

**Langlade County
Draft of Shoreland Zoning Revisions
Required by NR115 Statewide Minimum Zoning Standards
(August 10, 2011 public hearing draft)**

CHAPTER 17

LANGLADE COUNTY ZONING CODE

Note:

Repeal sections are current Langlade County code language.

Revision sections are language directly from NR115.

Proposed sections are draft language the Water and Land Use Planning Committee are considering.

Add new sections are new definitions we do not have in current code.

Optional sections are suggested language from the model code.

17.03(3) DEFINITIONS.

REPEAL: Viewing Corridor. In the vegetation protection area, a maximum 30' wide area within which vegetation may be selectively pruned allowing a filtered view of the water body. The viewing corridor provides partial vegetative screening between the principal structure and the water body.

NR115 REVISION: Access and viewing corridor. A strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

PROPOSED: Access and viewing corridor. In the vegetation protection area, a maximum 30' wide area within which vegetation may be selectively pruned allowing a filtered view of the water body and a pedestrian access to the shore. The access and viewing corridor provides partial vegetative screening between structures and the water body.

REPEAL: Boathouse. Any structure used exclusively for protecting or storing of boats used for noncommercial purposes in conjunction with a residence and not for human habitation or occupancy (i.e., decks, bunkhouses, recreation rooms). No design features are allowed that would be inconsistent with the exclusive use for the storage of watercraft.

NR115 REVISION: Boathouse. A permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.

PROPOSED: Boathouse. Any structure used exclusively for protection and storage of watercraft and associated materials in conjunction with a residence and not for human habitation or occupancy (i.e., decks,

bunkhouses, recreation rooms), does not contain plumbing, and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts. No design features are allowed that would be inconsistent with the exclusive use for the storage of watercraft and associated materials.

ADD NEW:

County zoning agency: That committee or commission created or designated by the county board under s. 59.69(2)(a), Wis. Stats, to act in all matters pertaining to county planning and zoning.

OPTIONAL (suggest adding):

Generally accepted forestry management practices: Forestry management practices that promote sound management of a forest as defined in s. NR 1.25 (2) (b). Generally accepted forestry management practices include those practices contained in the most recent version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226 and subsequent updates.

REPEAL: Impervious surface. Any man made or constructed surface which does, not allow runoff waters to infiltrate into the ground. Examples include but are not limited to roofs, paved areas, decks and driveways.

NR115 REVISION: Impervious surface. An area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious.

PROPOSED: Impervious surface. Any area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious.

OPTIONAL (suggest revising):

REPEAL: Ordinary Maintenance & Repair. Includes: replacement of windows, doors, roofing and siding; upgrading of insulation; internal remodeling and improvements; repair but not replacement of an existing foundation (see Foundation Repair); replacement of roof trusses up to a maximum 8:12 pitch. (Note: Consult with zoning office about permits required for some of these activities.)

NR115 REVISION: Maintenance and repair. Includes 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.

PROPOSED: Maintenance and repair. Includes such activities as interior remodeling and improvements, painting, decorating, paneling, plumbing, insulation, and replacement of windows, doors, wiring, siding, roofing and other nonstructural components; replacement of roof trusses up to a maximum 8:12 pitch; repair but not replacement of an existing foundation (see Foundation Repair); and the repair of cracks in foundations, sidewalks, walkways and the application of waterproof coatings to foundations.

ADD NEW:

Mitigation. Balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

Navigable waters: Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under s. 281.31(2)(d), Wis. Stats, notwithstanding any other provision of law or administrative rule promulgated there under, shoreland ordinances required under s. 59.692, Wis. Stats, and ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if such lands are not adjacent to a natural navigable stream or river, those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and such lands are maintained in nonstructural agricultural use.

REPEAL: **Ordinary High Watermark.** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark, such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

NR115 REVISION: **Ordinary high-water mark.** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics. Where the bank or shore at any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high-water mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high-water mark.

PROPOSED: Use NR115 definition

OPTIONAL:

REPEAL: **Shoreline Setback.** The distance between all points along the ordinary high water mark and the closest water ward projection of a structure. For purposes of shoreline setback measurement, measurements to the principal structure shall include any portions which are fully or partially enclosed.

NR115 REVISION: **Shoreland setback** also known as the Shoreland setback area. An area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of buildings or structures has been limited or prohibited under an ordinance enacted under section 59.692, Wis. Stats.

PROPOSED: **Shoreline Setback.** The distance between all points along the ordinary high water mark and the closest water ward projection of a structure except overhanging roof eaves or awnings with a maximum projection of 4 feet.

ADD NEW:

Shoreland-wetland zoning district. The zoning district, created as a part of this shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made a part of this ordinance.

OPTIONAL:

REPEAL: **Use, Conditional.** A use which, because of its unique characteristics and impact upon the environment, cannot be properly classified as a permitted use.

NR115 REVISION: **Special exception (conditional use).** A use which is permitted by a shoreland zoning ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the board of adjustment or, where appropriate, the planning and zoning committee or county board.

PROPOSED: **Use, Conditional.** A use which, because of its unique characteristics and impact upon the environment, cannot be properly classified as a permitted use, which is permitted provided that certain conditions specified in the ordinance are met, and that a permit is granted by the board of adjustment.

17.30(3) REGULATORY CONCERNS AND OBJECTIVES OF THE COUNTY IN APPLYING ZONING STANDARDS FOR USE OF SHORELANDS ON NAVIGABLE WATERS.

ADD NEW:

(e) Limit the direct and cumulative impacts of shoreland development on water quality; near-shore aquatic, wetland and upland wildlife habitat; and natural scenic beauty.

17.30(4) MINIMUM PARCEL SIZE AND BACKLOT ACCESS TO WATERS.

REPEAL: (a) The minimum lot sizes established for lots within the shoreland jurisdiction shall be those specified for the zoning district where the lot is located unless a larger lot size is required elsewhere in this Code of Ordinances (Chapter 18).

