

# CHAPTER 8

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## SHORELAND DISTRICT ZONING ORDINANCE<sup>1</sup>

- 8.01 Statutory Authorization, Statement of Purpose, and Annexed Areas
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### 8.01 Statutory Authorization, Statement of Purpose, and Annexed Areas.

#### A. Statutory Authorization.

This ordinance is adopted pursuant to the authorization in secs. 61.35 and 59.692(7)(a)(1), Stats.

#### B. Statement of 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 serving recreational needs are allowed as conditional uses. These uses are consistent with maximum recreational use of the water and its shorelands. All permitted uses or conditional uses are subject to the general provisions of this Ordinance, and all other applicable laws and regulations.

#### C. Annexed Areas.

For all shoreland area annexed by the municipality after May 7, 1982, this zoning ordinance, which is at least as restrictive as the county shoreland zoning ordinance, shall apply pursuant to the statutory authorization of sec. 59.692(7)(a)(1), Stats.

### 8.02 Designation of Shoreland District.

This District shall include all areas within the following distances from the ordinary high water mark of navigable waters:

- A. One thousand feet from a lake, pond, or flowage. If the navigable water is a glacial pothole lake, this distance shall be measured from the high water mark of the lake.
- B. Three hundred feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

Navigable waters include the following: Lake Superior, Lake Michigan, all natural inland lakes and all streams, ponds, sloughs, flowages, and other waters which are navigable under the laws of the State of Wisconsin.

### 8.03 Permitted Uses.

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<sup>1</sup>Adopted through Ordinance 5-1998. Adopted June 8, 1998, Published June 13, 1998. See Minutes of the Village Board Vol. 12, pg. 1158.

The following uses are permitted subject to the provisions of chs. 30 and 31, Stats., and the provisions of other state, local, and federal laws, if applicable:

- A. Any use permitted Under Chapter 6 of this Developmental Code;
- B. Single-family detached dwellings, including mobile homes that meet the following definition: a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities, and does not include recreational vehicles or travel trailers which remain licensed and ready for highway use and remain on-site less than 180 days;
- C. Parks and playgrounds;
- D. Accessory uses;
- E. Boathouses, provided they do not extend below, or more than 30 feet landward of, the ordinary high water mark, are designed exclusively for the storage of watercraft and related marine equipment, and are not used for human habitation or commercial purposes. This permitted use shall not extend to boathouses which are more than 12 feet tall or which have fireplaces, patio doors, plumbing, heating, cooking facilities, or any other features inconsistent with the use of the structure exclusively as a boathouse.

#### **8.04 Conditional Uses.**

The following uses are permitted upon the issuance of a Conditional Use Permit according to the procedure set forth in Section 1.09(C) of this Zoning Ordinance of this Developmental Code. Unless a greater distance is specified, any of the following commercial, recreational, governmental, or cultural structures hereafter approved as conditional uses shall be at least 100 feet from a residence other than that of the owner of the establishment, his/her agent, or employee, 75 feet from a residential property line, and 25 feet from any other lot line.

- A. Private inland lake access points providing access from more than two (2) dwelling units on back lots or building sites which do not front directly on the lake. Such private access points shall have a minimum of 50 feet in width at the ordinary high water mark for each of the first two dwelling units served, plus an additional 10 feet of width for each additional dwelling unit served. The Zoning Committee may attach conditions governing on-site storage of watercraft in length, types, and other specifications.
- B. Two-family dwellings.
- C. Multiple-family dwellings.
- D. Planned Unit Developments, planned, designed, and developed in conformance with Section 1.07(B) of the Zoning Ordinance set forth in this Developmental Code.
- E. Public, parochial, and private schools.
- F. Churches and similar places of religious worship.
- G. Professional offices.
- H. Governmental and cultural uses such as fire and police stations, community centers, municipal buildings, libraries, cemeteries, and museums.
- I. Golf courses and country clubs.
- J. Hotels, resorts, motels, restaurants, dinner clubs, taverns, and other private or public clubs.
- K. Recreational camps and campgrounds, provided all buildings are more than 100 feet from the lot line.
- L. Individual gift and retail specialty shops customarily found in recreational areas.

- M. Marinas, boat liveries, bait shops, sports equipment stores, watercraft and marine motor sales and service stores, and fish farms.
- N. Signs which are larger or in greater number than are permitted in Section 8.05 below, provided that such signs are found to be necessary to adequately inform the public.
- O. Agricultural uses, provided that the following conditions shall apply in addition to any other conditions that may be established by the Zoning Committee:
  - (1) Farm animals shall be housed at least 100 feet from any residential structure on a non-farm lot.
  - (2) Any non-residential structure shall be located at least 50 feet from a property line.
  - (3) New farm buildings housing animals, and all new barnyards or feedlots, shall be located at least 300 feet from any navigable water and shall be located so that manure will not drain onto any navigable water.
  - (4) A minimum of 50 feet of land free of row crops and seeded to grass, alfalfa, or other close growing crop shall be maintained between the farmed area and the edge of the waterway.
  - (5) If there is a pollution problem resulting from the grazing or pasturing of livestock, the farmer/operator will be required to erect a fence within 10 feet of the edge of the waterway or otherwise abate the pollution to the approval of the Zoning Committee.
- <sup>2</sup>P. Warehouses, provided that the underlying zoning has been industrial, commercial or BPD Business Park District prior to June 1, 2000, and that the following conditions shall apply in addition to any other conditions that may be established by the Village Board.
  - (1) All structures over one thousand (1,000) square feet in area shall be set back at least one hundred (100) feet from the ordinary high water mark (OHWM) of navigable waters.
  - (2) All parking lots, support and accessory facilities, and other impervious surfaces that, in the aggregate, exceed five thousand (5,000) square feet in area shall be set back at least one hundred (100) feet from the ordinary high water mark (OHWM) of navigable waters.
  - (3) Stormwater management and erosion control plans (prepared in accordance with Chapter 2, Subdivision Regulations) 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 discharge to the navigable waters, or shall provide for adequate detention / retention or pretreatment.
  - (4) The storage, processing, or manufacture of any materials hazardous, explosive, or otherwise injurious to humans, animals, vegetation, ground, and surface waters shall be prohibited.
  - (5) Motor vehicle service and repair facilities shall be prohibited.

