

VILAS COUNTY SHORELAND ZONING ORDINANCE

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Revised June 24, 2003

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ARTICLE I: STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE

1.1 Statutory Authorization.

This Ordinance is adopted pursuant to the authorization in Section 59.692, Wis. Stats., to implement sections 59.69, 59.692, 59.694, 87.30, 236.45, and 281.31, Wisconsin Statutes.

1.2 Findings of Fact.

- A.** Vilas County has over 1,300 lakes and other water bodies within its boundaries, nearly ten percent of the lakes contained within the State of Wisconsin. Further, it has one of the highest concentrations of inland freshwater lakes in the world.
- B.** Uncontrolled use of the shorelands and pollution of the navigable waters of Vilas County would adversely affect the public health, safety, convenience, general welfare and economic base of Vilas County.
- C.** The Legislature of Wisconsin has required that counties zone by ordinance all shorelands in its unincorporated area to meet minimum standards. This responsibility is hereby recognized by Vilas County, Wisconsin.
- D.** Given high levels of existing development on some water bodies, increased pressure for development of shorelands on many others, and the varied sensitivity of lakes, rivers and streams in Vilas County to impacts from such development, it is necessary that classes of water bodies meet certain standards more restrictive than the minimum standards required by state law in order to fully achieve the purposes of this ordinance.

1.3 Purpose and Intent.

- A.** For the purpose of promoting the public health, safety, convenience and welfare, this Shoreland Zoning Ordinance is established to: further the maintenance of safe and healthful conditions; protect spawning grounds, fish and aquatic life; preserve shore cover and natural beauty; prevent and control water pollution; prevent erosion of the soil; preserve the compatibility of proposed development with existing land and water usage; and control building sites, placement of structures and land uses.
- B.** In order to achieve these purposes, it is the intent of this ordinance to include, but not be limited to, the following methods and strategies:
 - 1. Establishing minimum lot areas and lot widths to control the density of shoreland and backlot development;
 - 2. Establishing minimum setbacks from the Ordinary High Water Mark, side yard lot lines and back yard or road lot lines;
 - 3. Controlling filling, grading and the extent of other land disturbing activities;
 - 4. Protecting and enhancing vegetative buffer zones and natural shoreland cover, including the use of mitigation (restoration);
 - 5. Minimizing pollution of ground and surface waters from sewage disposal systems or other pollution sources;
 - 6. Minimizing runoff causing nutrient and sediment transport to surface water, including controlling the amount of impervious surfaces allowed;
 - 7. Protecting bank stability and controlling shoreline alterations, dredging and lagooning;
 - 8. Preserving wetlands and other fish and aquatic habitat;
 - 9. Separating conflicting land uses;
 - 10. Prohibiting certain uses detrimental to the shoreland area;
 - 11. Preventing shoreline encroachment by structures;
 - 12. Regulating the use, placement and size of boathouses and other structures; and
 - 13. Limiting water access lots to navigable waters.
- C.** It is the intent of this ordinance to allow reasonable use of shoreland areas by individuals and businesses while providing long term safeguards for the water resources of Vilas County and

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achieving the purposes of this ordinance.

- D. It is the intent of this ordinance to provide higher levels of protection for water bodies that have higher sensitivity to development impacts, and for water bodies with lower levels of existing development.
- E. It is the intent of this ordinance to promote greater restoration of shoreland areas through mitigation requirements for those lakes with higher sensitivity to development impacts and for water bodies with higher levels of existing development.

1.4 Title.

This ordinance shall be known as the Vilas County Shoreland Zoning Ordinance.

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ARTICLE II: GENERAL PROVISIONS

2.1 Regulated Shoreland Areas.

A. Applicability.

The provisions of this Ordinance apply to the shorelands of all navigable waters, in the unincorporated areas of Vilas County, which are:

1. Within one thousand (1,000) feet of the ordinary high water mark of navigable lakes, ponds or flowages.
2. Within three hundred (300) feet of the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater.

B. Exemptions.

Notwithstanding the foregoing, pursuant to Wis. Stat. § 59.692, this ordinance does not apply to lands adjacent to farm drainage ditches under the conditions described in Wis. Stat. 281.31(2m).