PROPOSED CORRECTION: (a) The minimum lot sizes established for lots within the shoreland jurisdiction shall be those specified in section 17.30(12) Water Class Development Standards and for the zoning district where the lot is located unless a larger lot size is required elsewhere in this Code of Ordinances or unless a Planned Residential Development is approved pursuant to 17.58.

17.12 (6) NONCONFORMING LOTS

REPEAL: (a) Nonconforming as to Lot Dimension or Area

A lot which is nonconforming as to lot dimension or area may be used for any use permitted in the district in which it is located provided:

1. it was legally created and of record prior to original adoption of this ordinance on December 12, 1967 and is at least 50 feet in width at the ordinary highwater mark and shore setback line and is 7,500 square feet in area for sewered lots or is at least 65 feet in width at the ordinary highwater mark and shore setback line and is 10,000 square feet in area for unsewered lots; and

2. it is in separate ownership from adjacent parcels (if adjacent nonconforming parcels are commonly owned, they may only be developed in conformity with current requirements of this ordinance);or

3. it was legally created and of record prior to amendment of this ordinance on January 19, 1999 and is 20,000 square feet in area; and

4. a side yard for Class 3 waters shall apply; (Rev. Ord. #6-2006)

5. development complies with all other ordinance requirements.

NR115 REVISION:

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

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

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

(3) The substandard lot or parcel is developed to comply with all other ordinance requirements.

PROPOSED:

17.12 (6) LEGAL PRE-EXISTING LOTS

(a) Nonconforming as to Lot Dimension or Area

A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used for any use permitted in the district in which it is located provided:

- 1. it was legally created and of record prior to original adoption of this ordinance on December 12, 1967 and is at least 50 feet in width at the ordinary highwater mark and shore setback line and is 7,500 square feet in area for sewerred lots or is at least 65 feet in width at the ordinary highwater mark and shore setback line and is 10,000 square feet in area for unsewerred lots; and**
- 2. it is in separate ownership from adjacent parcels and was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel and has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel (if adjacent nonconforming parcels are commonly owned, they may only be developed in conformity with current requirements of this ordinance); or for waterfront lots:**
- 3. it was legally created and of record prior to amendment of this ordinance on January 19, 1999 and is 20,000 square feet in area; and**
- 4. a side yard for Class 3 waters shall apply; (Rev. Ord. #6-2006)**
- 5. the development complies with all other ordinance requirements.**

REPEAL:

17.58 PLANNED RESIDENTIAL DEVELOPMENT.

(2) REQUIREMENTS FOR PLANNED RESIDENTIAL DEVELOPMENT. The Water and Land Use Planning Committee may at its discretion, upon its own motive or upon petition, authorize a Planned Residential Development by approving a plat under Chapter 18 of the County Code of Ordinances for a specific project upon finding, after a public hearing, that all of the following facts exist:

(a) Location and Area. The area proposed for homesites is located in the R-1, R-2, or AFR Districts and the gross project area is at least 35 contiguous acres. Gross project area shall include the total project area less mapped wetlands, floodways and areas below the ordinary highwater mark of navigable waters and may include lands in other zoning districts.

NR115 REVISION:

Planned unit development. A non-riparian lot may be created which does not meet the requirements of subd. 1. if the county has approved and recorded a plat or certified survey map including that lot within a planned

unit development, if the planned unit development contains at least 2 acres or 200 feet of frontage, and if the reduced non-riparian lot sizes are allowed in exchange for larger shoreland buffers and setbacks on those lots adjacent to navigable waters that are proportional to and offset the impacts of the reduced lots on habitat, water quality and natural scenic beauty.

PROPOSED:

(2) REQUIREMENTS FOR PLANNED RESIDENTIAL DEVELOPMENT. The Water and Land Use Planning Committee may at its discretion, upon its own motive or upon petition, authorize a Planned Residential Development by approving a plat under Chapter 18 of the County Code of Ordinances for a specific project upon finding, after a public hearing, that all of the following facts exist:

(a) Location and Area. The area proposed for home sites is located in the R-1, R-2, or AFR Districts and the gross project area is at least 35 contiguous acres. Gross project area shall include the total project area less mapped wetlands, floodways and areas below the ordinary highwater mark of navigable waters and may include lands in other zoning districts. If the project is contiguous to a navigable water body, the minimum water frontage for the project shall be 1000 feet.

REPEAL:

17.30(7) BOATHOUSES. A permit shall be obtained from the Land Records and Regulation Department prior to construction of a boathouse. Boathouse construction shall comply with the following standards:

(a) A boathouse shall be designed and used exclusively for the storage of watercraft and related equipment. Any other accessory construction is prohibited.

(g) A boathouse must be located within the shore viewing corridor described in Section 17.30 (6) (e) and such construction shall comply with the standards of Section 17.30 (8) regarding land disturbing activities.

NR115 REVISION:

Boathouses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation.

PROPOSED: See also boathouse definition

17.30(7) BOATHOUSES. A permit shall be obtained from the Land Records and Regulation Department prior to construction of a boathouse. Boathouse construction shall comply with the following standards:

(a) A boathouse shall be designed and used exclusively for the storage of watercraft and associated materials. Any other accessory construction is prohibited.

(g) A boathouse shall be located within the access and viewing corridor described in Section 17.30 (6) (e) and such construction shall comply with the standards of Section 17.30 (8) regarding land disturbing activities.

REPEAL:

17.30(5) SHORELINE, DRAINAGEWAY AND WETLAND SETBACKS.

(a) All buildings and structures shall be set back from the ordinary high water mark of navigable waters in accordance with the water classification setbacks. Such setback shall be measured from the most water ward projection of a structure to all points along the ordinary highwater mark except as provided in section 17.13. The following structures are exempted from shoreline, drainageway and wetland setback requirements:

1. Shoreline protection structures permitted by the Department of Natural Resources;
2. Piers;
3. Boathouses constructed in compliance with Section 17.30(7);
4. Elevated pedestrian walkways essential to access the shore because of steep slopes or wet soils and which comply with the provisions of Section 17.30(6)(b); and
5. Erosion control structures designed to remedy significant, existing erosion that cannot otherwise be controlled provided the design of the structure is approved by the Land Records and Regulation Department.

