 1272 following data:  
 1273
- 1274 (a) A plan map drawn to a reasonable scale showing contours and elevations, soil  
 1275 types, ground water conditions, bedrock, OHWM, slopes, and vegetative cover.  
 1276
- 1277 (b) Location of existing and proposed buildings, parking areas, access roads,  
 1278 walkways, piers, open spaces, and landscaping.  
 1279
- 1280 (c) Specifications for areas of proposed filling, dredging, lagooning, or grading.  
 1281
- 1282 (d) Plans of sewage disposal and water supply facilities.  
 1283
- 1284 (e) Floodproofing measures.  
 1285
- 1286 (f) Any of the floodplain data described in Chapter 73 of the Sheboygan County  
 1287 Code of Ordinances deemed necessary by the Committee.  
 1288
- 1289 (5) **DEVIATION FROM PERMIT.** When a Committee-approved conditional use is not carried  
 1290 out or does not continue in conformance with the conditions of the original approval, the  
 1291 conditional use shall be terminated and the permit revoked by action of the Committee.  
 1292 Revisions or amendments must be approved by the Committee using the same  
 1293 procedure as was used to obtain the initial conditional use approval.  
 1294
- 1295 (6) **STATE REVIEW.** Written notice must be made to the appropriate office of the DNR at  
 1296 least ten (10) days prior to hearings on proposed conditional uses, and copies of  
 1297 decisions thereon shall be provided to that office within ten (10) days after they are  
 1298 granted or denied.  
 1299
- 1300 72.26 **BOARD OF ADJUSTMENT.** The Sheboygan County Building, Zoning, and Sanitation Board of  
 1301 Adjustment, as established in Chapter 76 of the Sheboygan County Code of Ordinances,  
 1302 pursuant to Wis. Stat. § 59.694 is hereby authorized to administer the appropriate judicial  
 1303 functions set forth in this Ordinance. The said Board shall be referred to as the Board of  
 1304 Adjustment (Board) in this Ordinance.  
 1305
- 1306 (1) **POWERS.** The Board may exercise all of the powers conferred on such Board by Wis.  
 1307 Stat. § 59.694.  
 1308
- 1309 (a) It shall hear and decide appeals where it is alleged there is an error in any order,  
 1310 requirements, decision, or determination made by the Department or by the  
 1311 Committee.  
 1312

- 1313 (b) Upon application, it may grant a variance from the standards of this Ordinance.
- 1314 To grant a variance from the standards of this Ordinance, an applicant must
- 1315 convincingly demonstrate that:
- 1316
- 1317 1. Literal enforcement of the provisions of the Ordinance will result in
- 1318 unnecessary hardship on the applicant;
- 1319
- 1320 2. The hardship is due to special conditions unique to the property; and
- 1321
- 1322 3. Is not contrary to the public interest.
- 1323

- 1324 (c) To interpret upon appeal the meaning or intent of a particular provision of this
- 1325 Ordinance or other ordinances of Sheboygan County.
- 1326

(2) APPEAL TIME. Appeals to the Board of Adjustment may be made by a person aggrieved or by any officer, department, board, or bureau of Sheboygan County or the municipality affected by any decision of the Department. Such appeal shall be made by filing within thirty (30) days after the date of written notice of the decision or order of the Department or by the Committee, a notice of appeal specifying the reasons for appeal. The notice of appeal shall conform with the rules of the Board.

(3) HEARING APPEALS AND ACTIONS UPON VARIANCE APPLICATION.

(a) The Board of Adjustment (Board) shall fix a reasonable time for a hearing on the appeal or application. The Board shall give public notice thereof by publishing a Class 2 notice under Wis. Stat. § 985 specifying the date, time, and place of the hearing and the matters to come before the Board. Notice shall be mailed to the parties in interest. Written notice shall be given to the appropriate office of the DNR at least ten (10) days prior to hearings on proposed shoreland variances and appeals for map or text interpretations.

(b) A decision shall be made as soon as practical. Copies of all decisions on shoreland variances and appeals for map or text interpretations shall be submitted to the appropriate office of the DNR within ten (10) days after they are granted or denied.

(c) In granting a variance, the Board may impose restrictions including the requirement that the applicant obtain a permit, but the Board may not impose restrictions which are more restrictive than any of the specific standards in this Ordinance. Where the Ordinance is silent as to the extent of the restriction, the Board may impose any reasonable permit conditions to effect the purposes of this Ordinance. The applicant has one (1) year from the date of the written decision to obtain any necessary permit or the variance relief shall expire.

(d) At the public hearing, any party may appear in person or by agent or by attorney.

72.27 FEES. All persons, upon filing an application for permits, changes, and amendments, or Board of Adjustment reviews required pursuant to this Ordinance, shall pay a fee to the Department according to the fee schedule on file in the Planning and Conservation Department.

If in the determination of the Department a permit applicant contemplates construction in an amount of no more than Two Thousand Dollars (\$2,000.00) and the Department determines that the expense related to the issuance of the permit does not require the full fee, the Department, in its discretion, may waive all but Seventy-five Dollars (\$75.00) of the fee.



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A double fee may be charged if work is started before a permit is applied for and issued.

72.28 VIOLATIONS AND PENALTIES. Any person, firm, association, corporation, or agents thereof who violates, disobeys, neglects, omits, or refuses to comply with any of the provisions of this Ordinance shall be deemed in violation. The Department shall refer violations to the Corporation Counsel who shall expeditiously prosecute violations.

Any person firm, association, or corporation who violates or refuses to comply with any of the provisions of this Ordinance shall, upon conviction, forfeit to the County not less than Twenty Dollars (\$20.00) nor more than Two Thousand Dollars (\$2,000.00), plus the costs of prosecution, for each offense. Each day during which such violation exists 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 the suit of the County, the State of Wisconsin, or any citizen thereof pursuant to Wis. Stat. § 59.69(11).

72.29 STATUTE OF LIMITATIONS.

- (1) As required by Wis. Stat. § 59.692(1t) where a building or structure violates the dimensional or use standards of this Ordinance, and the violating building or structure has been in place more than ten (10) years before an enforcement action is initiated, such building or structure shall be treated as a legal non-conforming structure. All provisions of Section 72.20 of this Ordinance shall apply to such non-conforming buildings or structures.
- (2) Any property owner asserting as a defense to a charge of violating this Ordinance that the alleged violation has been in place more than ten (10) years before enforcement action was initiated has the burden of proving that:
  - (a) The building or structure that is in violation has been in place more than ten (10) years before enforcement action was initiated;
  - (b) That the building or structure (and its use, if the use is non-conforming) has remained essentially unchanged for at least ten (10) years;
  - (c) That the use of the building or structure has been active and continual for ten (10) years or more. If the use was discontinued for more than twelve (12) months, that use shall not be considered active and continual.

72.30 ABROGATION AND GREATER RESTRICTIONS.

- (1) This Ordinance supersedes all provisions of any prior Ordinance enacted under Wis. Stat. §§ 59.69, 59.692, and 87.30 which relate solely to shorelands. However, where another County Ordinance that does not relate solely to shorelands is more restrictive than the provisions contained in this Ordinance, that ordinance shall control to the extent of the greater restrictions and not otherwise.
- (2) This Ordinance shall not require approval or be subject to disapproval by any town or town board.
- (3) If an existing town ordinance relating to shorelands is more restrictive than this Ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.