2.2 Incorporated Shoreland Zoning Maps and Reports.

A. Maps.

The maps designated below are hereby adopted and made part of this Ordinance. They are on file in the office of the Zoning Administrator for Vilas County.

1. United States Geological Survey Quadrangle maps for Vilas County (revised 1970, 1971, 1981 and 1982 and any subsequent revisions).
2. Wisconsin Wetland Inventory maps stamped "FINAL" on September 28, 1983 and any subsequent revisions.

B. Reports.

The Vilas County Lake and River Classification Study dated February 1999 is hereby adopted and incorporated by reference.

2.3 Compliance With This Ordinance.

A. General.

The use of any shoreland area or waterbody; the size and shape of shoreland lots; the use, size, type and location of structures on shoreland lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, lagooning, dredging of any shorelands; the cutting of shoreland vegetation; and the division of lots in shoreland areas, shall be in full compliance with the terms of this Ordinance.

B. Property Owners and Agents.

It shall be the responsibility of the property owners and their agents or other persons acting on their behalf including builders and contractors to comply with the terms of this ordinance. Any person failing to comply with this Ordinance is subject to enforcement under Article IX of the Vilas County General Zoning Ordinance, which is hereby incorporated by reference.

C. Governmental Bodies.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Ordinance and obtain all necessary permits. Unless specifically exempted by law, state agencies are required to comply if Wis. Stat. § 13.48(13) applies. Unless specifically exempted by law, federal agencies are required to comply with this ordinance.

Note: The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt where Wis. Stat. § 30.12(4)(a), applies.

D. Annexed and Newly Incorporated Areas

Vilas County Shoreland zoning provisions in effect prior to any annexation after May 7, 1982 or municipal incorporation after April 30, 1994 shall remain in effect and shall be administered by the

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annexing or newly incorporated unit of government unless one of the options described in s. 59.692(7) is exercised.

2.4 Relationship to Other Zoning and Property Restrictions.

A. Vilas County General Zoning Ordinance.

All of the provisions of the Vilas County General Zoning Ordinance are hereby incorporated by reference. Except as otherwise provided in this ordinance, the general zoning ordinance provisions shall only apply to shoreland areas and where they impose greater restrictions than this Ordinance otherwise imposes.

B. Town Regulation.

Pursuant to Wis. Stat. § 59.692(2), this Ordinance shall not require approval or be subject to disapproval by any town or town board. If an existing town ordinance relating to shorelands is more restrictive than this Ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions, but not otherwise.

C. Other Property Restrictions.

This Ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

2.5 Administration and Enforcement.

This Ordinance shall be administered and enforced pursuant to the terms of the Vilas County General Zoning Ordinance, which is incorporated by reference.

2.6 Interpretation.

The provisions of this Ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this Ordinance is required by a standard in Chapter NR115, Wisconsin Administrative Code, and where the Ordinance provision is unclear, the provision shall be interpreted in accordance with the Chapter NR115 standards in effect on the date of the adoption of this Ordinance or in effect on the date of the most recent text amendment to this Ordinance.

2.7 Severability.

If any portion of this Ordinance is adjudged, unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

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ARTICLE III: DEFINITIONS AND WATER CLASSIFICATION

3.1 Incorporated Definitions.

Except as set forth in this Article, all terms shall have the meaning contained in Vilas County General Zoning Ordinance Article XI, which is incorporated by reference.

3.2 Shoreland Zoning Definitions.

For the purposes of this Ordinance the following terms shall have the meaning set forth below:

Accessory Structure: A subordinate detached building other than a boathouse which is clearly incidental to, and customarily associated with, the principal structure to which it is related, and which is located on the same lot as the principal structure. Also known as a Building Accessory.

Backlot(s): Lots which do not front on a navigable body of water, or which do not have 50 percent or more of their total area within 200 feet of a navigable body of water.

Backland: Any land located greater than 200 feet back from the ordinary high water mark of a navigable body of water.

History: (Amendment #85-216, Section 3.2, effective 6-27-07)

Basal Area: The cross-sectional area 4-1/2 feet above ground expressed in square feet per acre of all trees with a diameter of 5 inches and larger.