(b) All buildings and structures shall be set back at least 15 feet from the highwater mark of nonnavigable streams and drainageways. Roadways, recreational trails and pedestrian walkways shall be permitted to cross nonnavigable streams and drainageways provided such construction allows for the free passage of waters and that runoff is controlled so as to prevent erosion and transport of sediment and pollutants to nearby waters. The highwater mark is that point up to which the presence and action of surface water is so continuous as to leave a distinctive mark by erosion, destruction or prevention of terrestrial vegetation, dominance of aquatic vegetation, or other easily recognized characteristics.

(c) All buildings and structures except for those permitted to be located within shoreland wetlands (see Section 17.38) shall be set back at least 25 feet landward from the boundary of mapped wetlands.

17.30(11) SPECIAL REGULATIONS FOR BUILDINGS AND STRUCTURES REQUIRED TO BE AT OR NEAR THE WATER'S EDGE.

(e) Satellite dishes greater than 18 inches in diameter are defined as a structure and shall comply with this section and Wis. Stats 17.62(5)(a)1.a.

NR115 REVISION:

Building setbacks. Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution.

'Exempt structures.' All of the following structures are exempt from the shoreland setback standards in [subd. 1.](#): (75 foot setback)

- a. Boathouses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation.
 - b. Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in s. [59.692 \(1v\)](#), Stats.
 - c. Fishing rafts that are authorized on the Wolf River and Mississippi river under s. [30.126](#), Stats.
 - d. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.
 - e. Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with [ch. Comm 83](#), 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.
 - f. Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width.
2. *'Floodplain structures.'* Buildings and structures to be constructed or placed in a flood plain shall be required to comply with any applicable flood plain zoning ordinance.
3. *'Boathouses.'* The use of boathouses for human habitation and the construction or placing of boathouses beyond the ordinary high-water mark of any navigable waters shall be prohibited.

PROPOSED:

17.30(5) SHORELINE, DRAINAGEWAY AND WETLAND SETBACKS.

(a) All buildings and structures shall be set back from the ordinary high water mark of navigable waters in accordance with the water classification setbacks in section 17.30(12). Such setback shall be measured from the most waterward projection of a structure to all points along the ordinary highwater mark except as provided in section 17.13. The following structures are exempted from shoreline, drainageway and wetland setback requirements:

- 1. Shoreline protection structures permitted by the Department of Natural Resources:**
- 2. Piers;**
- 3. Boathouses constructed in compliance with Section 17.30(7) and (12);**
- 4. Elevated pedestrian walkways, stairways, or rail systems that are necessary to provide pedestrian access to the shoreline because of steep slopes or wet soils and which comply with the provisions of Section 17.30(6)(b);**

5. Erosion control structures designed to remedy significant, existing erosion that cannot otherwise be controlled provided the design of the structure is approved by the Land Records and Regulation Department.

6. Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in s. 59.692 (1v), Stats. and 17.30(14).

7. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter.

8. Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pump house covers, private on-site wastewater treatment systems that comply with COMM 83, 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.

(b) All buildings and structures shall be set back at least 15 feet from the highwater mark of nonnavigable streams and drainageways. Roadways, recreational trails and pedestrian walkways shall be permitted to cross nonnavigable streams and drainage ways provided such construction allows for the free passage of waters and that runoff is controlled so as to prevent erosion and transport of sediment and pollutants to nearby waters. The highwater mark is that point up to which the presence and action of surface water is so continuous as to leave a distinctive mark by erosion, destruction or prevention of terrestrial vegetation, dominance of aquatic vegetation, or other easily recognized characteristics.

(c) All buildings and structures except for those permitted to be located within shoreland wetlands (see Section 17.38) shall be set back at least 25 feet landward from the boundary of mapped wetlands.

17.30(11) SPECIAL REGULATIONS FOR BUILDINGS AND STRUCTURES REQUIRED TO BE AT OR NEAR THE WATER'S EDGE.

(e) Satellite dishes greater than one meter in diameter are defined as a structure and shall comply with this section and section 17.62(5).

REPEAL:

(3) REGULATORY CONCERNS AND OBJECTIVES OF THE COUNTY IN APPLYING ZONING STANDARDS FOR USE OF SHORELANDS ON NAVIGABLE WATERS.

(d) Preserve shore cover and natural beauty through:

1. Restricting the removal of natural shoreland cover.

NR 115 REVISION:

To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation....

PROPOSED:

(3) REGULATORY CONCERNS AND OBJECTIVES OF THE COUNTY IN APPLYING ZONING STANDARDS FOR USE OF SHORELANDS ON NAVIGABLE WATERS.

(d) Protect water quality, fish and wildlife habitat and natural scenic beauty through:

1. Restricting the removal of natural shoreland cover and promoting the preservation and restoration of native vegetation.

REPEAL:

17.30(6) VEGETATION PROTECTION AREA. There shall be a shoreline vegetation protection area on each lot which shall extend from the ordinary high water mark to a line which is 25 feet less than the required shoreline setback for structures. Within this area the removal of trees, shrubs and ground cover, filling and land disturbing activities are prohibited with the following exceptions:

(a) Pier, wharf and, where permitted, boathouse and related marine railway construction provided such construction is located within the viewing corridor described in Section 17.30 (6)(e) unless such location is not feasible due to steep slopes, wet soils or similar limiting conditions.

(b) One pedestrian access pathway to the shoreline provided:

1. It is located within the viewing corridor described in Section 17.30 (6)(e) unless such location is not feasible due to steep slopes, wet soils or similar limiting conditions.

