

920 not a unit. It will be important to remember also that mitigation applies to the
921 property as a whole and not just to the portion of the frontage that might be
922 in front of the unit impacted.

- 923
924 3. General Impervious Surface Standard. (NR 115.05(1)(e)((2)) Except as
925 allowed in sections 9.94(F)(4, 5 and 6) allow up to 15% impervious surface
926 on the portion of a lot or parcel that is within 300 feet of the ordinary high-
927 water mark.
- 928
929 4. Maximum Impervious Surface. (NR 115.05(1)(e)((3)) A property may
930 exceed the impervious surface standard under section 9.94(F)(3 and 4)
931 provided the following standards are met:
932
- 933 a. For properties where the general impervious surface standard applies
934 under section 9.94(F)(3), a property owner may have more than 15%
935 impervious surface but not more than 30% impervious surface on the
936 portion of a lot or parcel that is within 300 feet of the ordinary high-water
937 mark.
 - 938 b. For properties that exceed the standard under section 9.94(F)(3) but do
939 not exceed the maximum standard under sections 9.94(F)(4)(a), a
940 permit can be issued for development with a mitigation plan that meets
941 the standards found in section 9.96.
- 942
943 5. Treated Impervious Surfaces (NR115.05(1)(e)3m. and s.59.692(1k)(a)1.e.)
944 Wis.Stats. Impervious surfaces that can be documented to show they meet
945 either of the following standards shall be excluded from the impervious
946 surface calculations under section 9.94(F)(2).
947
- 948 a. The impervious surface is treated by devices such as storm water
949 ponds, constructed wetlands, infiltration basins, rain gardens, bio-
950 swales or other engineered systems.
 - 951 b. The runoff from the impervious surface discharges to an internally
952 drained pervious area that retains the runoff on or off the parcel and
953 allows infiltration into the soil.
954

955 Note: The provisions in section 9.94(F)(5) are an exemption from the
956 impervious surface standards and as such should be read construed
957 narrowly. As such, a property owner is entitled to this exemption only
958 when the runoff from the impervious surface is being treated by a
959 sufficient (appropriately sized) treatment system, treatment device or
960 internally drained. Property owners that can demonstrate that the runoff
961 from an impervious surface is being treated consistent with section
962 9.94(F)(5) will be considered pervious for the purposes of implementing
963 the impervious surface standards in this ordinance. If a property owner or
964 subsequent property owner fails to maintain the treatment system,

965 treatment device or internally drained area, the impervious surface is no
966 longer exempt under section 9.94(F)(5).

- 967
968 c. To qualify for the statutory exemption, property owners shall submit a
969 complete permit application that is reviewed and approved by the
970 county. The application shall include the following:
971 1. Calculations showing how much runoff is coming from the impervious
972 surface area.
973 2. Documentation that the runoff from the impervious surface is being
974 treated by a proposed treatment system, treatment device or internally
975 drained area.
976 3. An implementation schedule and enforceable obligation on the
977 property owner to establish and maintain the treatment system,
978 treatment devices or internally drained area. The enforceable
979 obligations shall be evidenced by an instrument recorded in the
980 office of the Register of Deeds prior to the issuance of the permit.

- 981
982 6. Existing Impervious Surfaces. (NR 115.05(1)(e)((4)) For existing
983 impervious surfaces that were lawfully placed when constructed but that do
984 not comply with the impervious surface standard in section 9.94(F)(3) or
985 the maximum impervious surface standard in section 9.94(F)(4) the
986 property owner may do any of the following:

- 987
988 a. maintain and repair the existing impervious surfaces;
989 b. replace existing impervious surfaces with similar surfaces within the
990 existing building envelope;
991 c. relocate or modify an existing impervious surface with similar or
992 different impervious surface, provided that the relocation or
993 modification does not result in an increase in the percentage of
994 impervious surface that existed on the effective date of the county
995 shoreland ordinance, and the impervious surface meets the
996 applicable setback requirements in Section 9.94.

997
998 Note: The impervious surface standards in this ordinance shall not be
999 construed to supersede other provisions in the county shoreland
1000 ordinance. All of the provisions of the county shoreland ordinance still
1001 apply to new or existing development.

1002
1003 G. Height. (NR 115.05(1)(f)) To protect and preserve wildlife habitat and natural
1004 scenic beauty a county may not permit any construction that result in a structure
1005 taller than 35 feet within 75 feet of the ordinary high-water mark of any navigable
1006 waters. Structure height is the measurement of the vertical line segment starting at
1007 the lowest point of any exposed wall and it's intersect with the ground to a line
1008 horizontal to the highest point of a structure, unless specified under other sections
1009 of this code (see appendix).