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- (4) It is not otherwise intended by this Ordinance to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements; however, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.
  - (5) In the administration of this Ordinance, the Department may establish standards to regulate matters that are not regulated in NR115 but that further the purpose of shoreland zoning as described in Section 72.03 of this Code.
  - (6) Nothing contained herein shall be interpreted to require any of the following:
    - (a) Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibit or regulate outdoor lighting in shorelands if the lighting is designed or intended for residential use.
    - (b) Any inspection or upgrade of a structure before the sale or other transfer of the structure is made.
  - (7) The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if the Department has issued all required permits or approvals authorizing the construction or maintenance under Wis. Stat. ch 30, 31, 281, or 283.
- 72.31 INTERPRETATION. In their interpretation 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 granted by the Wisconsin Statutes.
- Where a provision of this Ordinance is required by Wis. Admin. Code Chs. NR 115 or NR 116 and where the Ordinance provision is unclear, the provision shall be interpreted in light of the statute and Wis. Admin. Code Chs. NR 115 or NR 116 standards in effect on the date of the adoption of this Ordinance or in effect on the date of the most recent text amendment to this Ordinance.
- 72.32 DEFINITIONS. Unless specifically defined below, words, terms, or phrases used in this Ordinance or in the administration of this Ordinance shall be as defined in Chapters 70, 71, and 73 of the Sheboygan County Code of Ordinances, Wis. Stat. chs. 29, 30, 31, 144, 236; Wis. Stat. § 59.69, 59.692, and 87.30; and Wis. Admin. Code Chs. NR 115, NR 116, and SPS 383, or, if not defined therein, shall be interpreted so as to give them the same meaning as they have at common law and 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. The word "shall" is mandatory, not permissive. All distances, unless specified otherwise, shall be measured horizontally.
- (1) **ACCESS AND VIEWING CORRIDOR.** A strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.
  - (2) **ACCESSORY STRUCTURE.** A subordinate structure on the same lot as the principal STRUCTURE or use and devoted to a use incidental to the principal use or structure. (See **PRINCIPAL STRUCTURE** and **PRINCIPAL USE**.)
  - (3) **ARBOR.** A frame structure consisting of vertical posts having beams attached to and connecting the posts at the top of the structure, supporting a roof composed of open joists. Roof or wall enclosures other than lattice or trellis are prohibited.

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- (4) **BASEMENT.** Any enclosed area of a building having its floor sub-grade, i.e., below ground level on all sides.
  - (5) **BEST MANAGEMENT PRACTICES (BMPs).** The Stormwater Management Technical Standards as defined by the Wisconsin Department of Natural Resources currently posted at <http://dnr.wi.gov/topic/stormwater/>, and any subsequent amendments thereto.
  - (6) **BOATHOUSE.** A permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed and has a roof, walls, or any combination of these structural parts.
  - (7) **BUILDING.** See **STRUCTURE.**
  - (8) **BUILDING ENVELOPE.** The three-dimensional space within which a structure is built.
  - (9) **BULKHEAD.** An upright structure to dissipate wave energy or retard erosion which can be placed against the base of a dune or bluff or stand free to have fill placed behind it.
  - (10) **BULKHEAD LINE.** A geographic line along a reach of navigable body of water that has been adopted by a municipal ordinance and approved by the DNR pursuant to Wis. Stat. § 30.11 and which allows limited filling between the OHWM and the bulkhead line, except where such filling is prohibited by the floodway and wetland provisions of this Ordinance.
  - (11) **CAMPGROUND.** Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units or which is advertised or represented as a camping area.
  - (12) **CAMPING UNIT.** Any portable device, no more than four hundred (400) square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent, or other mobile recreational vehicle.
  - (13) **CHANNEL.** A natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.
  - (14) **CLASS II PUBLIC NOTICE.** Publication of a public hearing notice under Wis. Stat. ch. 985 in a newspaper of circulation in the affected area. Publication is required on two (2) consecutive weeks, the last at least seven (7) days prior to the hearing or event noticed.
  - (15) **CONDITIONAL USE.** A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use, as specified in this Ordinance and authorized by the Committee. (Also called "special exception.")
  - (16) **CRAWLWAYS or CRAWLSPACE.** An enclosed area below the first usable floor of a building, generally less than five feet (5') in height used for limited access to plumbing and electrical utilities.
  - (17) **DECK.** An unenclosed exterior structure that has no roof or sides.
  - (18) **DEPARTMENT.** The Sheboygan County Planning and Conservation Department.
  - (19) **DEVELOPMENT.** Any manmade change to improved or unimproved real estate, including, but not limited to, construction of, or additions or substantial improvements to,

- 1529 buildings, other structures, or accessory uses; the placement of manufactured/mobile  
1530 homes; mining; dredging; filling; grading; excavating; ditching; lagooning; drilling  
1531 operations; storage, deposition, or extraction of materials; but excluding tiling for  
1532 agricultural purposes outside of the Shoreland-Wetland District.
- 1533
- 1534 (20) **DNR.** Wisconsin Department of Natural Resources.
- 1535
- 1536 (21) **DRAINAGE SYSTEM.** One (1) or more artificial ditches, tile drains, or similar devices  
1537 which collect surface runoff or ground water and convey it to a point of discharge.
- 1538
- 1539 (22) **EXISTING MANUFACTURED/MOBILE HOME PARK OR SUBDIVISION.** A parcel (or  
1540 contiguous parcels) of land divided into two (2) or more mobile home lots for rent or sale  
1541 for which the construction of facilities for servicing the lot on which the mobile home is to  
1542 be affixed (including, at a minimum, the installation of utilities, either final site grading or  
1543 the pouring of concrete pads, and the construction of streets is completed before the  
1544 effective date of shoreland and floodplain management regulations adopted by  
1545 Sheboygan County).
- 1546
- 1547 (23) **EXPANSION TO EXISTING MANUFACTURED/MOBILE HOME PARK.** The preparation  
1548 of additional sites by the construction of facilities for servicing the lots on which the  
1549 mobile homes are to be placed. This includes installation of utilities, either final site  
1550 grading or pouring of pads, or the construction of streets.
- 1551
- 1552 (24) **FACILITY.** Any property or equipment of a public utility as defined in Wis. Stat. §  
1553 196.01(5) or a cooperative association organized under Wis. Stat. ch. 185 for the  
1554 purpose of producing or furnishing heat, light, or power to its members only, that is used  
1555 for the transmission, delivery, or furnishing of natural gas, heat, light, or power.
- 1556 (25) **FLOODPLAIN.** Land which has been or may be hereafter covered by flood water during  
1557 the regional flood. It includes the floodway and the floodfringe as those terms are defined  
1558 in Wis. Admin. Code Ch. NR 116.
- 1559
- 1560 (26) **GENERALLY ACCEPTED FORESTRY MANAGEMENT PRACTICES** Forestry  
1561 management practices that promote sound management of a forest. Generally accepted  
1562 forestry management practices include those practices contained in the most recent  
1563 version of the department publication known as Wisconsin Forest Management  
1564 Guidelines and identified as PUB FR-226.
- 1565
- 1566 (27) **GUESTHOUSE.** An accessory structure comprised only of a bedroom, bathroom, and  
1567 sitting area but shall not be intended for more than occasional human occupancy.
- 1568
- 1569 (28) **HABITABLE STRUCTURE.** Any structure or portion thereof used or designed for human  
1570 habitation.
- 1571
- 1572 (29) **HEARING NOTICE.** Publication or posting meeting the requirements of Wis. Stat. ch.  
1573 985. For appeals, a Class 1 Notice published once, at least one (1) week [seven (7)  
1574 days] before the hearing is required. For all zoning ordinances and amendments, a  
1575 Class 2 Notice published twice, once each week consecutively the last of which at least  
1576 one (1) week [seven (7) days] before the hearing.
- 1577
- 1578 (30) **HISTORIC STRUCTURE.** Any structure that is:
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- 1580 (a) Listed individually in the National Register of Historic Places or preliminarily  
1581 determined by the Secretary of the Interior as meeting the requirements for  
1582 individual listing on the National Register; or