2. It is located and constructed so as to avoid erosion;

3. It is located and constructed so as to maintain some screening of development from view from the water;

4. It is the minimum construction necessary to provide access and includes no additional construction other than railings essential for safety;

5. It is no more than 4 feet wide; and

6. It is constructed of materials with colors which blend with the natural ground cover in the vicinity of the pathway.

An elevated walkway or powered lift may be substituted for a pedestrian access pathway if:

1. It is essential to access the shore because of steep slopes, wet soils or similar limiting conditions;

2. It complies with the standards for location and construction of pathways described in Section 17.30(6)(b)(1-6); and

3. Construction plans are approved by the Land Records and Regulations Department.

(c) Shoreline protection activities authorized by a state permit and erosion control measures approved by the Land Records and Regulation Department which are designed to remedy significant, existing erosion problems

(d) Removal of dead and diseased trees which are a safety hazard or which threaten structures,

(e) Establishment of one viewing corridor for each minimum lot width by selective pruning and selective removal of trees and shrubbery. Clear cutting, filling, grading and other land disturbing activities are not permitted. Sufficient trees and shrubbery shall be retained to screen development from view from the water but provide a filtered view of the water. The viewing corridor shall be more or less perpendicular to the shore and no more than 30 feet wide in the dimension paralleling the shore. On sites where the shoreline buffer has been altered, restoration of the viewing corridor must be conducted according to section 17.30(13).

(f) Construction of a collector system for a community waste disposal system provided there is no practical alternative location.

(g) Roadways adjacent to permitted stream crossings.

(h) A private boat launch ramp and associated vehicular access in districts zoned for residential use provided there is no alternative launch facility. Commercial and public recreational facilities requiring a waterfront location provided a conditional use permit under Section 17.64(3) is obtained. Such activities may also require DNR permits.

*In shoreland areas located beyond the vegetation protection area, tree and shrub cutting shall be governed by consideration of the effect on water quality, natural beauty and sound forestry practices and soil conservation practices.

NR115 REVISION:

Vegetation. To protect natural scenic beauty, fish and wildlife habitat, and water quality, a county shall regulate removal of vegetation in shoreland areas, consistent with the following:

1. The county shall establish ordinance standards that consider sound forestry and soil conservation practices and the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.
2. To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, the county ordinance shall designate land that extends from the ordinary high water mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows:
 - a. The county may allow routine maintenance of vegetation.
 - b. The county may allow removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors, provided that the combined width of all access and viewing corridors on a riparian lot or parcel may not exceed the lesser of 30 percent of the shoreline frontage or 200 feet.
 - c. The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more

acres of forested land consistent with "generally accepted forestry management practices" as defined in [s. NR 1.25 \(2\) \(b\)](#), and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR-226), provided that vegetation removal be consistent with these practices.

d. The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed under the permit be replaced by replanting in the same area as soon as practicable.

e. The county may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this subd. par. shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.

PROPOSED:

17.30(6) VEGETATION BUFFER AREA. There shall be a shoreline vegetation buffer area on each lot which shall extend from the ordinary high water mark to a line which is 25 feet less than the required shoreline setback for structures. Within this area the removal of trees, shrubs and ground cover, filling and land disturbing activities are prohibited with the following exceptions:

(a) Pier, wharf and, where permitted, boathouse and related marine railway construction provided such construction is located within the viewing and access corridor described in Section 17.30 (6)(b) unless such location is not feasible due to steep slopes, wet soils or similar limiting conditions.

(b) Establishment of one viewing and access corridor by selective pruning and selective removal of trees and shrubbery. Clear cutting, filling, grading and other land disturbing activities are not permitted. Sufficient trees and shrubbery shall be retained to screen development from view from the water but provide a filtered view of the water. The viewing and access corridor shall be more or less perpendicular to the shore and shall not exceed the lesser of 30% of the shoreline frontage or 30 feet wide in the dimension paralleling the shore. On sites where the shoreline buffer has been altered, restoration of the viewing corridor must be conducted according to section 17.30(13).

(c) One pedestrian access pathway to the shoreline provided:

1. It is located within the viewing and access corridor described in Section 17.30 (6)(b) unless such location is not feasible due to steep slopes, wet soils or similar limiting conditions.
2. It is located and constructed so as to avoid erosion;
3. It is located and constructed so as to maintain some screening of development from view from the water;
4. It is the minimum construction necessary to provide access and includes no additional construction other than railings essential for safety;
5. It is no more than 4 feet wide; and

6. It is constructed of materials with colors which blend with the natural ground cover in the vicinity of the pathway.

(d) An elevated walkway or powered lift may be substituted for a pedestrian access pathway if:

1. It is essential to access the shore because of steep slopes, wet soils or similar limiting conditions;

2. It complies with the standards for location and construction of pathways described in Section 17.30(6)(c); and

3. Construction plans are approved by the Land Records and Regulations Department.

(e) Removal of dead and diseased trees which are an imminent safety hazard or which threaten structures and removal of vegetation to manage exotic or invasive species, and removal of vegetation to control disease, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable as authorized by a Shoreland Buffer Vegetation Removal and Replacement Permit pursuant to Section 17.62(5).

(f) Timber harvest and agricultural cultivation activities that comply with Section 17.30(8)(e).

(g) The county may authorize by a Shoreland Buffer Vegetation Removal and Replacement Permit additional vegetation management activities in the vegetative buffer zone. The permit issued shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.

(h) Shoreline protection activities authorized by a state permit and erosion control measures approved by the Land Records and Regulation Department which are designed to remedy significant, existing erosion problems.

(i) Construction of a private onsite wastewater treatment system (POWTS) provided there is no practical alternative location.

(j) Roadways adjacent to permitted stream crossings.

(k) A private boat launch ramp and associated vehicular access in districts zoned for residential use provided there is no alternative launch facility. Commercial and public recreational facilities requiring a waterfront location provided a conditional use permit under Section 17.64(3) is obtained. Such activities may also require DNR permits.

In shoreland areas located beyond the vegetation protection area, tree and shrub cutting shall be governed by consideration of the effect on water quality, natural beauty and sound forestry practices and soil conservation practices.

REPEAL:

17.30(8) LAND DISTURBING ACTIVITIES:

(e) Shoreland Lot Coverage by Buildings and Impervious Surfaces:

1. Lot coverage by buildings. Buildings may not occupy more than 15% of total lot area within the shoreland zone. An applicant for a zoning permit shall provide a diagram describing lot dimensions and area of all buildings together with computations that demonstrate compliance with this section and Section 17.30(8)(e)3.

2. Building Height. Buildings shall not exceed 35 feet in height as measured from the lowest exposed level to the highest peak of the roof.