1012 9.95 VEGETATION (NR 115.05(1)(c))
1013

1014 A. Purpose. (NR 115.05(1)(c)((1)) To protect natural scenic beauty, fish and
1015 wildlife habitat, and water quality, a county shall regulate removal of vegetation in
1016 shoreland areas, consistent with the following: The county shall establish
1017 ordinance standards that consider sound forestry and soil conservation practices
1018 and the effect of vegetation removal on water quality, including soil erosion, and
1019 the flow of effluents, sediments and nutrients. Filling, grading and excavating
1020 within the Vegetative Buffer Zone is prohibited with the exception of construction
1021 of a boathouse, walkway or planting vegetation.
1022

1023
1024 B. Activities allowed within the Vegetative Buffer Zone. (NR
1025 115.05(1)(c)((2))To protect water quality, fish and wildlife habitat and natural
1026 scenic beauty, and to promote preservation and restoration of native
1027 vegetation, the county ordinance shall designate land that extends from the
1028 ordinary high water mark to a minimum of 35 feet inland as a vegetative buffer
1029 zone and prohibit removal of vegetation in the vegetative buffer zone except
1030 as follows:

- 1031 1. The county may allow routine maintenance of vegetation.
- 1032 2. The county may allow removal of trees and shrubs in the vegetative buffer
1033 zone to create access and viewing corridors. Per s. 59.692(1f)(b), Wis.
1034 Stats. The viewing corridor may be at least 35 feet wide for every 100 feet
1035 of shoreline frontage. The viewing corridor may run contiguously for the for
1036 the entire maximum width or shoreline frontage owned.
- 1037 3. The county may allow removal of trees and shrubs in the vegetative buffer
1038 zone on a parcel with 10 or more acres of forested land consistent with
1039 "generally accepted forestry management practices" as defined in s. NR 1.25
1040 (2) (b), and described in Department publication "Wisconsin Forest
1041 Management Guidelines" (publication FR- 226), provided that vegetation
1042 removal be consistent with these practices.
- 1043 4. The county may allow removal of vegetation within the vegetative buffer zone
1044 to manage exotic or invasive species, damaged vegetation, vegetation that
1045 must be removed to control disease, or vegetation creating an imminent
1046 safety hazard, provided that any vegetation removed be replaced by
1047 replanting in the same area as soon as practicable.
- 1048 5. The county may authorize by permit additional vegetation
1049 management activities in the vegetative buffer zone. The permit
1050 issued under this subd. par. shall require that all management
1051 activities comply with detailed plans approved by the county and
1052 designed to control erosion by limiting sedimentation into the
1053 waterbody, to improve the plant community by replanting in the same
1054 area, and to maintain and monitor the newly restored area. The permit
1055 also shall require an enforceable restriction to preserve the newly
1056 restored area.

1057 6. Shoreline protection activities authorized by a state permit and erosion
1058 control measures approved by the County Land Conservation
1059 Department which are designed to remedy significant existing erosion
1060 problems.
1061

1062 9.96 SHORELAND MITIGATION PLAN
1063

1064 Mitigation (s. 59.692(1v), Wis. Stats, NR 115.05 (1)(e)3., (g)5., (g)6.) When the
1065 county issues a permit requiring mitigation under sections 9.94(A)(2), 9.94(F)(4)(b)
1066 and 9.99(C and E), the property owner must submit a complete permit application
1067 that is reviewed and approved by the county. The application shall include the
1068 following:
1069

- 1070 A. A site plan that describes the proposed mitigation measures
 - 1071 1. The site plan shall be designed and implemented to restore natural
 - 1072 functions lost through development and human activities
 - 1073 2. The mitigation measures shall be proportional in scope to the impacts on
 - 1074 water quality, near-shore aquatic habitat, upland wildlife habitat and natural
 - 1075 scenic beauty.
- 1076 B. An implementation schedule and enforceable obligation on the property owner
- 1077 to establish and maintain the mitigation measures. The enforceable
- 1078 obligations shall be evidenced by an instrument recorded in the office of the
- 1079 Register of Deeds.
- 1080 C. Mitigation options meeting the requirements of Section 9.94(A)(2) "Open sided
- 1081 and screened structures," shall preserve and/or establish a 37.5 feet vegetative
- 1082 buffer zone. A buffer zone at least 37.5 feet from, and parallel to the ordinary
- 1083 high water mark shall be planted or restored and maintained with vegetation
- 1084 native to the area to the fullest practicable extent possible.
- 1085 D. Mitigation options meeting the requirements of Section 9.99(C) and (E). Up to
- 1086 200sf lateral expansion or relocation of a nonconforming principal structure
- 1087 located 35ft to 75ft from the OHWM:
1088
1089
1090

1091 The property owner shall choose and implement 2 of the following to meet the
1092 mitigation requirements under 9.99(C) and 3 of the following to meet the
1093 mitigation requirements under 9.99(E):
1094
1095

- 1096 1. Removal of an accessory structure located less than 75ft from the OHWM.
- 1097 2. Installation of a rain garden.
- 1098 3. Installation of one of the impervious surface treatment options under 9.96(E).
- 1099 4. Removal of an existing beach.
- 1100 5. Increase depth of 35ft vegetative buffer to 50ft. (active or passive
- 1101 restoration).