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- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
  - (c) Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.
- (31) **IMPERVIOUS SURFACE.** An area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surfaces exclude frozen soil and structures, such as walkways and decks, which do not release, outside of their footprint, the majority of the precipitation that falls on them, but rather where the precipitation is absorbed by the soil below them. Impervious surfaces include rooftops, walkways, driveways, and parking lots unless specifically designed, constructed and maintained to be pervious. Gravel roads are impervious. Roads and sidewalks as defined in Wis. Stat. §§ 340.01(54) and 340.01(58) are not considered impervious surfaces.
- (32) **LAND USE.** Any development (see definition of).
- (33) **LIGHT INDUSTRY.** Manufacturing which uses predominantly previously prepared materials, finished products, or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products. Light industry does not include basic industrial processing and manufacturing of raw or extracted material and storage of or manufacturing processes using flammable, explosive, offensive, or otherwise potentially hazardous materials.
- (34) **MAINTENANCE AND REPAIR** Such activities as interior remodeling, painting, decorating, paneling, plumbing, insulation, and replacement of windows, doors, wiring, siding, roof, and other nonstructural components; and the repair of cracks in foundations, sidewalks, walkways and the application of waterproof coatings to foundations.
- (35) **MANUFACTURED/MOBILE HOME.** A structure transportable in one or more sections which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
- (36) **MITIGATION.** Balancing measures that are designed, implemented, and function to restore natural functions and values that are otherwise lost through development and human activities.
- (37) **MOBILE RECREATIONAL VEHICLE.** A vehicle which is built on a single chassis four hundred (400) square feet or less when measured at the largest horizontal projection designed to be self-propelled, carried or permanently towable by a licensed light-duty vehicle, is licensed for highway use if registration is required, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Manufactured homes that are towed or carried onto a

- 1636 parcel of land but do not remain capable of being towed or carried including park mobile  
 1637 homes do not fall within the definition of "mobile recreational vehicles."  
 1638
- 1639 (38) **NGVD or NATIONAL GEODETIC VERTICAL DATUM (MEAN SEA LEVEL).** Elevations  
 1640 referenced to mean sea level datum, 1929 adjustment.  
 1641
- 1642 (39) **NAVIGABLE WATERS.** Lake Michigan, all natural inland lakes within Sheboygan  
 1643 County, Wisconsin, and all streams, ponds, sloughs, flowages, and other waters within  
 1644 the territorial limits of this County.  
 1645
- 1646 Under Wis. Stat. § 281.31(2)(d), notwithstanding any other provision of law or  
 1647 administrative rule promulgated thereunder, this Chapter does not apply to lands  
 1648 adjacent to:  
 1649
- 1650 (a) Farm drainage ditches where such lands are not adjacent to a natural navigable  
 1651 stream or river and such lands were not navigable streams before ditching; and  
 1652
- 1653 (b) Artificially-constructed drainage ditches, ponds, or stormwater retention basins  
 1654 that are not hydrologically connected to a natural navigable water body.  
 1655
- 1656 Wisconsin's Supreme Court has declared navigable bodies of water that have a bed  
 1657 differentiated from adjacent uplands and levels or flow sufficient, on an annually recurring  
 1658 basis, to support navigation by a recreational craft of the shallowest draft [*Muench v.*  
 1659 *Public Service Commission*, 261 Wis. 492 (1952) and *DeGayner & Co., v. Department of*  
 1660 *Natural Resources*, 70 Wis. 2d. 936 (1975)]. For example, a stream which is navigable  
 1661 by skiff or canoe during normal spring high water is navigable in fact under laws of this  
 1662 State though it may be dry during other seasons.  
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- 1664 (40) **NONCONFORMING LOT.** A lot, the area, dimensions, or location of which was lawful  
 1665 prior to the adoption, revision, or amendment of this Ordinance, but which fails thereafter  
 1666 to conform to the requirements of the zoning district. (NOTE: A legally granted  
 1667 "variance" pursuant to Section 72.25 of this Ordinance shall not be deemed to create a  
 1668 "nonconforming lot." When a variance is granted, it becomes a conforming lot.)  
 1669
- 1670 (41) **NONCONFORMING STRUCTURE.** Pursuant to Wis. Stat. § 59.692(2m), a dwelling or  
 1671 other building that existed lawfully before this Ordinance was enacted or amended but  
 1672 that does not conform to one or more of the setback, height, lot coverage, and side yard  
 1673 elements in this current version of this Ordinance (NOTE: A legally granted "variance"  
 1674 pursuant to Section 72.25 of this Ordinance shall not be deemed to create a  
 1675 "nonconforming structure.")  
 1676
- 1677 (42) **NONCONFORMING USE.** A structure that existed lawfully before this Ordinance was  
 1678 enacted or amended but does not conform with the use restrictions in the current version  
 1679 of this Ordinance.  
 1680
- 1681 (43) **ORDINARY HIGH WATER MARK (OHWM).** The point on the bank or shore up to which  
 1682 the presence and action of water is so continuous as to leave a distinctive mark by  
 1683 erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic  
 1684 vegetation, or other easily recognized characteristics.  
 1685
- 1686 Erosion scars, transitions in vegetation from aquatic to terrestrial types, cobbled beaches  
 1687 below the current waterline, and evidence of even-aged stands of woody vegetation  
 1688 paralleling contours or below the existing water line may all be indicators of current or  
 1689 historic OHWM. Only one (1) OHWM indicator need be present to establish an OHWM,

- 1690 but a number of indicators may be interpreted together to locate it at a given site. When
- 1691 the bank or shore is of such character that it is difficult or impossible to ascertain the point
- 1692 of OHWM, recourse may be had to the opposite bank of a waterway or to similar places
- 1693 on the shore of a lake or flowage to determine whether a given stage of water is above or
- 1694 below the OHWM.
- 1695
- 1696 Notwithstanding the above, and for zoning purposes only, the OHWM for the coastal
- 1697 reach of Lake Michigan extending from the City of Sheboygan south to the south County
- 1698 line may be determined by an elevation at 582.7 feet NGVD (National Geodetic Vertical
- 1699 Datum, also known as MSL, Mean Sea Level), an elevation equivalent to 581.4 feet IGLD
- 1700 (International Great Lakes Datum), as determined by the Bureau of Water Regulation &
- 1701 Zoning, Wisconsin Department of Natural Resources. Elevations shall be determined by
- 1702 a registered professional surveyor, employing not less than five (5) uniformly distributed
- 1703 points of elevation, tied to a fixed reference point. The OHWM shall be a line connecting
- 1704 these points.
- 1705
- 1706 (44) **PERSON.** An individual, group of individuals, partnership, firm, corporation, association,
- 1707 state, county, city, village, township, sanitary district, or other government corporation.
- 1708
- 1709 (45) **PIER.** A structure extending channelward, or more or less perpendicular out from the
- 1710 shore, with water on both sides, built or maintained for the purpose of providing a berth
- 1711 for watercraft or for loading or unloading cargo or passengers onto or from watercraft.
- 1712 (Generally any construction whose dimensions and accessories go beyond what is
- 1713 reasonably necessary to berth watercraft or load or unload cargo or passengers is not
- 1714 authorized as a pier by statute; see Wis. Stat. ch. 30.)
- 1715
- 1716 (46) **PRINCIPAL STRUCTURE.** A structure in which the principal authorized use of the lot on
- 1717 which it is located is conducted. (See **ACCESSORY STRUCTURE.**)
- 1718
- 1719 (47) **PRINCIPAL USE.** The primary or predominant use of any lot (e.g. residential,
- 1720 commercial, industrial, conservation, institutional, etc.).
- 1721
- 1722 (48) **PRIVATE SEWAGE SYSTEM.** A sewage treatment and disposal system serving a
- 1723 single structure with a septic tank and soil absorption field located on the same parcel as
- 1724 the structure. This term also means an alternative sewage system approved by the
- 1725 Wisconsin Department of Safety and Professional Services, Safety and Buildings
- 1726 Division, including a substitute for the septic tank or soil absorption field, a holding tank, a
- 1727 system serving more than one (1) structure, or a system located on a different parcel
- 1728 than the structure.
- 1729
- 1730 (49) **PUBLIC UTILITIES.** Those utilities using underground or overhead transmission lines
- 1731 such as electric, telephone and telegraph, and distribution and collection systems such
- 1732 as water, sanitary sewer, storm sewer, and natural gas.
- 1733
- 1734 (50) **RECREATIONAL VEHICLE.** A vehicular-type portable structure without permanent
- 1735 foundation, which can be towed, hauled, or driven and primarily designed as temporary
- 1736 living accommodation for recreational, camping, and travel use and including but not
- 1737 limited to travel trailers, truck campers, camping trailers, and self-propelled motor homes.
- 1738
- 1739 (51) **RESERVED**
- 1740
- 1741 (52) **ROUTINE MAINTENANCE OF VEGETATION.** Normally-accepted horticultural practices
- 1742 that do not result in the loss of any layer of existing vegetation and do not require earth
- 1743 disturbance.