3. Lot coverage by impervious surfaces. No more than 5% of total lot area may be covered by impervious surfaces unless a stormwater management plan approved by the Land Records and Regulation Department is implemented. Buildings and areas which do not drain to surface waters are excluded from the 5% limit. A plan may be approved if it provides that erosion will be controlled and that all runoff from the lot will be infiltrated on the lot or detained to prevent pollutants from reaching nearby waters.

(f) Land Disturbing Activities Related to Forestry and Agriculture. Allowances for timber harvest are not intended to circumvent vegetation protection rules on residentially developed waterfront lots or lots where such development is probable.

Timber harvest is exempted from the provisions of Sections 17.30(6) & (8) related to the vegetation protection area and land disturbing activities if the following standards are met:

1. The timber harvest is conducted according to the **Wisconsin's Forestry Best Management Practices for Water Quality Field Manual** and,

2. The land has an approved Forest Management Plan from the Wisconsin Department of Natural Resources and

3. The land is located in the Forestry, Exclusive Agricultural, or Agricultural/Forest/ Residential zoning districts.

Agricultural cultivation is exempted from the provisions of Sections 17.30(6) & (8) related to the vegetation protection area and land disturbing activities if:

1. Such activity complies with best management practices for agriculture described in the **Agricultural Shoreland Management Ordinance Guideline** published by the State of Wisconsin Department of Agriculture.

2. The lands on which such activity takes place are enrolled in a farm plan approved by the County Land Conservation Department; and

3. Such lands are located in the Exclusive Agriculture (A-1) District.

NR115 REVISION:

(d) *Filling, grading, lagooning, dredging, ditching and excavating.* Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of [s. NR 115.04](#), the requirements of [ch. 30, Stats.](#), and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

(e) *Impervious surfaces.* Counties shall establish impervious surface standards to protect water quality and fish and wildlife habitat and protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface within 300 feet of the ordinary high-water mark of any navigable waterway, and shall require all of the following:

1. *'Calculation of percentage of impervious surface.'* Percentage of impervious surface shall be calculated by dividing the surface area of existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that portion of the lot or parcel that is within 300 feet of the ordinary high-water mark, and multiplied by 100.
2. *'Impervious surface standard.'* A county may allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.
3. *'Maximum impervious surface.'* A county may allow more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark, provided that the county issues a permit that requires a mitigation plan approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall include enforceable obligations of the property owner to establish or maintain measures that the county determines adequate to offset the impacts of the impervious surface on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the impervious surface being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.
4. *'Existing impervious surfaces.'* For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the standards in [subds. 2.](#) and [3.](#), the property owner may do any of the following:
 - a. maintenance and repair of all impervious surfaces;
 - b. replacement of existing impervious surfaces with similar surfaces within the existing building envelope;
 - c. relocation or modification of existing impervious surfaces with similar or different impervious surfaces, 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 the county shoreland ordinance, and meets the applicable setback requirements in [s. NR 115.05 \(1\) \(b\)](#).

PROPOSED:

17.30(8) LAND DISTURBING ACTIVITIES:

delete(f) and reletter to (e) Land Disturbing Activities Related to Forestry and Agriculture. Allowances for timber harvest are not intended to circumvent vegetation protection rules on residentially developed waterfront lots or lots where such development is probable.

Timber harvest is exempted from the provisions of Sections 17.30(6) & (8) related to the vegetation protection area and land disturbing activities if the following standards are met:

1. The timber harvest is conducted according to the Wisconsin's Forestry Best Management Practices for Water Quality Field Manual and consistent with "generally accepted forestry management practices" as defined in [s. NR 1.25 \(2\) \(b\)](#), and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR-226).
2. The land has an approved Forest Management Plan from the Wisconsin Department of Natural Resources or a Forest Management Plan that is consistent with section 1 and,
3. The land is located in the Forestry, Exclusive Agricultural, or Agricultural/Forest/ Residential zoning districts and is on a parcel with 10 or more acres of forested land.

Agricultural cultivation is exempted from the provisions of Sections 17.30(6) & (8) related to the vegetation protection area and land disturbing activities if:

1. Such activity complies with best management practices for agriculture described in NR151-Agricultural Performance Standards & Prohibitions.
2. The lands on which such activity takes place are covered by a current nutrient management plan with checklist submitted to the County Land Conservation Department; and
3. Such lands are located in the Exclusive Agriculture (A-1) District.

17.30(15) IMPERVIOUS SURFACES:

The construction, reconstruction, expansion, replacement or relocation of any impervious surface within 300 feet of the ordinary high-water mark of any navigable waterway shall comply with the following standards:

(a) The property owner shall submit the calculation of percentage of impervious surfaces on the Impervious Surface Calculations Form provided by the county. Percentage of impervious surfaces shall be calculated by dividing the surface area of existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that portion of the lot or parcel that is within 300 feet of the ordinary high-water mark, and multiplied by 100.

(b) Impervious surface standard. 15% or less of the total lot area that is within 300 feet of the ordinary high-water mark of a navigable water body may be covered by impervious surfaces.

(c) Maximum impervious surface. Between 15% and 20% of the total lot area that is within 300 feet of the ordinary high-water mark of a navigable water body may be covered by impervious surfaces provided:

1. A zoning permit or soil disturbance (fill and grade) permit has been issued.
2. The mitigation requirements of Section 17.12(3)(d)4 are implemented.
3. A stormwater runoff control plan approved by the Land Records and Regulation Department is implemented. A plan may be approved if it provides that erosion will be controlled and that runoff from the lot will be infiltrated on the lot or detained to prevent pollutants from reaching nearby waters.