- 1102 6. Reduce view corridor width to 25% of the of the shoreline frontage.
- 1103 7. Establish a buffer zone at least ten feet (10') wide extending along each side
- 1104 lot line for a depth of at least seventy-five feet (75') from the ordinary high
- 1105 water mark. Buffers shall be planted or restored and maintained with
- 1106 vegetation native to the area to the fullest practicable extent possible.
- 1107 8. POWTS. The associated private onsite wastewater treatment system must
- 1108 be evaluated and upgraded as appropriate in compliance with SPS 383, Wis.
- 1109 Administrative Code. (Note: If the system was evaluated within 3 years and
- 1110 maintenance is up to date a new evaluation will not be required.)
- 1111 9. Establish a buffer zone at least 35 feet from, and parallel to the ordinary high
- 1112 water mark. The buffer shall be planted or restored and maintained with
- 1113 vegetation native to the area to the fullest practicable extent possible.
- 1114
- 1115 E. Mitigation options for properties exceeding the impervious surface requirements
- 1116 of Section 9.94(F)(4). Development that exceeds 15% impervious surface but
- 1117 not more than 30% impervious surface shall be required to utilize one of the
- 1118 following treatment systems in order to offset the impacts of the impervious
- 1119 surface being permitted.
- 1120
- 1121 1. Buffer strips
- 1122 2. Constructed wetlands
- 1123 3. Depressed pervious area
- 1124 4. Extended detention ponds
- 1125 5. Infiltration basins
- 1126 6. Infiltration trenches
- 1127 7. Infiltration tubes
- 1128 8. Rain gardens
- 1129 9. Rain harvesting systems
- 1130 10. Vegetated filter strips
- 1131 11. Vegetated swales/grassed channels
- 1132 12. Wet detention ponds
- 1133 13. Wet retention ponds
- 1134
- 1135

1136 9.97 SHOREYARD ALTERATION PERMITS AND FILLING, GRADING, LAGOONING.
 1137 DREDGING, DITCHING AND EXCAVATING (NR115.05(1)(d)) Filling, grading,
 1138 lagooning, dredging, ditching and excavating may be permitted only in accordance
 1139 with the provisions of s. NR 115.04, the requirements of ch. 30, Wis. Stats., and
 1140 other state and federal laws where applicable, and only if done in a manner
 1141 designed to minimize erosion, sedimentation and impairment of fish and wildlife
 1142 habitat and natural scenic beauty.

1143
 1144 A. Shoreyard Alteration Permit Required

1145
 1146 As specified in this section, a shoreyard alteration permit is required
 1147 for the filling, grading, lagooning, dredging, ditching or excavation of a

1148 shoreyard except in the Shoreland-Wetland District (District 11) when
1149 done in association with the activities specified in sections 9.91(D)(2).
1150 Filling, grading and excavating within the Vegetative Buffer Zone is
1151 prohibited with the exception of construction of a boathouse, walkway
1152 or planting vegetation. Onsite inspections may be required prior to
1153 excavation, during construction and upon completion. Shoreline
1154 protection activities authorized by a state permit and erosion control
1155 measures approved by the County Land Conservation Department
1156 which are designed to remedy significant existing erosion problems
1157 are permitted without a Shoreland Alteration Permit.

1158
1159 B. Application

1160
1161 An application for a shoreyard alteration permit shall be filed with the
1162 Department on a form approved by the Committee and available from
1163 the Department. Completed applications shall be accompanied by the
1164 application fee, as determined by the County Board from time to time.
1165 Any state or federal permits required for a project shall be filed with
1166 the application. No application will be considered complete until these
1167 permits are filed.

1168
1169 C. Permit Review Procedure

1170
1171 1. Permit from Zoning Administrator

1172
1173 The Zoning Administrator has the authority to act on applications in the
1174 instances set forth below. The Zoning Administrator shall act on an
1175 application within 30 working days of the completed application being filed.

1176
1177 (a) Alterations for the placement of structures, pursuant to 9.94(A), and
1178 walkways if located in, on or over steep slopes or rocks, saturated or
1179 unstable soils.

1180 (b) Alterations greater than 200 square feet but less than 10,000 square
1181 feet of the shoreyard that slope towards the ordinary high water mark of
1182 a navigable water body, when the slope is between 12% to 45%.

1183 (c) Alterations of more than 10,000 square feet of the shoreyard when the
1184 slope of the shoreyard is less than 45%.

1185 (d) Alterations of the Shoreyard when the slope is greater than 45% is
1186 prohibited.