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- (53) **SHORELAND DISTRICT.** Lands within the following distances from the OHWM of navigable waters: One thousand feet (1,000') from a lake, pond, or flowage, or, where approved, to the outer perimeter of contiguous mapped wetlands, whichever distance is greater; and, three hundred feet (300') from a river or stream, or to the landward side of the floodplain, or, where approved, to the outer perimeter of contiguous mapped wetlands, whichever distance is greater.
- (54) **SHORELAND-WETLAND DISTRICT.** The zoning district, created as a part of this Ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made a part of this Ordinance.
- (55) **SIDEWALK.** Pursuant to Wis. Stat. § 340.01(58), that portion of a highway between the curb lines or the lateral lines of a roadway and the adjacent property lines, constructed for use of pedestrians.
- (56) **SIGN.** Any device, display, or structure which is used to inform, advertise, identify, display, or direct attention to an object, person, institution, organization, business, product, service, event, or location by means of words, letters, numbers, figures, design, symbols, fixtures, colors, illumination, or projected images.
- (57) **START OF CONSTRUCTION.** The date the building permit was issued provided the actual start of construction, repair, reconstruction, habilitation, addition, placement, or other improvement was within one hundred (100) days of the permit date. The actual start means either the first placement of permanent construction on a site such as the pouring of the slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building whether or not that alteration affects the external dimensions of the building.
- (58) **STRUCTURE.** A principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch, or firepit. Such small, movable items as birdhouses, bird feeders, planter boxes, picnic tables, lawn furniture, portable grills, open agricultural fences, and flagpoles shall not be considered a structure subject to setback requirements.
- (59) **SUBDIVISION.** Has the meaning given in Wis. Stat. § 236.02(12).
- (60) **UNNECESSARY HARDSHIP.** 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.
- (61) **UTILITIES.** Any public or private facilities, such as water wells, water and sewage pumping stations, waste water collection and/or treatment/disposal systems, and any facilities owned or operated by a public utility as defined by Wis. Stat. § 196.01.



- 1797 (62) **VIOLATION.** The failure of a structure or other development to be fully compliant with
- 1798 the Shoreland Zoning Ordinance, a structure or other development without required
- 1799 permits.
- 1800
- 1801 (63) **WALKWAY.** An improved path contained within the boundaries of a property.
- 1802
- 1803 (64) **WATERSHED.** The entire region contributing runoff or surface water to a watercourse or
- 1804 body of water.
- 1805
- 1806 (65) **WELL.** Means an excavation opening in the ground made by digging, boring, drilling,
- 1807 driving, or other methods to obtain groundwater regardless of its intended use.
- 1808
- 1809 (66) **WETLANDS.** Those areas where water is at, near, or above the land surface long
- 1810 enough to be capable of supporting aquatic or hydrophytic vegetation and which have
- 1811 soils indicative of wet conditions.
- 1812
- 1813 (67) **WHARF.** A structure extending along, and more or less parallel to, the shore and
- 1814 generally connected with the uplands throughout its length, built or maintained for the
- 1815 purpose of providing a berth for watercraft or for loading or unloading cargo or
- 1816 passengers onto or from watercraft. (Generally any construction whose dimensions or
- 1817 accessories go beyond what is reasonably necessary to berth watercraft or load or
- 1818 unload cargo or passengers is not authorized as a wharf by statute; see Wis. Stat. ch.
- 1819 30.)
- 1820
- 1821 (68) **WISCONSIN ADMINISTRATIVE CODE.** The rules of administrative agencies having
- 1822 rule-making authority in Wisconsin published as directed by Wis. Stat. §§ 35.93 and Wis.
- 1823 Stat. ch. 227 including subsequent amendments to those rules.
- 1824

1825 72.33 **CHANGES AND AMENDMENTS.**

- 1826
- 1827 (1) The County Board of Supervisors may, from time to time, alter, supplement, or change
- 1828 the boundaries of use districts and the regulations contained in this Ordinance in the
- 1829 manner provided by law.
- 1830
- 1831 (2) Amendments to this Ordinance may be made upon petition of any interested party in
- 1832 accordance with the provisions of Wis. Stat. § 59.69(5). Such petitions shall include any
- 1833 necessary data which may be required by Chapter 73 of the Sheboygan County Code of
- 1834 Ordinances.
- 1835
- 1836 (3) Written notice to the appropriate office of the DNR shall be made at least ten (10) days
- 1837 prior to hearings on map or text amendments, and copies of such decisions shall be
- 1838 provided to that office within ten (10) days after they are granted or denied. For
- 1839 floodplain amendments only, no map or text amendment may take effect until approved
- 1840 by the DNR.
- 1841

1842 72.34 **SEVERABILITY.** Should any part of this Ordinance be declared unconstitutional or invalid by a

1843 court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

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Section 2. **Effective Date.** The herein Ordinance shall take effect upon enactment.

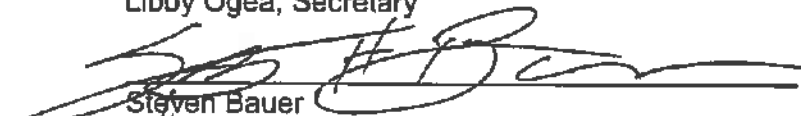
Respectfully submitted this 16th day of August, 2016.

**PLANNING, RESOURCES, AGRICULTURE,  
AND EXTENSION COMMITTEE\***

  
\_\_\_\_\_  
Keith Ablér, Chairperson

  
\_\_\_\_\_  
Fran Damp, Vice-Chairperson

\_\_\_\_\_  
Libby Ogea, Secretary

  
\_\_\_\_\_  
Steven Bauer

  
\_\_\_\_\_  
James Baumgart

Opposed to Introduction:

\_\_\_\_\_  
\_\_\_\_\_

\*County Board Members signing only

Countersigned by:

\_\_\_\_\_  
Thomas Wegner, Chairperson

**FISCAL NOTE**  
**August 2016**

**Resolution No. 17 (2016/17) Re: Approving Land Swap at Amsterdam Dunes**

**Ordinance No. 05 (2016/17) Re: Updating Portion of Peace and Good Order Ordinance (Marijuana/Synthetic Cannabinoid Possession)**

**Ordinance No. 06 (2016/17) Re: Repealing and Re-creating Chapter 72, Shoreland Ordinance**

**Funding:**

No additional funding is required.

Respectfully Submitted,



---

Wendy A. Charnon, Finance Director  
September 13, 2016

1 SHEBOYGAN COUNTY RESOLUTION NO. 17 (2016/17)

2  
3 Re: Approving Land Swap at Amsterdam Dunes

4  
5  
6 WHEREAS, within the Amsterdam Dunes Preservation and Wetland Mitigation Area  
7 ("Amsterdam Dunes") is a small parcel of land of approximately 5.2 acres that is privately owned and  
8 completely surrounded by Amsterdam Dunes, and  
9

10 WHEREAS, the owners of a portion of the surrounded parcel comprising approximately .53  
11 acres are willing to swap their .53-acre parcel in exchange for an 8.5-foot wide sliver of Amsterdam  
12 Dunes totaling .1 acre along Lake Michigan adjacent to another parcel of land that they own to  
13 merge title, and  
14

15 WHEREAS, the 8.5-foot wide sliver is not subject to restrictive covenants that would  
16 otherwise preclude its conveyance out of Amsterdam Dunes, and  
17

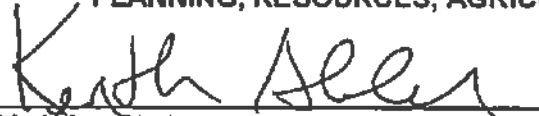
18 WHEREAS, it is in the best interests of Sheboygan County and Amsterdam Dunes to make  
19 this exchange;  
20