(d) Existing impervious surfaces. For existing impervious surfaces that were lawfully placed but do not comply with the standards of this section, the property owner may do any of the following:

- 1. Maintenance and repair of all impervious surfaces;**
- 2. Relocate impervious surfaces to a location that would meet applicable setback requirements and a stormwater runoff control plan is implemented in accordance with (c)3.;**
- 3. Replacement of existing impervious surfaces provided the impervious surfaces conform to the other provisions of this chapter including applicable setback requirements and a stormwater runoff control plan is implemented in accordance with (c)3.**

REPEAL:

Section 17.12(3)(d)4

Mitigation is required to compensate for lost shore buffer area functions when legal pre-existing structures are improved or expanded within the shore setback area. Such mitigation requirements shall be listed as a condition(s) on the zoning permit:

- a. The associated privately owned wastewater treatment system must be evaluated and upgraded as appropriate in compliance with COMM83, Wis. Administrative Code.
- b. Native vegetation and water quality protection functions of the shore buffer area must be restored to the extent practicable following the standards in Section 17.30(13).
- c. Nonconforming accessory structures must be removed from the shore setback area. This requirement shall not apply to a detached garage which is in good repair and located at least as far from the ordinary highwater mark as the principal structure on the property.
- d. Standard erosion & storm water runoff control measures must be implemented.
- e. Exterior building materials shall blend with the natural ground cover in the vicinity of the construction.

NR115 REVISION:

Mitigation

....provided that the county issues a permit that requires a mitigation plan approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall include enforceable obligations of the property owner to establish or maintain measures that the county determines adequate to offset the impacts of the impervious surface on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the impervious surface or expansion being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.

PROPOSED:

Section 17.12(3)(d)4

Mitigation. Mitigation is required to compensate for lost shore vegetative buffer area functions when legal pre-existing structures are improved or expanded within the shore setback area and to comply with impervious surface standards in section 17.30(15).

a. The property owner shall submit a mitigation plan which addresses all of the following:

- 1. The associated privately owned wastewater treatment system must be evaluated and upgraded as appropriate in compliance with COMM83, Wis. Administrative Code.**
- 2. Native vegetation and water quality protection functions of the shore buffer area must be restored to the extent practicable following the standards in Section 17.30(13).**
- 3. Nonconforming accessory structures shall be removed from the shore setback area by a date specified in the zoning permit or a soil disturbance permit (fill and grade permit). This requirement shall not apply to a detached garage which is in good repair and located at least as far from the ordinary highwater mark as the principal structure on the property.**
- 4. Standard erosion & storm water runoff control measures shall be implemented.**
- 5. Exterior building materials shall blend with the natural ground cover in the vicinity of the construction.**

b. Upon approval of the mitigation plan, the Land Records and Regulations Department shall prepare a Mitigation Affidavit which the property owner shall complete and record in the County Register of Deeds office prior to issuance of the a zoning permit or a soil disturbance permit (fill and grade permit).

c. Non-riparian lots within 300 feet of the ordinary high-water mark of any navigable waterway are exempt from mitigation standard a.2 except those portions of the lot within 50' of the ordinary high water mark; if the non-riparian lot is separated from waterfront lots by a public or private road it is exempt from mitigation standards a. 1, 2, 3, and 5.

REPEAL:

Section 17.12(3) LEGAL PRE-EXISTING STRUCTURES

(d) Pre-existing structures not meeting shoreline setbacks

3. Legal pre-existing principal structures

a. Principal structures less than 50 feet from the ordinary highwater mark are permitted ordinary maintenance and repair (see definition of ordinary maintenance and repair in section 17.03(3)), provided that:

1) Existing Structure. The area of the existing structure is at least 500 square feet;

2) Internal Improvement. Internal improvement is confined to the perimeter of the existing principal structure including attached garages and screened and unscreened roofed porches; lateral expansion or accessory construction outside of the perimeter of the existing principal structure is not permitted except for additions of 100 square feet or less on the landward side of the structure;

3) Walls. The total length of existing external walls modified or replaced over the life of the structure shall not exceed 25% of the total original perimeter of the structure;

4) Basements. New basements or expansion of existing basements are allowed only where it is not possible due to limited lot size, steep slopes, or high-quality natural features to move the structure back from the water in compliance with section d.;

5) Second Stories. No additional stories or expansion of existing stories are permitted;

6) Roofs.

a.) Replacement of roofs as allowed under ordinary maintenance and repair is permitted with a maximum height of 26'.

b.) Construction of no more than two dormers with each dormer not exceeding an average of 5' in width as measured externally is permitted.

c.) Expansion covering an area less than 100 square feet is permitted.

d.) A proposed roof replacement that does not meet these requirements will only be permitted after the granting of a conditional use permit pursuant to section 17.64(3); and

7) Mitigation. The mitigation requirements of Section 17.12(3)(d)4. are implemented except for projects involving only ordinary maintenance and repair.

b. Principal structures 50-75 feet from the ordinary highwater mark are permitted ordinary maintenance and repair, and expansion provided that;

1) Existing Structure. The area of the existing structure is at least 500 square feet;

2) Expansion. Expansion is limited to 1,750 square feet of total footprint (total of existing and proposed construction). An additional 5% of total footprint may be allowed as stipulated in department guidance approved by the Water and Land Use Planning Committee;

3) Location of Expansion. Any addition shall be located on the landward side of the structure or in compliance with the required setback; if it is not feasible because of limiting site or existing structural conditions to place an addition on the landward side of an existing structure or in compliance with the required setback, an addition may be located no closer to the water than the existing structure provided it is set back as far as practicable;

4) Walls. The total length of existing external walls modified or replaced over the life of the structure shall not exceed 25% of the total original perimeter of the structure;

5) Basements. New basements are permitted only where it is not possible due to limited lot size, steep slopes, or high-quality natural features to move the structure back from the water in compliance with section d.; expansion of an existing basement is permitted;

6) Expansion of second stories. Expansion of existing second stories is permitted where such expansion complies with limitations on total footprint, does not exceed the existing structure's height, and is, if practicable, located on the landward side of the structure or in compliance with the required setback;

7) New second stories. Additions of new second stories that comply with limitations on total footprint with a maximum height of 26' are permitted;

8) Roofs. Replacement of roofs as allowed under ordinary maintenance and repair is permitted with a maximum height of 26'; a proposed roof replacement that does not meet these requirements will only be permitted after the granting of a conditional use permit pursuant to section 17.64(3);