1187
1188 2. Engineering or Architectural Plans

1189

1190 In the following circumstances, when a Shoreyard Alteration Permit is
1191 required, the applicant shall file plans created by a registered professional
1192 engineer or landscape architect describing erosion control measures to
1193 be utilized during construction excavation. The registered professional
1194 engineer or landscape architect shall certify that the erosion control
1195 measures specified in the permit and plans have been properly installed
1196 prior to the start of any construction excavation activities:
1197

1198 (a) Alterations less than 35ft from the OHWM of a navigable water body
1199 when the slope is between 12% to 45%.

1200 (b) Alterations greater than 35ft from the OHWM that slope towards the
1201 ordinary high water mark of a navigable water body, when the slope is
1202 between 25% to 45%.

1203 (c) Alterations of more than 10,000 square feet of the shoreyard where
1204 the project is for the construction of anything other than a single family
1205 dwelling.
1206

1207 D. Inspections

- 1208 1. An inspection of the site by the Department may be performed prior to the
1209 issuance of any shoreyard alteration permit.
- 1210 2. A second on-site inspection may be performed by the Department to ensure
1211 proper fencing and erosion control measures after the permit is issued but
1212 prior to any construction excavation.
- 1213 3. An on-site inspection may be performed by Department during construction
1214 and upon completion to ensure that the project complies with this ordinance.
1215
1216

1217 E. Permit Conditions

1218 In granting a shoreyard alteration permit, the Committee, or the Zoning
1219 Administrator, shall require that the applicant comply with the following conditions
1220 where appropriate:
1221

- 1222 1. The smallest amount of bare ground shall be exposed for as short a time as
1223 feasible.
- 1224 2. Temporary ground cover (such as mulch) shall be used and permanent cover
1225 (such as sod) shall be planted.
- 1226 3. Diversion, silting basin, terraces and other methods shall be used to trap
1227 sediment.
- 1228 4. Lagooning shall be conducted in such a manner as to avoid creation of fish
1229 trap conditions.
- 1230 5. Fill shall be stabilized according to accepted engineering standards.
- 1231 6. Fill shall not restrict a floodway or destroy the storage capacity of a floodplain.
- 1232 7. Sides of a channel or artificial watercourses shall be stabilized to prevent
1233 slumping.
1234

- 1235 8. Sides of channels or artificial watercourses shall be constructed with slopes
1236 (side) of two units horizontal distance to one unit vertical or flatter, unless
1237 bulkheads or rip-rapping are provided.
1238 9. Any specific landscaping, construction, planting, or erosion control conditions.
1239 10. Fill materials shall not be deposited in any floodplain, wetland, or outside the
1240 designated and fenced construction without proper written authorization.
1241 11. Post-construction runoff shall be infiltrated or temporarily stored to prevent
1242 erosion and sediment transport.
1243 12. Upland slopes and artificial watercourses shall be stabilized according to
1244 accepted engineering standards.
1245 13. Any other conditions intended to protect shorelines and minimize erosion,
1246 sedimentation, and the impairment of fish and wildlife habitat.
1247 14. Onsite inspections maybe required prior to excavation, during construction
1248 and upon completion for Alterations greater than 200 square feet but less
1249 than 10,000 square feet located within 75ft of the OHWM that slope towards
1250 the ordinary high water mark of a navigable water body, when the slope is
1251 between 12% to 45%.

1252
1253 F. Stormwater Runoff/Soil Disturbance.

1254
1255 The placement of structures, the development of property, filling grading,
1256 lagooning, dredging, ditching or excavation of the shoreyard cannot result in the
1257 diversion of water onto adjoining properties. All storm water must be contained
1258 within the boundaries of a lot or parcel, with the exception of runoff directed to
1259 private easement roads, public roads or highways. If storm water runoff cannot
1260 be contained on the property, it may be directed towards a town road or highway
1261 upon receipt of a written statement from the government entity that has
1262 jurisdiction over such road, stating that it has no objection. This provision applies
1263 to both on-water and off-water lots within all shoreland zoning districts.
1264

1265 9.98 PIERS and OTHER BERTH STRUCTURES.

1266
1267 A. Purpose

1268
1269 Near shorelands and waters and land within statutorily established setback
1270 distances from the OHWM provide natural beauty and are biologically the most
1271 productive and the most important for recreational use. Excessive or
1272 inappropriate construction of berthing and recreation structures in Oneida County's
1273 waterways may have a substantial cumulative adverse effect on public rights
1274 and interests in those waters. These requirements are intended to minimize the
1275 adverse effects of such construction and to reduce conflict between adjacent or
1276 nearby riparian owners by separating their respective uses of the water. A pier
1277 shall not unreasonably obstruct navigation or otherwise interfere with public
1278 rights in the navigable water and shall not interfere with the rights of other
1279 riparian owners. It is recognized that berth structures may be used by people
1280 with or without boats, for swimming and fishing and may be used for general

1281 recreation. This ordinance does not regulate the placement or use of mooring
1282 buoys other than to count them in any determination of the maximum number of
1283 berths allowed to a riparian land owner pursuant to section 9.98(D).
1284