Boathouse: A structure located on a lot and used for protecting or storing boats, marine motors, fishing, and boating paraphernalia, and/or other water related equipment.

Buffer zone: An area of natural shoreland vegetation.

Building Envelope: The three dimensional space within which a structure is built.

History: (Amendment #85-231, Section 3.2, effective 11-25-09)

DBH: Diameter at breast height; the average diameter (outside the bark) of a tree 4.5 feet above mean ground level.

Driving Access Road: A privately owned roadway or driveway for use by registered motor vehicles to access a water body.

Dry Boathouse: A boathouse located in its entirety landward of the OHWM.

Existing Pattern of Development: Existing development of principal structures that are located at a similar distance from the OHWM. In no instance shall less than ten (10) principal structures be considered an existing pattern of development.

Existing Structure: A principal or non-principal structure in use at the time this ordinance is adopted.

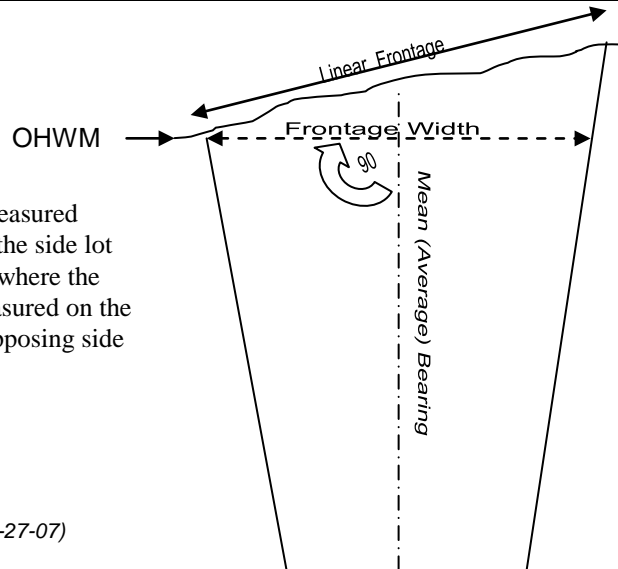
Floodplain: The term floodplain has the definition contained in Wis. Adm. Code NR 115.03(4) and ch. NR 116. The floodplain of navigable rivers or streams in Vilas County shall be presumed to be that shown on Flood Hazard Boundary maps, or Flood Insurance Study maps.

Forest Law Programs: Wisconsin managed forest tax programs including: Forest Crop Law, Woodlands Tax Law, and Managed Forest Law.

Forestry Best Management Practices (BMPs): Practices set forth in the manual titled, A Wisconsin's Forestry Best Management Practices for Water Quality (March, 1995). BMPs are considered minimum standards in forest management in Vilas County.

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Frontage Width



Frontage Width: The frontage width shall be measured perpendicular to the mean (average) bearing of the side lot lines. This measurement shall start at the point where the side lot line intersects the OHWM and then measured on the perpendicular mean (average) to intersect the opposing side lot line. (See Diagram)

History: (Amendment #85-216, Section 3.2, effective 6-27-07)

Habitable Living Area: The enclosed floor area arranged for living or sleeping. The area can include multiple levels of an existing structure. The area does not include decks, open porches, garages, or overhangs.

Habitable Structure: Any enclosed floor space arranged for living or sleeping purposes.

Island Access Lot: Any lot abutting a navigable water body that provides a deeded access for one or more island lots.

Impervious Surface Areas: Surfaces, which limit or impede normal infiltration and/or cause additional runoff to other areas. Includes, but is not limited to buildings, structures, decks, walkways, driveways and parking areas (including graveled areas).

Land Disturbance Activities: Construction, grading, filling, excavating or any other activities which result in the temporary or permanent removal of vegetative cover, increased potential for soil erosion, increased storm water runoff volumes or velocities, or increased total area of impervious surfaces; or activities which include but are not limited to construction on steep slopes, development of private boat landings or access roads to the water body, development of paths to the shoreline requiring disturbance of the land to construct, and development of sand beaches not naturally occurring.