**8.05 Signs.**

- A. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit, except those signs listed in C. below. A zoning permit may be obtained from the zoning administrator pursuant to the procedure set forth in Section 6.05(2) of this Developmental Code.
- B. Signs permitted in the Shoreland District with a zoning permit:

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<sup>2</sup> Amended through Ordinance 2-2002, adopted on June 10, 2002, see minutes of the Oostburg Village Board vol. 14, pg. 1275.

- (1) Directory signs, indicating the direction and distance to a business, recreational facility, or service available at a specific location within the Village. Such signs shall not be more than eight square feet in gross area, be more than five miles from the location to which it relates, or be within 300 feet of an existing residence. There shall not be more than two such signs relating to any one use in the approaching direction along any one highway. Such signs may be placed at the right-of-way line of the highway.
  - (2) Signs attached to a commercial and/or industrial building advertising a business conducted or a service available on the premises. No sign shall exceed 40 square feet in gross area, be higher than four feet above the top of the roof line, or exceed any other size limitations permitted in the Village.
  - (3) Ground signs advertising commercial and/or industrial businesses on the premises. Such signs shall not exceed 12 square feet in gross area. There shall be no more than one sign for the highway and/or navigable waterway upon which the property faces. Such signs may be placed at the right-of-way line of the highway. Ground signs which face a navigable waterway must be 75 feet from the ordinary high water mark.
- C. Signs permitted in the Shoreland District without a zoning permit, but with additional conditions:
- (1) Signs advertising a customary home occupation or professional office. Such signs shall not exceed six square feet in gross area, shall be attached to the building, and, if illuminated, shall be indirectly lighted.
  - (2) Agricultural signs pertaining to the production or sale of agricultural products on a farm shall not exceed 32 square feet in gross area for any one farm.
  - (3) Signs advertising the sale, lease, or rental of the premises upon which the sign is temporarily located shall not exceed 20 square feet in gross area.
  - (4) Signs denoting the architect, engineer, or contractor placed on premises where construction, repair, or renovation is in progress shall not exceed 100 square feet in gross area, and shall be removed 30 days after completion of construction or prior to occupancy, whichever is sooner.
  - (5) Official signs, such as traffic control, parking restrictions, danger, and aids to service or safety, including utilities.
  - (6) Memorial signs or tablets with the name of buildings and date of erection shall not exceed 20 square feet in gross area.
  - (7) Political and campaign signs may be erected not earlier than 30 days prior to the election and shall be removed within 15 days following said election. Such sign shall not exceed 16 square feet in gross area. No sign shall be located within 15 feet of the public right-of-way at a street intersection, nor over any street right-of-way.
  - (8) Neighborhood identification signs. A sign, masonry wall, landscaping, or other similar material and feature may be combined to form a display for neighborhood or subdivision identification, provided that the legend of such sign or display shall consist only of the neighborhood or subdivision name.
- D. Prohibited Signs:
- (1) Abandoned signs. All signs or sign messages shall be removed by the owner or lessee of the premises upon which an on-premise sign is located when the business it advertises is no longer conducted; or for an off-premise sign, when lease payment and rental income are no longer provided. If the owner or lessee fails to remove the sign, the Department shall give the owner 60 days written notice to remove said

sign. Upon failure to comply with this notice, the Department shall cause removal to be executed, the expenses of which shall be assessed to the tax roll of the property on which the abandoned sign is located.

- (2) Portable or trailer signs.
- (3) Flashing or moving signs. No sign shall be permitted which is animated by means of flashing, scintillating, blinking, or traveling lights of over 15 watts per lamp, and no animated sign may be located within 300 feet of any illuminated traffic control or warning light. Changeable message signs are not subject to this restriction. Signs with physically moving components visible from the public right-of-way are not permitted except for those which revolve around a vertical axis at speeds less than seven revolutions per minute.
- (4) Swing signs.
- (5) Floodlighted signs. Reflection illuminated signs whose light source is positioned so that 25% or more of its light intensity is visible from a public right-of-way by vehicular traffic or whose light source is visible from residential property are prohibited.
- (6) Unclassified signs which:
  - a. bear or contain statements, words, or pictures of obscene, pornographic, or immoral subjects; or,
  - b. which are an imitation of, or resemble in shape, size, copy, or color, an official traffic sign or signal are prohibited.
- (7) Larger signs or a greater number of signs may be permitted upon the issuance of a Conditional Use Permit by the Village.
- (8) Existing non-conforming signs. An existing sign which, upon adoption of this Ordinance, does not conform with the provisions of this Ordinance, shall be considered an existing non-conforming sign. Use of the sign may continue until such time as it is damaged by vandalism, fire, explosion, flood, or other calamity, or age, to the extent that more than 50% of the sign has been destroyed, or its value diminished to that extent by dilapidation. It shall not be restored except as to comply with the sign provisions of this Ordinance.