

ONEIDA COUNTY ZONING AND SHORELAND PROTECTION ORDINANCE

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9.10 STATUTORY AUTHORIZATION

This comprehensive revision to the Oneida County Zoning and Shoreland Protection Ordinance is adopted pursuant to the authorization contained in the following sections of the Wisconsin Statutes: 59.03, 59.69, 59.692, 59.694, 281.31, 293.33, 144.839, 236.45, 30.12(3)(c), and 30.13(2).

9.11 PURPOSE - UNDERLYING ORDINANCE

It is the purpose of this ordinance to promote the public health, safety, convenience and general welfare; to encourage planned and orderly land use development; to protect property values and the property tax base; to permit the careful planning and efficient maintenance of highway systems; to insure adequate highway, utility, health, educational and recreational facilities; to recognize the needs of agriculture forestry, industry and business in future growth; to encourage uses of land and other natural resources which are in accordance with their character and adaptability; to preserve wetlands, to conserve soil, water and forest resources; to protect the beauty and amenities of landscape and man-made developments; and to protect healthy surroundings for family life.

It is further the goal of this ordinance to promote the following specific purposes:

- A. Prevent and control water pollution through:
 - 1. Requiring setbacks between septic tanks and soil absorption systems from lakes and other watercourses.
 - 2. Regulating the use of septic tanks and soil absorption systems to protect the public health, safety and general welfare, and
 - 3. Requiring alternate methods of sewage disposal where land conditions make soil absorption methods unsuitable.

- B. Further the maintenance of safe and healthful conditions through:
 - 1. Regulating the location and installation of septic tanks.
 - 2. Limiting structures to those areas where soil and geologic conditions will assure optimal operation
 - 3. Regulating the location of wells.

- C. Protect spawning grounds, fish and aquatic life through:
 - 1. Preserving wetlands and other fish and aquatic habitat.
 - 2. Regulating pollution sources.
 - 3. Controlling shoreline alterations, dredging and lagooning.

- D. Control building sites, placement of structures and land uses through:
 - 1. Separating conflicting land uses.
 - 2. Prohibiting certain uses detrimental to the shoreland area.
 - 3. Setting minimum lot sizes and widths.
 - 4. Regulating side yards and building setbacks from roadways and waterways.
 - 5. Requiring the platting of subdivisions.
 - 6. Establishing minimum lot sizes.

- E. Preserve shore cover and natural beauty through:
 - 1. Restricting the removal of natural shoreland cover.
 - 2. Preventing shoreline encroachment by structures.
 - 3. Controlling shoreland excavation and other earth moving activities.
 - 4. Regulating the use and placement of boathouses and other structures.

9.12 APPLICABILITY

A. State Agencies and Municipalities Regulated

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

B. Jurisdiction

The general zoning provisions of this ordinance, consisting of Articles 1, 2, 3, 4, 5, 6, 7, 8 and 10, shall apply in all town territory, subject to town approval as provided in sec. 59.69(5), Wis. Stats. The shoreland protection provisions of this ordinance contained in Article 9, including any provisions incorporated therein, shall apply and control throughout the County in all shorelands as provided under sec. 59.692, Wis. Stats.

9.13 COMPLIANCE

No land or premises shall be used, no building or structure shall be erected, altered, moved, occupied, or used, and no activities shall be undertaken, except in conformity with the requirements of this ordinance. Where a violation is taking or has taken place, the property owner as well as any contractor who did the work, may be prosecuted.

9.14 CITATION TO WISCONSIN STATUTES AND ADMINISTRATIVE CODE

For purposes of this ordinance, citations to the Wisconsin Administrative Code and the Wisconsin Statutes mean the Wisconsin Administrative Code and Wisconsin Statutes existing at the time this ordinance was adopted and as the Wisconsin Administrative Code and Wisconsin Statutes are subsequently renumbered, amended, and revised.