1285
1286 B. Compliance

- 1287
1288 1. A berth structure which existed prior to April 17, 2012 may be maintained in
1289 its present location and configuration as a permissible pre-existing berth
1290 structure subject to the requirements of Section 9.99 of this ordinance. The
1291 annual seasonal removal of the berth structure does not affect its status as a
1292 permissible pre-existing berth structure.
1293 2. Subject to the conditions and restrictions of any existing State or County
1294 permit, a marina which existed prior to April 17, 2012 may be maintained in
1295 its present location and configuration as a permissible marina to the extent
1296 that it is located and used in accordance with such permit.
1297 3. Any increase in the number of berths, any change in the location of, or any
1298 increase in the dimensions of, or any replacement of an existing berth
1299 structure shall be in accordance with this section. Boathouses are not subject
1300 to the dimensional restrictions of this section.
1301

1302 C. Berth Structures Limited (#83-2003)

- 1303
1304 1. Berth structures, except boathouses and boat shelters, may be placed by a
1305 riparian property owner without County permits if the construction complies
1306 with this section.
1307 2. The use of the property must remain in conformity with the permissible uses
1308 enumerated within the zoning district.
1309 3. Decks, platforms and other construction not essential for berthing of boats
1310 are prohibited, except that a canopy is permitted over a boat hoist or boat lift
1311 and a roof is permitted over a boat shelter or boathouse
1312 4. A wharf shall only be permitted as an authorized berth structure upon the
1313 application for and issuance of a zoning permit after the following conditions
1314 have been established by the applicant:
1315 a. That the wharf will not unreasonably obstruct navigation or otherwise
1316 interfere with public rights in the navigable water.
1317 b. That the wharf does not interfere with the rights of other riparian owners.
1318 c. That the construction or installation of a pier is not a practicable alternative.
1319

1320 D. Number of Berths

- 1321
1322 1. For each lot, the total number of berths or moorings at a berth structure is
1323 limited to two for the first full 50 feet of shoreline and one berth for each
1324 additional full 50 feet. Other factors such as those referenced in section
1325 9.98(E), below, may limit construction and placement to a lesser number.

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Contiguous lots in common ownership shall be considered a single lot for the purposes of this section.

2. The maximum number of berths that may be permitted for a marina shall be two times the number of berths that would otherwise be permitted under section 9.98(D)(1), subject to the same factors as those referenced in section 9.98(E), which may limit construction and placement to a lesser number. Compliance with this section shall be subject to section 9.98(B)(3).
3. For the purpose of this section, riparian shoreline frontage shall be determined pursuant to the provisions of Wis. Admin. Code NR 326.07.

E. Location of Berth Structures

1. Berth structures and moored boats must be confined to the owner's riparian zone as described in Wis. Admin. Code NR 326. Berth structures must be set back a minimum of 10 feet from side lot lines extended waterward and any additional distance required to confine approach and docking of the boat to the owner's riparian zone.
2. A berth structure may not unreasonably obstruct navigation or otherwise interfere with public rights in navigable waters. A pier may not encircle or isolate part of a waterway and may not interfere with the rights of other riparian owners.
3. Berth structures and their use may not damage public interest in waterways, including but not limited to, ecologically significant areas, i.e. spawning areas, important vegetation, loon or other waterfowl nesting areas, natural shoreline beauty.
4. Berth structures shall be consolidated as close together as practicable at a single location for each lot. Located within the view corridor, for each lot.
5. Berth structures, where practicable, shall be located immediately waterward from the shoreline where any boathouse or boat shelter is located.
6. The number of piers allowed accrues proportionately to the amount of shoreland frontage owned: one pier is permitted for riparian owners owning less than 150 feet of shoreland frontage. One additional pier is permitted for each additional full 100 feet. Multiple piers shall be consolidated as close together as practicable for each lot.

F. Dimensional Requirements (#83-2003)

1. Length
 - a. Unless limited by a pierhead line, as authorized by sec. 30.13, Wis. Stats., pier length is limited to:
 - (1) distance to three (3) foot water depth.
 - (2) length of boat to be berthed.
 - (3) depth required by boat to be berthed.
2. Width. The deck width of a pier, including "T" or "L" or similar finger extensions, may not exceed six (6) feet. Pursuant to Section 9.19,

1371 Relaxation of Standards for Persons with Disabilities, a deck width of up to
1372 eight (8) feet may be permitted because of the handicap of a frequent user.
1373 3. Lateral extensions. Any lateral extensions on piers shall be a "T" or "L"
1374 shape and must not exceed 20 feet in total width.