21 NOW, THEREFORE, BE IT RESOLVED that Sheboygan County makes the exchange  
22 described above based on the negotiated Offer to Purchase, a copy of which is on file with the  
23 County Clerk.  
24

25 BE IT FURTHER RESOLVED that the County Board Chairperson and the County Clerk are  
26 authorized and directed to sign any documents necessary to close this exchange.  
27  
28


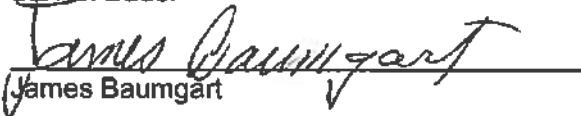
29 Respectfully submitted this 16th day of August, 2016.  
30  
31

32 PLANNING, RESOURCES, AGRICULTURE, AND EXTENSION COMMITTEE\*

33  
34   
35  
36 Keith Abler, Chairperson

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39 Fran Damp, Vice-Chairperson

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52  
Libby Ogea, Secretary

  
Steven Bauer  
  
James Baumgart

Opposed to Introduction:

\*County Board members signing only

**FISCAL NOTE**  
**August 2016**

**Resolution No. 17 (2016/17) Re: Approving Land Swap at Amsterdam Dunes**

**Ordinance No. 05 (2016/17) Re: Updating Portion of Peace and Good Order Ordinance (Marijuana/Synthetic Cannabinoid Possession)**

**Ordinance No. 06 (2016/17) Re: Repealing and Re-creating Chapter 72, Shoreland Ordinance**

**Funding:**

No additional funding is required.

Respectfully Submitted,



---

Wendy A. Charnon, Finance Director  
September 13, 2016

1 SHEBOYGAN COUNTY RESOLUTION NO. 18 (2016/17)

2  
3 Re: Authorizing County to Lend Bay-Lake Regional Planning Commission  
4 \$72,608.63 to Refinance Pension Liability  
5  
6

7 WHEREAS, Sheboygan County receives valuable benefits through its participation and  
8 membership in the Bay-Lake Regional Planning Commission, and  
9

10 WHEREAS, Sheboygan County probably benefits more from the Bay-Lake Regional Planning  
11 Commission than any of the other seven counties in the region since the Bay-Lake Regional Planning  
12 Commission also serves as the Sheboygan Metropolitan Planning Organization, and  
13

14 WHEREAS, as have other local units of government, the Bay-Lake Regional Planning  
15 Commission faces challenges arising out of the unfunded actuarial accrual liability to the Wisconsin  
16 Retirement System, and  
17

18 WHEREAS, the current liability as of June 27, 2016, is \$72,608.63 and is currently subject to  
19 interest at the state rate of 7.20%, and  
20

21 WHEREAS, unlike Sheboygan County, which refinanced its similarly unfunded liability, the Bay-  
22 Lake Regional Planning Commission is unable to refinance its liability to get at a more manageable rate,  
23 and  
24

25 WHEREAS, it is in the best interests of Sheboygan County and the Bay-Lake Regional Planning  
26 Commission for Sheboygan County to lend the Bay-Lake Regional Planning Commission an amount not  
27 to exceed \$72,608.63 and to take back a promissory note from the Bay-Lake Regional Planning  
28 Commission under the terms of three percent (3%) interest over a term of ten (10) years as is authorized  
29 by Wis. Stat. § 66.009(13);  
30

31 NOW, THEREFORE, BE IT RESOLVED that the County, through the County Administrator, is  
32 authorized to lend to Bay-Lake Regional Planning Commission an amount not to exceed \$72,608.63  
33 based on the terms and conditions as set forth above so that the Bay-Lake Regional Planning  
34 Commission can pay off its unfunded pension liability to the Wisconsin Retirement System.  
35

36 Respectfully submitted this 20th day of September, 2016.  
37

38 EXECUTIVE COMMITTEE  
39

40  
41  
42 \_\_\_\_\_  
43 Thomas Wegner, Chairperson  
44

42 \_\_\_\_\_  
43 George Marthenze, Vice-Chairperson  
44

45 \_\_\_\_\_  
46 William C. Goehring, Secretary  
47

45 \_\_\_\_\_  
46 Vernon Koch  
47

48 \_\_\_\_\_  
49 Edward J. Procek  
50

51 Opposed to Introduction:  
52  
53 \_\_\_\_\_  
54 \_\_\_\_\_

**FISCAL NOTE**  
**September 2016**

**Resolution No. 18 (2016/17) Re: Authorizing County to Lend Bay-Lake Regional Planning Commission \$72,608.63 to Refinance Pension Liability**

This resolution is to provide authority to lend Bay-Lake Regional Planning Commission moneys not to exceed \$72,608.63 at 3.0% for 10 years to refinance their pension liability. The loan and promissory note are authorized by Wis. Stat. 66.009(13).

**Funding:**

If approved, it is possible for the County to receive an estimated \$11,746 of interest income over the term of the loan.

Respectfully Submitted,

A handwritten signature in black ink, reading "Wendy A. Charnon" with a horizontal line extending to the right.

---

Wendy A. Charnon, Finance Director  
September 16, 2016

1 SHEBOYGAN COUNTY RESOLUTION NO. 19 (2016/17)

2  
3 Re: **Approving Standard Intergovernmental Agreement for County Sales Tax**  
4 **Revenue-Sharing**  
5

6 **WHEREAS**, when Sheboygan County enacted Ordinance No. 2 (2016/17), *Enacting One-half*  
7 *Percent County Sales Tax to Maintain Sheboygan County's Transportation Infrastructure*, a unique  
8 feature of the Ordinance was that it provided that a portion of the revenue received from the Ordinance  
9 would be made available to local units of government within Sheboygan County to assist those  
10 municipalities in addressing their own transportation needs, and  
11

12 **WHEREAS**, Section 7.07 of the Sales Tax Ordinance provided that the distribution to local units  
13 of government would be premised upon the municipalities agreeing to be bound by the terms of a  
14 standard intergovernmental cooperative agreement, and  
15

16 **WHEREAS**, Section 7.07(1) of the Code provided that the terms of the intergovernmental  
17 agreement were to be reviewed and approved annually by the County Board, and  
18

19 **WHEREAS**, the proposed Sheboygan County Sales Tax Revenue-Sharing for Transportation  
20 Infrastructure Maintenance 2017 Intergovernmental Cooperative Agreement, a copy of which is on file  
21 with the County Clerk contains terms and provisions consistent with goals of the County Sales Tax  
22 Ordinance;  
23

24 **NOW, THEREFORE, BE IT RESOLVED** that the Sheboygan County Board approves the form of  
25 the *Sheboygan County Sales Tax Revenue-Sharing for Transportation Infrastructure Maintenance 2017*  
26 *Intergovernmental Cooperative Agreement*, a copy of which is on file with the County Clerk and  
27 acknowledges and directs the County Administrator and County Board Chairperson to execute such  
28 agreements with each Sheboygan County municipality willing to be bound by the terms of the Agreement.  
29

30 **BE IT FURTHER RESOLVED** that the County Administrator and County Board Chairperson are  
31 empowered to agree to any minor modifications to the Standard Agreement that may be requested by a  
32 particular municipality that may be necessary to accommodate the municipality's individual  
33 circumstances, provided the modifications do not, in the opinion of the County Administrator and County  
34 Board Chairperson, contain terms and provisions that are inconsistent with the goals of County Ordinance  
35 No. 2 (2016/17), *Enacting One-half Percent County Sales Tax to Maintain Sheboygan County's*  
36 *Transportation Infrastructure*.  
37

38 Respectfully submitted this 20th day of September, 2016.  
39

40 **EXECUTIVE COMMITTEE**

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42  
43 \_\_\_\_\_  
44 Thomas Wegner, Chairperson

45 \_\_\_\_\_  
46 George Marthenze, Vice-Chairperson

47 \_\_\_\_\_  
48 William C. Goehring, Secretary

49 \_\_\_\_\_  
50 Vernon Koch

51 \_\_\_\_\_  
52 Edward J. Procek

53 Opposed to Introduction:  
54 \_\_\_\_\_  
55 \_\_\_\_\_



**SHEBOYGAN COUNTY SALES TAX REVENUE-SHARING  
FOR TRANSPORTATION INFRASTRUCTURE MAINTENANCE  
2017 INTERGOVERNMENTAL COOPERATIVE AGREEMENT**

1. **PARTIES.** The parties to the Agreement are the \_\_\_\_\_  
\_\_\_\_\_ (Municipality), a municipal corporation with offices at \_\_\_\_\_  
\_\_\_\_\_, Wisconsin \_\_\_\_\_, and  
**SHEBOYGAN COUNTY** (County), a Wisconsin governmental body corporate, organized  
pursuant to Wis. Stat. § 59.01, having its principal offices at 508 New York Avenue,  
Sheboygan, Wisconsin 53081.