9) Lot coverage. Limitations on lot coverage and land disturbing activities in Section 17.30(8) are observed; and

10) Mitigation. The mitigation requirements of Section 17.12(3)(d)4. are implemented except for projects involving only ordinary maintenance and repair.

c. **Principal structures 75 feet or more from the ordinary highwater mark** and which do not comply with Waterway Class Development Standards are permitted ordinary maintenance and repair, and expansion provided that:

1) Expansion. Expansion is limited to 2,250 square feet of total footprint (total of existing and proposed construction). An additional 5% of total footprint may be allowed as stipulated in department guidance approved by the Water and Land Use Planning Committee;

2) Location of Expansion. Any addition shall be located on the landward side of the structure or in compliance with the required setback; if it is not feasible because of limiting site or existing structural conditions to place an addition on the landward side of an existing structure or in compliance with the required setback, an addition may be located no closer to the water than the existing structure provided it is set back as far as practicable;

3) Walls. The total length of existing external walls modified or replaced over the life of the structure does not exceed 25% of the total original perimeter of the structure;

4) Basements. New basements are allowed only where it is not possible due to limited lot size, steep slopes, or high-quality natural features to move the structure back from the water in compliance with section d.; expansion of an existing basement is permitted;

5) Expansion of second stories. Expansion of existing second stories is permitted provided it:

-complies with limitations on total footprint

-does not exceed existing structure's height

-does not exceed 35'

If practicable, the expansion shall be located on the landward side of the structure or in compliance with the required setback are permitted;

6) New second stories. Additions of new second stories that comply with limitations on total footprint and a maximum height of 35' are permitted;

7) Roofs. Replacement of roofs as allowed under ordinary maintenance and repair is permitted with a maximum height of 35'; a proposed roof replacement that does not meet these requirements will only be permitted after the granting of a conditional use permit pursuant to section 17.64(3);

8) Lot coverage. Limitations on lot coverage and land disturbing activities in Section 17.30(8) are observed; and

9) Mitigation. The mitigation requirements of Section 17.12(3)(d)4. are implemented except for projects involving only ordinary maintenance and repair.

NR115 REVISION:

'Vertical expansion of nonconforming principal structure.' An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under [par. \(b\) 1.](#) may be expanded vertically, provided that all of the following requirements are met:

a. The use of the structure has not been discontinued for a period of 12 months or more.

b. The existing principal structure is at least 35 feet from the ordinary high-water mark.

c. Vertical expansion is limited to the height allowed in [s. NR 115.05 \(1\) \(f\).](#)

d. The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall include enforceable obligations of the property owner to establish or maintain measures that the county determines adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the expansion being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.

e. All other provisions of the shoreland ordinance shall be met.

5m. *'Expansion of nonconforming principal structure beyond setback'*. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under [par. \(b\) 1.](#), may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements in [par. \(b\) 1.](#), and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required under [par. \(e\) 3.](#)

6. *'Replacement or relocation of nonconforming principal structure.'* An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under [par. \(b\) 1.](#) may be replaced or relocated on the property provided all of the following requirements are met:

a. The use of the structure has not been discontinued for a period of 12 months or more.

b. The existing principal structure is at least 35 feet from the ordinary high-water mark.

c. No portion of the replaced or relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.

d. The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for replacement or relocation that will result in compliance with the shoreland setback requirement in [par. \(b\) 1.](#)

e. The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall include enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.

f. The county shall issue a permit that requires that all other structures on the lot or parcel that do not comply with the shoreland setback requirement in [par. \(b\) 1.](#) and are not exempt under [par. \(b\) 1m.](#) to be removed by the date specified in the permit.

g. All other provisions of the shoreland ordinance shall be met.

Note: Other provisions include requirements such as height and impervious surface limitations.

Note: This code does not supercede s. 59.692 (1s), Stats.

PROPOSED

Section 17.12(3) LEGAL PRE-EXISTING STRUCTURES

(d) Pre-existing structures not meeting shoreline setbacks

3. Legal pre-existing principal structures

a. Principal structures less than 50 feet from the ordinary highwater mark are permitted ordinary maintenance and repair (see definition of ordinary maintenance and repair in section 17.03(3)), provided that:

1) Existing Structure. The area of the existing structure is at least 500 square feet;

2) Internal Improvement. Internal improvement is confined to the perimeter of the existing principal structure including attached garages and screened and unscreened roofed porches; lateral expansion or accessory construction outside of the perimeter of the existing principal structure is not permitted except for lateral expansions of 100 square feet or less that are 75 feet or greater from the ordinary high water mark;

3) Walls. The total length of existing external walls modified or replaced over the life of the structure shall not exceed 25% of the total original perimeter of the structure;

4) Basements. If the structure is at least 35 feet from the ordinary high water mark, new basements or expansion of existing basements are allowed only where it is not possible due to limited lot size, steep slopes, or high-quality natural features to move the structure back from the water in compliance with section d. except for a below grade expansion of 100 square feet or less;

5) Second Stories. No additional stories or expansion of existing stories are permitted;

6) Roofs.

a.) Replacement of roofs as allowed under ordinary maintenance and repair is permitted with a maximum height of 26'.

b.) Construction of no more than two dormers with each dormer not exceeding an average of 5' in width as measured externally is permitted.

c.) A proposed roof replacement that does not meet these requirements will only be permitted after the granting of a conditional use permit pursuant to section 17.64(3); and

7) Mitigation. The mitigation requirements of Section 17.12(3)(d)4. are implemented except for projects involving only ordinary maintenance and repair.

b. Principal structures 50-75 feet from the ordinary highwater mark are permitted ordinary maintenance and repair, and expansion provided that;

1) Existing Structure. The area of the existing structure is at least 500 square feet;

2) Expansion. Expansion is limited to 1,750 square feet of total footprint (total of existing and proposed construction). An additional 5% of total footprint may be allowed as stipulated in department guidance approved by the Water and Land Use Planning Committee;

3) Location of Expansion. The structure may be expanded vertically upward and may be expanded horizontally provided that the horizontal addition is a minimum of 75 feet to the ordinary high water mark and to the landward side of the structure.