1375
1376 G. Regulation of Lighting
1377

1378 The purpose of this section is to minimize light pollution of the shoreland
1379 environment without significantly inhibiting safety and security. This section
1380 applies to all lighting on berthing structures or designed to illuminate those
1381 structures and associated berths. Light fixtures which do not conform to these
1382 provisions may be allowed with a conditional use permit upon a showing of
1383 special circumstances affecting safety, security, or general public interest. *Legal*
1384 *pre-existing lighting in existence on the effective date of this section must be*
1385 *brought into compliance within five (5) years.*

- 1386
1387 1. Flashing and rotating lights are prohibited.
1388 2. Lighting inside a boathouse and intended to illuminate its interior is permitted.
1389 3. Lighting on exteriors of berthing structures shall be fitted with opaque shades
1390 or shields to prevent direct visibility of the lamp to persons on public waters
1391 or adjacent lands more than 50 feet beyond the berthing structure.
1392 4. Lighting not mounted on a berthing structure but designed to illuminate a
1393 berthing structure or its immediate vicinity shall comply with subparagraph 3
1394 above.
1395 5. Lighting installed on, or intended to illuminate, seasonally used berthing
1396 structures shall be turned off when not required for safety or security.
1397 6. Public marinas may install illuminated signs with opaque shaded or shielded
1398 lighting that provide information pertaining to applicable federal, state or
1399 municipal rules and regulations relating to electrical, fueling, waste and
1400 sewage disposal or other safety and environmental matters. Such sign
1401 illumination shall not be visible from off the berth structure.

1402
1403 H. Accessory Construction
1404

1405 A pier may include only the following accessory construction:

- 1406 1. Fuel or sewage handling equipment if applicable state and local safety and
1407 pollution prevention rules are complied with and necessary State and/or
1408 County permits are obtained.
1409 2. Up to two (2) benches that are 6 feet or less in length or two (2) swivel seats,
1410 or one bench 6 feet or less and one swivel seat.
1411 3. Flag pole.
1412 4. A vertical boarding ladder or near vertical water stairs with handrails not to
1413 exceed four (4) feet in width.
1414 5. An open railing may be permitted pursuant to Section 9.19 Relaxation of
1415 Standards for Persons with Disabilities.
1416 6. Bumpers to protect watercraft and pier from damage.

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I. Pier Construction Materials

Piers may be constructed of wood, treated wood, metal or other material, subject to the following:

1. They shall be free of any product residue or pollutants.
2. Metallic flotation devices shall be coated or painted to prevent corrosion.
3. They shall not include any container previously used to store hazardous substances as defined in sec. 144.01, Wis. Stats
4. They shall not include material that may readily fragment or break up, such as unprotected polystyrene or polyurethane floats.
5. Flotation devices shall be securely attached to the frame and maintained in serviceable condition at all times.

J. Marina Permit Guidelines

Granting of permits for marina facilities under this section shall be guided by the following principles:

1. The County has an obligation to protect public water resources and public safety by regulating construction of berth structures for boats.
2. The County encourages public access to navigable water consistent with its obligation to prevent degradation of water resources by overuse.
3. The uncontrolled drainage of developed riparian land has a significant adverse impact upon the health, safety, and welfare of the County by increasing the siltation and pollution of ground and surface water, by accelerating the eutrophication of receiving waters, by diminishing groundwater recharge and by increasing the incidence and severity of flooding.
4. The right to place berths, berth structures or on-site storage facilities for boats accrues in proportion to the amount of shoreline owned as described in section 9.98(D). Any such berth or storage facility in excess of the number permitted pursuant to section 9.98(D), shall be authorized only for the purpose of serving the public's interests and rights in the navigable waterways of this County. Such berths or on-site storage facilities must be available to members of the public on a first come - first served basis. Rentals or leases for the exclusive use of any such berths shall not be permitted for periods in excess of one year.

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- K. Marina Facilities
1. Any pier, boat shelter or mooring placement which exceeds the requirements of section 9.98(D) is deemed a marina facility for the purposes of meeting the requirements of this section and shall require a conditional use permit which may only be issued after a duly noticed public hearing has been held. Such permits may only be approved for lots which are located in zoning districts which allow marinas, or if the facility is owned by the federal, state or a municipal government.
 2. In making a determination of whether a site is appropriate for a marina, the type of information contained in a CUP application may be considered as well as the impact of a marina on neighboring land or public facilities and of the public need for a marina. The following additional criteria must be addressed:
 - a. Existing land and water uses within 2 mile of the marina, including all current business uses of the property.
 - b. Current zoning district designation within 2 mile of the marina.
 - c. Proximity of the marina to existing public boat landings, public swimming beaches and marinas.
 - d. Buffer areas between the marina and adjacent properties.
 - e. Location of ecologically significant areas within 2 mile of the proposed site.
 - f. Noise control measures.
 - g. A detailed sketch showing location and size of existing and proposed buildings, wells, septic systems, piers, individual slips, mooring buoys, water depth for berths and berth structures, boat launching facilities, beaches, fuel tanks and dispenser, parking lots, traffic circulation for both vehicles and boats.
 - h. A statement from the applicant indicating the number of berths proposed to be sold, rented, or leased and the method of conveyance (e.g., fee simple, lease).
 - i. Methods of waste collection and disposal. Identify precautions to stop improper disposal.
 - j. Visual markers and/or signage of reasonable dimensions necessary to identify and/or locate the project.
 - k. Exterior lighting of the marina facility.
 - l. Sewage system capacity and compliance.
 - m. Motor vehicle and trailer parking facilities.
 - n. Hours of operation.
 - o. Anticipated future changes or additional phases of the project.
 - p. Methods to safely dispensing fuel.
 - q. Location of any existing or proposed no-wake buoys.
 - r. Erosion control measures.
 - s. Storm water runoff controls.
 - t. Fire protection measures.
 - u. A statement from the applicant identifying all permits applied for or obtained by the applicant or his/her predecessor at the site, or obtained by