Logging: Harvesting forestry products on parcels of land, ten acres or greater for profit.

Minimum Lot Width: The minimum lot width shall be measured at the 75 foot setback line for waterfront lot(s).

History: (Amendment #85-216, Section 3.2, effective 6-27-07)

Minor Repairs: Minor repairs include replacement of siding, roofing, windows, and doors, painting and other general maintenance activities. Structural and foundation activities including support beams, footings, concrete floors, posts, and pilings are not considered minor repairs. Vertical and horizontal expansions are not considered minor repairs.

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

History: (Amendment #85-231, Section 3.2, effective 11-25-09)

Navigable Water: Any water, which is navigable as set forth in Wis. Stats. 30.10. A water is generally navigable if it is capable of floating a recreational craft of the shallowest draft for regularly recurring periods. For purposes of this Ordinance, lakes, ponds or flowages in Vilas County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication A Surface Water Resources of Vilas County or are shown on the United States Geological Survey quadrangle maps. Rivers and streams in Vilas County shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the U. S. G.S. quadrangle maps.

Non-Principal Structure: Non-principal structures include, but are not limited to, boathouses, decks, gazebos, storage buildings, or non-rental guesthouses.

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Ordinary High Water Mark (OHWM): 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 characteristic.

Principal Structures: Principal structures include dwelling units (except non-rental guest houses), commercial buildings or other non-accessory structures in which the principal use of the lot is being conducted. Principal structures do not include boathouses or accessory structures such as decks, gazebos, storage buildings, or non-rental guesthouses.

Private Club: A private business which may be licensed by the Wisconsin Department of Health and Family Services which includes dwelling units for short term rental in one or more permanent buildings utilized principally for the accommodation of employees or club members.

Resort: A private business licensed by the Wisconsin Department of Health and Family Services which includes dwelling units for short term rental in one or more permanent buildings utilized principally for the accommodation of the public for recreation.

Select Cutting: Timber harvest which leaves a minimum of 60 square feet of basal area per acre in trees five inches diameter at breast height (DBH) and larger, evenly distributed. Trees smaller than 5" in diameter shall be preserved to maintain underbrush growth and to protect the quality of the shoreland buffer area.

Shoreland: Has the meaning set forth in § 2.1.A.

Shoreland Lot: A lot within a shoreland area. Shoreland lots can be waterfront lots or back lots.

Shoreline Recreational Area: An area paralleling the shoreline where trees, shrubbery, or undergrowth have been selectively cut to provide a viewing corridor and to provide for recreation.

Slash: Any treetops, limbs, bark, abandoned forest products, windfalls or other debris left on the land after timber or other forest products have been cut.

Water Access Lot: Any lot abutting a navigable water body that provides deeded access for lots that do not abut a navigable water body.

Waterbody: A navigable water.

Waterfront Access Lots: Lots that provide waterfront access to other lots. Waterfront access lots include water access lots and island access lots.

Waterfront Lot: Any lot which abuts navigable water.

Wet Boathouses: A boathouse extending in whole or in part water ward of the OHWM.

History: (Amendment #85-177, Section 3.2, effective 11-12-02)

3.3 Interpretations by Zoning Administrator.

- A.** Upon request the Zoning Administrator shall, or upon his or her own initiative he or she may make a determination whether sufficient evidence exists to overcome the presumption of navigability set forth in Section 3.2. In making such determinations, the Zoning Administrator shall apply Wisconsin law and may consult with the Department of Natural Resources.
- B.** Upon request the Zoning Administrator shall, or upon his or her own initiative may make a determination of the location of the OHWM. In making such a determination, the Zoning Administrator shall apply Wisconsin law and may consult with the Department of Natural Resources.

3.4 Lake and River Classification.

A. Lakes Greater Than 50 Acres.

- 1. Each lake greater than 50 acres in surface area has been individually evaluated and classified based upon its sensitivity to development and the level of existing development along privately owned shoreline. The factors comprising lake sensitivity to development and the level of development, and the ranking system for low, medium and high sensitivity and development categories are set forth in the Vilas County Lake and River Classification Study dated February 1999 which is incorporated by reference.