4) Walls. The total length of existing external walls modified or replaced over the life of the structure shall not exceed 25% of the total original perimeter of the structure;

5) Basements. New basements are permitted only where it is not possible due to limited lot size, steep slopes, or high-quality natural features to move the structure back from the water in compliance with section d.; expansion of an existing basement is permitted;

6) Expansion of second stories. Expansion of existing second stories is permitted where such expansion complies with limitations on total footprint, does not exceed the existing structure's height, and is, if practicable, located on the landward side of the structure or in compliance with the required setback;

7) New second stories. Additions of new second stories that comply with limitations on total footprint with a maximum height of 26' are permitted;

8) Roofs. Replacement of roofs as allowed under ordinary maintenance and repair is permitted with a maximum height of 26'; a proposed roof replacement that does not meet these requirements will only be permitted after the granting of a conditional use permit pursuant to section 17.64(3);

9) Impervious Surfaces. Limitations on impervious surfaces in Section 17.30(15) and land disturbing activities in Section 17.30(8) complied with; and

10) Mitigation. The mitigation requirements of Section 17.12(3)(d)4. are implemented except for projects involving only ordinary maintenance and repair.

c. Principal structures 75 feet or more from the ordinary highwater mark and which do not comply with Waterway Class Development Standards are permitted ordinary maintenance and repair, and expansion provided that:

1) Expansion. Expansion is limited to 2,250 square feet of total footprint (total of existing and proposed construction). An additional 5% of total footprint may be allowed as stipulated in department guidance approved by the Water and Land Use Planning Committee;

2) Location of Expansion. Any addition shall be located on the landward side of the structure or in compliance with the required setback; if it is not feasible because of limiting site or existing structural conditions to place an addition on the landward side of an existing structure or in compliance with the required setback, an addition may be located no closer to the water than the existing structure provided it is set back as far as practicable;

3) Walls. The total length of existing external walls modified or replaced over the life of the structure does not exceed 25% of the total original perimeter of the structure;

4) Basements. New basements are allowed only where it is not possible due to limited lot size, steep slopes, or high-quality natural features to move the structure back from the water in compliance with section d.; expansion of an existing basement is permitted;

5) Expansion of second stories. Expansion of existing second stories is permitted provided it:

-complies with limitations on total footprint

-does not exceed existing structure's height

-does not exceed 35'

If practicable, the expansion shall be located on the landward side of the structure or in compliance with the required setback are permitted;

6) New second stories. Additions of new second stories that comply with limitations on total footprint and a maximum height of 35' are permitted;

7) Roofs. Replacement of roofs as allowed under ordinary maintenance and repair is permitted with a maximum height of 35'; a proposed roof replacement that does not meet these requirements will only be permitted after the granting of a conditional use permit pursuant to section 17.64(3);

8) Impervious Surfaces. Limitations on impervious surfaces in Section 17.30(15) and land disturbing activities in Section 17.30(8) are complied with; and

9) Mitigation. The mitigation requirements of Section 17.12(3)(d)4. are implemented except for projects involving only ordinary maintenance and repair.

REPEAL:

17.61 AGENCIES AND OFFICES INVOLVED IN CHAPTER ADMINISTRATION AND ENFORCEMENT: DEFINITIONS OF ROLES AND RESPONSIBILITIES.

(9) SUBMITTING INFORMATION TO THE DEPARTMENT OF NATURAL RESOURCES REGARDING ADMINISTRATION OF THE FLOODPLAIN REGULATIONS OF THIS CHAPTER. The Zoning Administrator shall submit copies of any decisions granting or denying variances and appeals, all map and text amendments, and appeals for map or text interpretations to the Department of Natural Resources Regional Office within 10 days of the decision; copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken, violation reports, annual reports, copies of substantial damage assessments performed and all related correspondence concerning the assessments, and any other required information relating to floodplains to the Department Regional Office. The Zoning Administrator shall also submit copies of text and map amendments and biennial reports to the FEMA Regional Office.

NR115 REVISION:

(h) Written notice to the appropriate regional office of the department at least 10 days prior to any hearing on a proposed variance, special exception or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review under [sub. \(2\)](#). Upon request of the Department a county shall provide to the appropriate regional office a copy of any permit issued under [sub. \(1\) \(g\)](#).

(hm) Submission to the appropriate regional office of the department, within 10 days after grant or denial, of copies of any permit granted under [sub. \(1\) \(g\)](#), any decision on a variance, special exception or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.

PROPOSED:

17.61 AGENCIES AND OFFICES INVOLVED IN CHAPTER ADMINISTRATION AND ENFORCEMENT: DEFINITIONS OF ROLES AND RESPONSIBILITIES.

(9) SUBMITTING INFORMATION TO THE DEPARTMENT OF NATURAL RESOURCES REGARDING ADMINISTRATION OF THE SHORELAND AND FLOODPLAIN REGULATIONS OF THIS CHAPTER. The Zoning Administrator shall submit written notice to the appropriate regional office of the department at least 10 days prior to any hearing on a proposed variance, conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review and copies of any decisions on a variances, conditional use permits and appeals, all map and text amendments, and appeals for map or text interpretations within 10 days of the decision; copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken, violation reports, annual reports, copies of substantial damage assessments performed and all related correspondence concerning the assessments, and

any other required information relating to floodplains to the Department Regional Office. The Zoning Administrator shall also submit copies of text and map amendments and biennial reports to the FEMA Regional Office.

ADD NEW:

17.63(5) PERMITS, APPROVALS, AND FEES. The Zoning Administrator shall receive applications for the following permits and shall process the applications and the fees collected in the following manner:

(d) Applications for Fill and Grade Permits (Soil Disturbance Permit), Shoreland Buffer Vegetation Removal and Replacement Permit, and Mitigation Plans

1. Application shall be made on forms furnished by the Zoning Administrator. Permits shall be issued if the application and information obtained through field inspections, if any, causes the Administrator to conclude that the proposed use will comply with all applicable regulations.

2. A fee set pursuant to Sec. 17.63 shall be submitted to the Zoning Administrator when applications are made.