2. **PURPOSE.** Sheboygan County enacted Ordinance No. 2 (2016/17) establishing a one-half percent (.5%) County sales tax for the purpose of raising revenues to address the challenges of maintaining Sheboygan County's roads and bridges. In enacting the Ordinance, the County Board recognized that the municipalities within Sheboygan County have similar financing challenges for the transportation infrastructures within those municipalities. The Ordinance requires that \$1.5 Million of anticipated revenues (adjusted annually) from the sales tax be distributed to municipalities within County based on a equalized value formula provided that the municipalities agree to be bound by the terms of an Intergovernmental Cooperative Agreement as approved by the County Board. This Agreement, having been approved by the County Board, and agreed to by Municipality, assures that the revenue being distributed herein will be spent to maintain Municipality's road and bridge infrastructure.

3. **EFFECTIVE DATE; TERM; TERMINATION.**

A. **Effective Date.** This Agreement shall become effective on the last date of the required signatures at the end of this document.

B. **Initial Term; Renewals.** The initial term of this Agreement is for calendar year 2017 and is subject to renewal.

C. **Termination – By County.** During the term, this Agreement may be terminated by County, if County determines that Municipality is not honoring the terms and conditions of this Agreement and County shall have no further obligations to make any payments or perform any other requirements herein.

D. **Termination – By Municipality.** During the term, this Agreement may be terminated by Municipality if Municipality determines that it no longer wishes to be bound by the terms and conditions of this Agreement and County shall be relieved of any further obligations to make any payments or perform any other requirements herein.

4. **AUTHORITY.** This Agreement is entered into between the parties pursuant to Wis. Stat. § 66.0301, authorizing intergovernmental cooperation and by Wis. Stat. § 77.76(3) which allows counties to distribute sales tax proceeds to municipalities within Sheboygan County. Both parties represent that their respective governing bodies have authorized entry into this Agreement.

**5. RESPONSIBILITIES OF COUNTY.**

A. County shall, over the course of calendar year 2017, pay to Municipality as a distribution of sales tax revenue, the sum of \$\_\_\_\_\_.

B. County shall determine at its option whether the payment will be distributed in one lump sum or whether it will be in periodic payments. County shall determine at its option the timing and method of the payments.

C. County shall provide reasonable advance notice to Municipality as to its payment distribution method so that Municipality may budget accordingly.

**6. RESPONSIBILITIES OF MUNICIPALITY.**

A. Municipality agrees to use the payment for road and bridge maintenance purposes.

B. Municipality agrees not to reduce its road and bridge maintenance budget as a result of receiving the payment. It is the intent that the payment shall enhance Municipality's ability to address its road and bridge maintenance needs over the amount that Municipality would otherwise be budgeting for this purpose.

C. Municipality may, as part of its budgeting and planning process, hold over spending all or part of the payment into a different calendar year or otherwise bundle the payment in a manner that is acceptable in advance with the County provided the County is satisfied that Municipality's spending of the payment is consistent with the intent that the payment shall enhance Municipality's ability to address its road and bridge maintenance needs over the amount that Municipality would otherwise be budgeting for this purpose.

D. Municipality agrees to cooperate with County's Finance Department to allow County to review Municipality's budget, resulting financial reports and supporting detail to assure County that Municipality is complying as provided herein.

E. Municipality must provide a Resolution supporting the County Sales Tax Revenue-Sharing Cooperative Agreement.

**7. RESOLUTION OF DISPUTES.** County, through its County Administrator, shall determine as to whether Municipality has fulfilled its responsibilities under this Agreement. This Agreement will be renewed annually upon similar terms.

**8. HOLD HARMLESS; INDEMNIFICATION.** Each party shall defend, hold harmless, and indemnify the other against any and all claims, liabilities, damages, judgments, causes of action, costs, loss, and expense including reasonable attorneys' fees imposed upon or incurred by the other party arising from or related to the negligent or intentionally tortuous acts or omissions of the indemnifying party's officers, employees, or agents in performing the services pursuant to the Agreement. Each party shall promptly notify the other of any claim arising under this provision, and each party

shall fully cooperate with the other in the investigation, resolution, and defense of such claim. This Agreement does not waive any governmental or sovereign immunity. Both parties retain all applicable governmental immunities, defenses, and statutory limitations available, including Wis. Stat. § 893.80, 895.52, and 345.05.

**9. SEVERABILITY.** If any provision in this Agreement is determined to be void and unenforceable for any reason, the remaining provisions shall remain in full force and effect unless the removal of the severed provision would substantially impair the ability of either party to perform the essential purpose of this Agreement.

**10. ENTIRE AGREEMENT.** This Agreement constitutes the entire understanding between the parties relating to their relationship and supersedes all prior understandings, oral agreements, negotiations, representations, and agreements relating to the same subject matter.

Approved by the parties by the following authorized representatives:

\_\_\_\_\_  
[Municipality]

By: \_\_\_\_\_  
Authorized Representative

\_\_\_\_\_  
Date Signed

By: \_\_\_\_\_  
Authorized Representative

\_\_\_\_\_  
Date Signed

**SHEBOYGAN COUNTY**

By: \_\_\_\_\_  
Adam N. Payne  
Sheboygan County Administrator

\_\_\_\_\_  
Date Signed

By: \_\_\_\_\_  
Thomas Wegner  
County Board Chair

\_\_\_\_\_  
Date Signed

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**FISCAL NOTE**  
**September 2016**

**Resolution No. 19 (2016/17) Re: Approving Standard Intergovernmental Agreement  
for County Sales Tax Revenue Sharing**

This resolution is to provide authority to enter into County Sales Tax Revenue-Sharing Agreements with the local units of government and authorizes the County Administrator and County Chairperson to make minor modifications to the Standard Agreement in order to accommodate individual municipality circumstances.

**Funding:**

For 2017, \$1,500,000 of the County Sales Tax Revenue is earmarked for intergovernmental sharing with Sheboygan County Municipalities for infrastructure maintenance. Each participating municipality will receive a proportionate share of this money based on their equalized value as authorized in Ordinance No.02 (2016/17).

Respectfully Submitted,



---

Wendy A. Charnon, Finance Director  
September 16, 2016

1                                    **SHEBOYGAN COUNTY    RESOLUTION NO. 20 (2016/17)**

2  
3                                    **Re:    Acceptance of Dedicated Donation for Amsterdam Dunes**

4  
5  
6                                    **WHEREAS**, Paul F. and Anne M. Koeppe ("the Koeppes") are property owners adjacent  
7 to the Amsterdam Dunes Preservation and Wetland Mitigation Area ("Amsterdam Dunes"), and

8  
9                                    **WHEREAS**, the Koeppes are interested in seeing Amsterdam Dunes succeed in  
10 becoming an educational and environmental benefit to Sheboygan County, and

11  
12                                    **WHEREAS**, the Koeppes have offered to make a charitable donation to Sheboygan  
13 County to be used for the development and enhancement of Amsterdam Dunes;

14  
15                                    **NOW, THEREFORE, BE IT RESOLVED** that the Sheboygan County Board gratefully  
16 accepts the Koeppe's donation of Twelve Thousand Eight Hundred Dollars (\$12,800.00) and  
17 directs that it be placed in a non-lapsing segregated fund established under Section 24.11 of the  
18 County Code to be used exclusively to develop and enhance Amsterdam Dunes.