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2. The lake classification listing for each lake greater than 50 acres is set forth in Table 1 below.

Table 1 - LAKE CLASSIFICATIONS FOR LAKES OVER 50 ACRES

Lake Name	Sensitivity Level	Level of Existing Development	Lake Name	Sensitivity Level	Level of Existing Development
ADELADE LAKE	high	medium	CRYSTAL LAKE T41N R07E S27	low	low
ALDER LAKE	medium	medium	CRYSTAL LAKE T43N R10E S01	medium	low
ALDRIDGE LAKE	low	low	DAY LAKE	high	low
ALLEQUASH LAKE	medium	low	DEAD PIKE LAKE	low	medium
ALMA LAKE	high	high	DEER LAKE T42N R10E S29	medium	medium
AMIK LAKE (RICE, PIKE)	medium	medium	DEERSKIN LAKE	low	high
ANNABELLE LAKE (ANNA)	medium	medium	DEVINE LAKE (DOLLAR)	medium	low
ANVIL LAKE	medium	high	DIAMOND LAKE	medium	high
APEEKWA LAKE (LITTLE PINE)	low	low	DOLLAR LAKE T40N R10E S26	low	medium
ARMOUR LAKE	high	medium	DOROTHY DUNN LAKE	high	low
ARROWHEAD LAKE (LITTLE STAR)	medium	high	DUCK LAKE	low	high
AURORA LAKE (RICE)	high	low	DUNN LAKE	medium	low
AVERILL LAKE (MUD)	medium	low	EAGLE LAKE T40N R10E S22	low	high
BALLARD LAKE	low	medium	EDITH LAKE T42N R06E S26	high	high
BASS LAKE	low	high	ELLERSON LAKE, EAST	medium	low
BEAR LAKE	medium	low	ELLERSON LAKE, MIDDLE	high	low
BEAVER LAKE T43N R07E S14	low	medium	ELLERSON LAKE, WEST	medium	low
BELLE LAKE	high	low	ERICKSON LAKE	medium	low
BIG ARBOR VITAE LAKE	medium	high	ESCANABA LAKE (ROCK)	low	low
BIG BATEAU LAKE	Medium	low	FALLISON LAKE (LONG)	high	low
BIG CROOKED LAKE T41N R05E	high	low	FAWN LAKE T42N R05E S11 (MUD)	medium	medium
BIG CROOKED LAKE T42N R07E	low	low	FENCE LAKE	low	high
BIG DONAHUE LAKE	high	low	FINGER LAKE	medium	medium
BIG GIBSON LAKE	medium	low	FINLEY LAKE	medium	medium
BIG KITTEN LAKE	medium	medium	FISHTRAP LAKE	high	medium
BIG LAKE T42N R06E S04	low	medium	FLAMBEAULAKE (LAC DU FLAMBEAU)	medium	low
BIG LAKE T43N R08E S24	medium	low	FLORA LAKE	high	low
BIG MUSKELLUNGE LAKE	medium	medium	FOREST LAKE (GOOSE)	high	medium
BIG PORTAGE LAKE	medium	medium	FOUND LAKE	low	medium
BIG SAND LAKE	low	medium	FRANK LAKE (BEAR)	high	low
BIG ST GERMAIN LAKE	low	high	FROST LAKE (MUD)	medium	low
BILLS LAKE	high	high	GEORGE LAKE T44N R05E S19	high	low
BIRCH LAKE	medium	medium	GRASSY LAKE	low	low
BITTERSWEET LAKE (CROOKED)	high	low	GRESHAM LAKE, LOWER	low	high
BLACK OAK LAKE	medium	medium	GRESHAM LAKE, MIDDLE	high	medium
BOLIN LAKE (BOG, OSWEGO)	high	low	GRESHAM LAKE, UPPER	medium	high
BOLTON LAKE	low	medium	GUNLOCK LAKE	medium	medium
BOOT LAKE T40N R09E S02	low	medium	HARDIN LAKE	high	low
BOULDER LAKE	low	medium	HARMONY LAKE	low	low
BRANDY LAKE (CECILIA)	low	high	HARRIS LAKE	medium	low
BROKEN BOW LAKE	high	low	HASKELL LAKE	high	low
BUCKATABON, UPPER & LOWER	medium	medium	HEART LAKE T42N R10E S29	medium	medium
BUCKSKIN LAKE	low	low	HELEN LAKE T43N R09E S30	medium	low
CAMP TWELVE LAKE, EAST	medium	low	HIGH LAKE	low	medium
CARLIN LAKE	high	low	HORSEHEAD LAKE	medium	low
CARPENTER LAKE	low	medium	HUNTER LAKE	medium	low
CARROLL LAKE	medium	low	IKE WALTON LAKE	low	low
CATFISH LAKE	low	high	IMOGENE LAKE	high	low
CEDAR LAKE T40N R04E S04	medium	low	INDIAN LAKE	high	low
CIRCLE LILY LAKE	low	medium	IRVING LAKE	low	low
CLAIR LAKE	medium	medium	ISLAND LAKE	medium	medium
CLEAR LAKE	low	high	JAG LAKE	medium	low
COCHRAN LAKE	low	medium	JENNY LAKE	high	low
CONTENT LAKE	low	medium	JERMS LAKE	medium	medium
CRAB LAKE	high	low	JOHNSON LAKE T40N R06E S34	medium	high
CRAB LAKE, NORTH	high	low	JONES LAKE	high	low
CRAMPTON LAKE	high	low	JUTE LAKE	medium	low
CRANBERRY LAKE	low	medium	KATINKA LAKE	high	low
CRAWLING STONE LAKE	low	high	KENTUCK LAKE	low	medium