9.15 TYPES OF PERMITS - GENERALLY

This ordinance authorizes the issuance of five general types of permits, as follows:

- A. Zoning Permits. Zoning permits are generally required to be obtained before a use identified in each district as a permitted use may occur or a structure is built or altered. The specific zoning permit provisions are found in Article 3 of this ordinance.
- B. Administrative Review Permits. Administrative review permits are required to be obtained before a use identified as an administrative review use may occur. The specific administrative review permit provisions are found in Article 3 to this ordinance.
- C. Conditional Use Permits. Conditional use permits are required to be obtained before a use identified in each district as a conditional use may occur. The specific conditional use permit provisions are found at sections 9.40 to 9.42 of this ordinance.
- D. Sanitary Permits. Sanitary permits are required for the installation or enlargement of any sewage disposal system. The specific sanitary permit provisions are found at section 9.38 of this ordinance.
- E. Shoreland Alteration Permits. Shoreland alteration permits are required to fill, grade, lagoon, dredge, ditch or excavate shoreland. The specific shoreland alteration permit provisions are found at section 9.97 of this ordinance.
- F. List of Issued Permits Provided to Towns. The Department shall, on at least a quarterly basis, provide a list of all permits issued by the County pursuant to this ordinance (except sanitary sewer permits) to the town clerk of the town in which the property affected by the permit is located.

9.16 GENERAL PROVISIONS

- A. Abrogation and Greater Restrictions. If a town ordinance exists relating to the subject matter contained in this ordinance or any amendments to it, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise. It is not intended by this ordinance to repeal, abrogate or impair any existing deed restrictions or other ordinances, except where specifically so stated. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
- B. Interpretation. The provisions of this ordinance shall be held to be minimum requirements, 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.
- C. Buildings Under Construction. Nothing contained in this ordinance shall require any change in the plans, construction, size or designated use of any structure or part thereof for which a location and occupancy permit or zoning permit under existing or previous requirements has been validly issued, provided the permitted construction is actually under way at the time this ordinance becomes effective.
- D. Repeal of Previous Zoning Provisions. This ordinance shall repeal and replace those portions of the previous ordinance known as the "Oneida County Zoning and Shoreland Protection Ordinance as amended through the enactment of ordinance amendment #596 by the Oneida County Board of Supervisors on March 21, 2000," to the extent, and as provided, by state law. (Amend. #603)
- E. Severability. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court, the remainder of this ordinance shall not be affected.
- F. Effective Date. This ordinance shall be effective upon adoption and publication as required by law. The general zoning provisions of this ordinance shall not be effective throughout all town territory until they have been approved by the town board pursuant to sec. 59.69(5)(c), Wis. Stats. The existing ordinance shall remain in effect in a town for a period of up to one year or until this ordinance is approved by the town board, whichever period is shorter, pursuant to sec. 59.69(5)(d), Wis. Stats. The shoreland protection provisions of this ordinance, however, including any provisions incorporated therein, shall be effective in all shorelands of the County where applicable, as provided in sec. 59.692, Wis. Stats.

9.17 UNSAFE STRUCTURES

The Zoning Administrator, Deputy Zoning Administrator, or Zoning Inspector may act pursuant to sec. 66.05, Wis. Stats. When the safety and welfare of the public requires immediate action, said Zoning authorities may enter the premises, with assistance from town or County protective services personnel as may be necessary, and cause such structure to be made safe or removed. The expense of such work shall be recovered by the County against the owner or occupant.

9.18 PROHIBITION AGAINST USE OF VEHICLES FOR HUMAN HABITATION

The placement on property of cars, buses, trucks, automobiles, or any other portable or motor vehicles, which are on wheels, skids, rollers, blocks, jacks, posts, piers, foundations or similar support which are used or intended to be used primarily for human habitation, whether temporary or permanent, shall be prohibited. The placement of recreational vehicles, motor homes, and camping trailers shall be prohibited unless in a permitted campground or recreational vehicle park under section 9.53, or as exempted in sections 9.33(F) and 9.33(G).

9.19 Relaxation of standards for persons with disabilities (#25-2004)

The Zoning Director may issue a permit to relax dimensional standards of this ordinance in order to provide reasonable accommodation of persons with disabilities as required by provisions of federal and state law. Such relaxation shall be consistent with federal guidelines for accommodation of persons with disabilities and shall, where practicable, be terminated when the facility is no longer in use by a disabled person. A person applying for a permit for construction under this section shall establish:

1. That the facility or premises are routinely used by a disabled person;
2. The nature and extent of the disability; and
3. That the relaxation requested is the minimum necessary to provide reasonable use of the facility by the disabled person.