19  
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21                                    Respectfully submitted this 20th day of September, 2016.

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24                                    **PLANNING, RESOURCES, AGRICULTURE, AND EXTENSION COMMITTEE\***

25  
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28 \_\_\_\_\_  
29 Keith Abler, Chairperson

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31 \_\_\_\_\_  
32 Libby Ogea, Secretary

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34 \_\_\_\_\_  
35 James Baumgart

36                                    Opposed to Introduction:

37  
38 \_\_\_\_\_  
39  
40 \*County Board members signing only

**FISCAL NOTE**  
**September 2016**

**Resolution No. 20 (2016/17) Re: Authorize Acceptance of Dedicated Donation for Amsterdam Dunes**

**Resolution No. 21 (2016/17) Re: Approving Revisions to Farmland Preservation Plan**

**Resolution No. 24 (2016/17) Re: Supporting "Just Fix It" for Statewide Road Maintenance**

**Funding:**

No additional funding is required.

Respectfully Submitted,

A handwritten signature in black ink, reading "Wendy A. Charnon". The signature is written in a cursive style with a long horizontal flourish extending to the right.

---

Wendy A. Charnon, Finance Director  
September 16, 2016

1 SHEBOYGAN COUNTY RESOLUTION NO. 21 (2016/17)

2  
3 Re: Approving Revisions to Farmland Preservation Plan  
4  
5

6 WHEREAS, a County Farmland Preservation Agreement is a component part of the County's  
7 development plan under Wis. Stat. § 59.69(3), and  
8

9 WHEREAS, one of the requirements necessary to enable farmland owners to enter into farmland  
10 preservation agreements is that the County adopt a Farmland Preservation Plan which is certified by the  
11 State as being compliant with Chapter 91 of the Wisconsin Statutes, and  
12

13 WHEREAS, the Sheboygan County Planning & Conservation Department has developed a  
14 Farmland Preservation Plan for Sheboygan County which was adopted by the Sheboygan County Board  
15 of Supervisors on November 1, 2005, as Resolution No. 25 (2005/06) and was revised by Resolutions  
16 No. 23 (2013/14), No. 19 (2014/15), and No. 15 (2015/16), which Plan and its revisions was certified by  
17 the Wisconsin Department of Agriculture, and  
18

19 WHEREAS, the Planning, Resources, Agriculture, and Extension Committee (PRAECom) has  
20 determined that the Plan requires revision of certain provisions in light of changes that were made to the  
21 Towns of Holland, Lima, and Mosel Zoning Ordinances in order to remain consistent with the County's  
22 development plan and remain eligible for state certification;  
23

24 NOW, THEREFORE, BE IT RESOLVED that the Sheboygan County Board hereby approves the  
25 revisions to the Sheboygan County Farmland Preservation Plan, in the manner reflected in the copy on  
26 file in the County Clerk's Office and made a part hereof by reference hereto and makes it a part of  
27 Sheboygan County's Development Plan.  
28

29 BE IT FURTHER RESOLVED that the Planning & Conservation Director and Corporation  
30 Counsel be directed to undertake such further action as necessary to confirm the certification of the Plan.  
31

32  
33 Respectfully submitted this 20th day of September, 2016.  
34  
35

36 PLANNING, RESOURCES, AGRICULTURE, AND EXTENSION COMMITTEE\*

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40 \_\_\_\_\_  
Keith Abler, Chairperson

41 \_\_\_\_\_  
Fran Damp, Vice-Chairperson

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43 \_\_\_\_\_  
Libby Ogea, Secretary

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Steven Bauer

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James Baumgart

47  
48 Opposed to Introduction:  
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50 \_\_\_\_\_  
51 \_\_\_\_\_

52 \*County Board members signing only  
53  
54

**FISCAL NOTE**  
**September 2016**

**Resolution No. 20 (2016/17) Re: Authorize Acceptance of Dedicated Donation for Amsterdam Dunes**

**Resolution No. 21 (2016/17) Re: Approving Revisions to Farmland Preservation Plan**

**Resolution No. 24 (2016/17) Re: Supporting "Just Fix It" for Statewide Road Maintenance**

**Funding:**

No additional funding is required.

Respectfully Submitted,



---

Wendy A. Charnon, Finance Director  
September 16, 2016



1                   SHEBOYGAN COUNTY   RESOLUTION NO. 22 (2016/17)

2  
3       Re:   **Authorizing Sheboygan County Planning and Conservation**  
4           **Department to Apply for County Conservation Aids**  
5

6  
7       **WHEREAS**, the State legislature has provided, pursuant to Wis. Stat. § 23.09(12), for  
8       counties to apply for and receive county conservation aids for county-sponsored fish and wildlife  
9       habitat projects, and

10  
11       **WHEREAS**, it would be desirable for the Planning Department to submit an application  
12       to the Wisconsin Department of Natural Resources under the County Conservation Aids  
13       program to obtain financial support for Sheboygan County's fish and habitat project for aquatic  
14       invasive species education in the manner set forth in the draft application, a copy of which is on  
15       file in the Office of the Sheboygan County Clerk;

16  
17       **NOW, THEREFORE, BE IT RESOLVED** that the Planning & Conservation Director be  
18       authorized to act on behalf of Sheboygan County to submit an application to the State of  
19       Wisconsin Department of Natural Resources County Conservation Aids for any financial aid that  
20       may be available; sign documents as required; and take necessary action to undertake, direct,  
21       and complete the approved project.

22  
23       **BE IT FURTHER RESOLVED** that Sheboygan County will comply with state or federal  
24       rules for the program and will meet any financial obligations required under the grant.

25  
26  
27       Respectfully submitted this 20th day of September, 2016.

28  
29  
30       **PLANNING, RESOURCES, AGRICULTURE, AND EXTENSION COMMITTEE\***

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33  
34       \_\_\_\_\_  
35       Keith Abler, Chairperson

\_\_\_\_\_  
Fran Damp, Vice-Chairperson

36  
37       \_\_\_\_\_  
38       Libby Ogea, Secretary

\_\_\_\_\_  
Steven Bauer

39  
40       \_\_\_\_\_  
41       James Baumgart

42                                   Opposed to Introduction:  
43  
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45       \_\_\_\_\_  
46       \*County Board members signing only

**FISCAL NOTE**  
**September 2016**

**Resolution No. 22 (2016/17) Re: Authorizing Sheboygan County Planning and Conservation Department to Apply for County Conservation Aids**

This resolution is to provide authority for Planning & Conservation Director to apply for a 50/50 matching grant from the State of Wisconsin Department of Natural Resources County Conservation Aids. This resolution also provides authority to the Planning and Conservation Director to sign documents as required, and take necessary action to complete approved projects.

**Funding:**

If approved the County share will be \$800, half the estimated project cost of \$1,600 for which the aid is requested. Funding will be part of the 2017 Budget proposal.

Respectfully Submitted,

A handwritten signature in black ink, reading "Wendy A. Charnon". The signature is written in a cursive style with a horizontal line extending from the end of the name.

---

Wendy A. Charnon, Finance Director  
September 16, 2016

1 SHEBOYGAN COUNTY RESOLUTION NO. 23 (2016/17)

2  
3 Re: Authorizing Relocation of Highway Offices and Facilities

4  
5 WHEREAS, through the adoption of Resolution No. 6 (2015/16) the County Board authorized the  
6 purchase of vacant land in the Town of Plymouth for the development of a comprehensive highway facility  
7 and the consolidation of the Plymouth shed and the Elkhart Lake shed, and

8  
9 WHEREAS, the Transportation Director and Transportation Committee have hired an  
10 architectural consultant for the purpose of developing plans for a new facility, and

11  
12 WHEREAS, the development of the comprehensive highway facility would not only be prudent  
13 from the perspective of replacement and consolidation of the Plymouth and Elkhart Lake sheds but would  
14 also serve as an appropriate location for a centralized Department headquarters in place of the  
15 headquarters currently located at North 23rd Street in the City of Sheboygan;

16  
17 NOW, THEREFORE, BE IT RESOLVED that the County Board approves the construction and  
18 development of a comprehensive highway facility in the Town of Plymouth to serve as the headquarters  
19 of the Transportation Department and to serve as the shed for highway operations currently being  
20 administered out of the Plymouth, Elkhart Lake, and North 23rd Street facilities, to be financed out of the  
21 sale of the existing sites and as otherwise provided in the Five-year Capital Plan and including use of the  
22 Fund Balance.