1501 the applicant or his/her operator at any other commercial site within the
1502 preceding ten (10) years and the extent of compliance with such permits.

1503
1504 L. Marina Facility Requirements

1505
1506 Marina facilities shall comply with the following requirements:

- 1507 1. Marina facilities may not be permitted on waters formally designated by
1508 federal or state government as an outstanding resource water.
- 1509 2. The applicant is required to secure authorization required by municipal
1510 floodplain, shoreland, wetland and general zoning ordinances and applicable
1511 state statutes and administrative rules, including but not limited to regulations
1512 relating to electrical, fueling, waste and sewage disposal and other safety
1513 and environmental regulations.
- 1514 3. The applicant must demonstrate that on-land boat storage or trailer launch
1515 facilities are not a feasible alternative to any proposed pier, boat shelter or
1516 mooring construction.
- 1517 4. The applicant shall employ erosion control measures to prevent erosion,
1518 siltation, sedimentation and washing and blowing of dirt and debris from
1519 excavation, grading, open cuts, side slopes and related activities of the
1520 applicant or the contractors. Such measures shall include, but not be limited
1521 to, seeding, sodding, mulching, watering, ponding and the construction of
1522 berms.
- 1523 5. The applicant shall determine stormwater runoff or flow as a result of this
1524 development. The applicant shall provide stormwater management facilities
1525 either in the form of an infiltration structure or a detention basin which will
1526 retain on-site the first inch of stormwater from all impervious surfaces from
1527 this development.
- 1528 6. Berthing privileges available to members of the public shall be rented or
1529 leased only on a first come - first served basis for terms no longer than one
1530 (1) year.
- 1531 7. Any change or proposed change involving the facts relating to criteria
1532 identified in sections 9.98(K) and (L) or as a condition of approval for which a
1533 conditional use permit was issued must be submitted to and approved by the
1534 County prior to implementation of such change.
- 1535 8. Reasonable public access to the facility and handicapped parking in
1536 compliance with state and federal regulations for the disabled must be
1537 provided.
- 1538 9. Permits issued under this section are subject to further restrictions,
1539 conditions, modifications or revocation if the County determines the facility
1540 has become detrimental to the public interest or that it is not being
1541 adequately offered for use to the general public.
- 1542 10. Boats berthed at a marina facility shall not be used for overnight lodging.

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1544 M. Boathouses

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1546 Any permitted boathouse shall be confined to the viewing area, shall be at least
1547 10 feet from the side yard lot line and subject to the provisions of section
1548 9.94(A).
1549

1550 9.99 NONCONFORMING USES AND STRUCTURES (NR 115.05(1)(g))
1551

1552 A. Discontinued Nonconforming Use (NR 115.05(1)(g)3.)
1553

1554 If a nonconforming use is discontinued for a period of 12 months, any future use
1555 of the building, structure or property shall conform to the ordinance.
1556

1557 B. Maintenance, Repair, Replacement or Vertical Expansion of Nonconforming
1558 Structures. (s. 59.692(1k)(a)1.b. and d. Wis. Stats.)
1559

1560 An existing structure that was lawfully placed when constructed but that does not
1561 comply with the required shoreland setback may be maintained, repaired,
1562 replaced, restored, rebuilt or remodeled if the activity does not expand the
1563 footprint of the nonconforming structure. Further, an existing structure that was
1564 lawfully placed when constructed but that does not comply with the required
1565 shoreland setback may be vertically expanded unless the vertical expansion
1566 would extend more than 35 feet above grade level. Counties may allow
1567 expansion of a structure beyond the existing footprint if the expansion is
1568 necessary to comply with applicable state or federal requirements.
1569

1570 Note: Section 59.692(1k)(a)1.b. and d. Wis. Stats. prohibits counties from
1571 requiring any approval or imposing any fee or mitigation requirement for the
1572 activities specified in section 9.99. However, it is important to note that
1573 property owners may be required to obtain permits or approvals and counties
1574 may impose fees under ordinances adopted pursuant to other statutory
1575 requirements, such as floodplain zoning, general zoning, sanitary codes,
1576 building codes, or even stormwater erosion control.
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1578 C. Lateral Expansion of Nonconforming Principal Structure within the
1579 Setback. (NR 115.05(1)(g)((5))
1580