23  
24 BE IT FURTHER RESOLVED that the County Administrator and the Transportation Director shall  
25 continue to take such steps as may be necessary to dispose of the current shed sites, including the North  
26 23rd Street site, subject to approval of the Board.

27  
28 BE IT FURTHER RESOLVED that the County Administrator and the Transportation Director shall  
29 coordinate the relocation of the current Highway operations from the Elkhart Lake, Plymouth, and North  
30 23rd Street facilities into the new facilities when they are completed.

31  
32 BE IT FURTHER RESOLVED that in the design of the new facility, it is expected that the County  
33 Administrator, the Transportation Director, and the Transportation Committee shall incorporate such  
34 environmentally-friendly and energy-efficient materials and systems as is practical.

35  
36 Respectfully submitted this 20th day of September, 2016.

37  
38 TRANSPORTATION COMMITTEE

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41  
42 \_\_\_\_\_  
43 Jacob Van Dixhorn, Chairperson

42 \_\_\_\_\_  
43 Roger Te Stroete, Vice-Chairperson

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45 \_\_\_\_\_  
46 James P. Glavan, Secretary

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45 \_\_\_\_\_  
46 Richard C. Bemis

47  
48 \_\_\_\_\_  
49 Al Bosman

50 Opposed to Introduction:

**FISCAL NOTE**  
**September 2016**

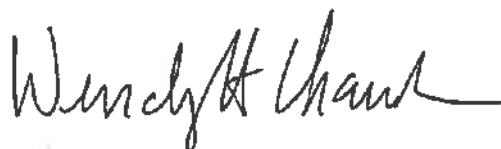
**Resolution No. 23 (2016/17) Re: Authorizing Relocation of Highway Offices and Facilities**

This resolution is to authorize the relocation of Highway Department offices and facilities and construction of a comprehensive highway facility in the Town of Plymouth to serve as headquarters for the Transportation Department. The land in the Town of Plymouth was purchased through adoption of Resolution No. 6 (2015/16) which also provided the authority to begin the process of disposing the property in preparation of the consolidation of the Elkhart Lake Shed with the Plymouth Shed Facility. This resolution also authorizes sale and disposal of the property on North 23<sup>rd</sup> Street and requires the new facility incorporate such environmentally-friendly and energy-efficient material and systems as practical.

**Funding:**

If approved the anticipated funding for the new comprehensive highway facility will be \$15,000,000 in borrowing, sale proceeds of the Elkhart Lake Shed appraised at \$500,000, the Plymouth Shed appraised at \$570,000, the North Street Facility appraised at \$1,100,000 and use of \$5,350,000 Fund Balance, as well as, State of WI reimbursement of \$560,000, and \$1,800,000 of borrowed funds taken in 2016; all spread over the project timeline which from inception to completion is projected to last approximately two and one half years.

Respectfully Submitted,



---

Wendy A. Charnon, Finance Director  
September 16, 2016

1                   SHEBOYGAN COUNTY   RESOLUTION NO. 24 (2016/17)

2  
3                   Re:    Supporting "Just Fix It" for Statewide Road Maintenance

4  
5  
6                   **WHEREAS**, local governments in Wisconsin are responsible for about 90% of the road  
7 miles in the state, and

8  
9                   **WHEREAS**, Wisconsin's diverse economy is dependent upon county and town roads as  
10 well as city and village streets and transit systems across the state, and

11  
12                   **WHEREAS**, according to *Filling Potholes: A New Look at Funding Local Transportation*  
13 *in Wisconsin* commissioned by the Local Government Institute of Wisconsin (LGI), the condition  
14 of Wisconsin's highways now ranks in the bottom third of the country, and

15  
16                   **WHEREAS**, the failure of state funding for local roads in Wisconsin to keep up with costs  
17 over the past several decades has adversely affected local transportation finances, and,  
18 according to *Filling Potholes*, municipal transportation spending has declined from \$275 per  
19 capita in 2000 to \$227 in 2012, and

20  
21                   **WHEREAS**, Wisconsin's over-reliance on borrowing eats away at the state's segregated  
22 funding sources – the state gas tax and vehicle registration fees – which increasingly pay debt  
23 service rather than fund transportation needs, and

24  
25                   **WHEREAS**, although safety is a primary concern and responsibility of local governments  
26 across Wisconsin, according to TRIP, a national non-profit transportation research group,  
27 Wisconsin had 347 non-interstate, rural road fatalities in 2013, and

28  
29                   **WHEREAS**, although our state highway and interstate system is the backbone of our  
30 surface transportation system and plays a vital role in the economy of Wisconsin, both local *and*  
31 state roads need to be properly maintained in order for our economy to grow, and

32  
33                   **WHEREAS**, from a competitive standpoint, Wisconsin motorists pay significantly less  
34 than any of our neighbors when the annual cost of the state gas tax and vehicle registration fees  
35 are combined, and

36  
37                   **WHEREAS**, the Transportation, Finance, and Policy Commission appointed by the  
38 Governor and Legislature found that if Wisconsin does not adjust its user fees, the condition of  
39 both our state and local roads will deteriorate significantly over the next decade, and

40  
41                   **WHEREAS**, the Sheboygan County Board has made the hard choice to implement a  
42 County sales tax to support local transportation, and now it is time for the State of Wisconsin to  
43 make similar hard choices;

44  
45                   **NOW, THEREFORE, BE IT RESOLVED** that the Sheboygan County Board of  
46 Supervisors urges the Governor and Legislature to "Just Fix It" and to agree upon a sustainable  
47 solution – one that includes a responsible level of bonding and adjusts our user fees to  
48 adequately and sustainably fund all of Wisconsin's transportation systems including a targeted  
49 fund increase for local units of government.

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**BE IT FURTHER RESOLVED** that the County Clerk is directed to forward copies of this Resolution to the Governor, Sheboygan County legislative delegation, the Wisconsin Counties Association, and such other public officials as the Chairperson of the Transportation Committee may deem appropriate.

Respectfully submitted this 20th day of September, 2016.

**TRANSPORTATION COMMITTEE**

\_\_\_\_\_  
Jacob Van Dixhorn, Chairperson

\_\_\_\_\_  
Roger Te Stroete, Vice-Chairperson

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James P. Glavan, Secretary

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Richard C. Bemis

\_\_\_\_\_  
Al Bosman

Opposed to Introduction:  
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**FISCAL NOTE**  
**September 2016**

**Resolution No. 20 (2016/17) Re: Authorize Acceptance of Dedicated Donation for Amsterdam Dunes**

**Resolution No. 21 (2016/17) Re: Approving Revisions to Farmland Preservation Plan**

**Resolution No. 24 (2016/17) Re: Supporting "Just Fix It" for Statewide Road Maintenance**

**Funding:**

No additional funding is required.

Respectfully Submitted,



---

Wendy A. Charnon, Finance Director  
September 16, 2016





**FISCAL NOTE**  
**September 2016**

**Resolution No. 25 (2016/17) RE: Authorizing County Aid for Bridge/Culvert  
Construction in the Town of Wilson**

This resolution is authorizing appropriation of aid for bridge or culvert construction required by Wis. Stat. §82.08 for Towns filing such petitions. In this instance the Town of Wilson requested aid for Wilson Lima Road and is providing half the cost (\$33,314) for the project totaling \$66,628.

**Funding:**

When approved the County Aid match requested is \$33,314 and will be added to the 2017 County tax levy, as required by Wis. Stat. §82.08.

Respectfully Submitted,



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Wendy A. Charnon, Finance Director  
September 16, 2016