1581 An existing principal structure that was lawfully placed when constructed
1582 but that does not comply with the required building setback per sections
1583 9.94 may be expanded laterally, provided that all of the following
1584 requirements are met:
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- 1586
- 1587 1. The use of the structure has not been discontinued for a period of 12 months
1588 or more if a nonconforming use.
 - 1589 2. The existing principal structure is at least 35 feet from the ordinary high-
1590 water mark.
 - 1591 3. Lateral expansions are limited to a maximum of 200 square feet over the
1592 life of the structure. No portion of the expansion may be any closer to

- 1593 the ordinary high-water mark than the closest point of the existing
 1594 principal structure.
 1595 4. The county shall issue a permit that requires a mitigation plan that shall be
 1596 approved by the county and implemented by the property owner by the date
 1597 specified in the permit. The mitigation plan shall meet the standards found
 1598 in section 9.96.
 1599 5. Conforming principal structures permitted a reduced setback per Section 9.94
 1600 are not permitted expansion under this Section.
 1601 6. All other provisions of the shoreland ordinance shall be met.
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1604 D. Expansion Of A Nonconforming Principal Structure Beyond Setback.
 1605 (NR115.05(1)(g))(5m)
 1606

1607 An existing principal structure that was lawfully placed when constructed but that
 1608 does not comply with the required building setback under section 9.94, may be
 1609 expanded horizontally, landward or vertically provided that the expanded area
 1610 meets the building setback requirements per Section 9.94 and that all other
 1611 provisions of the shoreland ordinance are met. A mitigation plan is not required
 1612 solely for expansion under this paragraph, but may be required per section
 1613 9.94(F).
 1614

1615 E. Relocation Of Nonconforming Principal Structures (NR 115.05(1)(g)6.)
 1616

1617 An existing principal structure that was lawfully placed when constructed but that
 1618 does not comply with the required building setback per section 9.94 may be
 1619 relocated on the property provided all of the following requirements are met:
 1620

- 1621 1. The use of the structure has not been discontinued for a period of 12 months
 1622 or more if a nonconforming use.
 1623 2. The existing principal structure is at least 35 feet from the ordinary high-water
 1624 mark.
 1625 3. No portion of the relocated structure is located any closer to the ordinary high-
 1626 water mark than the closest point of the existing principal structure.
 1627 4. The county determines that no other location is available on the property to
 1628 build a principal structure of a comparable size to the structure proposed for
 1629 relocation that will result in compliance with the shoreland setback
 1630 requirement per section 9.94.
 1631 5. The county shall issue a permit that requires a mitigation plan that shall be
 1632 approved by the county and implemented by the property owner by the date
 1633 specified in the permit. The mitigation plan shall meet the standards found in
 1634 section 9.96
 1635 6. All other provisions of the shoreland ordinance shall be met.
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1637 F. Maintenance, Repair, Replacement or Vertical Expansion of Structures that were
 1638 authorized by variance. (s. 59.692(1k)(a)2. and (a)4.
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A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 15, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Note: Section 59.692(1k)(a)2. Wis. Stats. prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 12. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control

G. Structures that do not meet the minimum setbacks to lot lines (side yard or rear yard setback) and road right-of-way lines.

The following requirements do not apply to the OHWM setback.

1. Accessory structures that encroach over lot lines, road right-of-way lines, or are located within the road setback, side yard or rear yard setback are permitted ordinary maintenance and repair. Such accessory structures shall not be structurally altered, improved, replaced or expanded.
2. Dwelling units or principal buildings located in road setback, side yard setback or rear yard setback areas may be continued subject to the following:
 - a. All work must be in strict compliance with all other requirements of this ordinance. Ordinary maintenance, repairs and structural improvements shall be permitted.
 - b. A dwelling unit or principal building or portions thereof located in a road setback, side yard setback or rear yard setback areas is permitted to be expanded vertically and horizontally, which may result in total replacement, in a direction away from the adjoining lot line or road right-of-way line. Upon reaching the setback line, such expansion may also be lateral to the setback line.
 - c. In the event a proposed expansion is in a road setback area, the property owner shall obtain a written statement from the government entity that has jurisdiction over such road stating that it has no objection.
3. Dwelling units or principal buildings that encroach over lot lines or road right-of-way lines may be continued subject to the following:

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- a. All work shall be in strict compliance with all other requirements of this ordinance.
- b. Ordinary maintenance, repairs and non-structural improvements shall be permitted provided they do not alter the envelope of such structure, which consists of any existing exterior wall, roof or foundation.
- c. Structural improvements. The alteration of any structural members of the existing walls, roof or interior structural members of such structure shall not be permitted.

CHAPTER 9
ARTICLE 9 – SHORELAND PROTECTION PROVISIONS