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KENU LAKE (ALICE)	low	low	PALMER LAKE	low	low
KILDARE LAKE (PINE)	medium	medium	PAPOOSE LAKE	high	medium
LAC DU LUNE (ISLAND)	high	low	PARDEE LAKE	medium	medium
LAC VIEUX DESERT	low	medium	PARTRIDGE LAKE	medium	low
LAKE OF THE HILLS (SUCKER)	low	medium	PICKEREL LAKE	low	medium
LANDING LAKE (CHARLOTTE)	medium	low	PINE ISLAND LAKE (BASS)	medium	medium
LAURA LAKE	medium	medium	PIONEER LAKE	low	high
LITTLE ARBOR VITAE LAKE	medium	medium	PLUM LAKE	medium	high
LITTLE BATEAU LAKE	medium	low	PLUMMER LAKE	medium	medium
LITTLE CRAB LAKE	high	low	POKEGAMA LAKE	medium	medium
LITTLE CRAWLING STONE LAKE	medium	high	PRESQUE ISLE LAKE	medium	medium
LITTLE CROOKED LAKE	low	low	RAINBOW LAKE	medium	low
LITTLE HORSEHEAD LAKE	medium	medium	RANGE LINE LAKE	medium	low
LITTLE JOHN LAKE	low	high	RAZORBACK LAKE	medium	high
LITTLE MUSKIE LAKE	low	high	REST LAKE	low	medium
LITTLE PORTAGE LAKE	low	medium	RICE LAKE T40N R09E S14	low	low
LITTLE PRESQUE ISLE LAKE	medium	low	ROACH LAKE T40N R07E S09	high	medium
LITTLE RICE LAKE	low	low	ROACH LAKE T43N R08E S07	medium	low
LITTLE SAND LAKE	medium	low	ROCK LAKE	high	medium
LITTLE SPIDER LAKE (GAFFREY)	medium	high	ROSS ALLEN LAKE	high	low
LITTLE ST GERMAIN LAKE	medium	high	ROSS LAKE	medium	medium
LITTLE STAR LAKE T41N R08E S10	medium	medium	ROUND LAKE	medium	low
LITTLE STAR LAKE T42N R05E S15	medium	high	RUDOLPH LAKE T43N R07E S17	high	low
LITTLE TAMARACK FLOWAGE (INCLUDING SPRING LAKE)	medium	low	SANBORN LAKE	medium	low
LITTLE TROUT LAKE	medium	low	SANFORD LAKE	high	low
LONE PINE LAKE	medium	low	SCATTERING RICE LAKE	low	medium
LONE TREE LAKE	medium	low	SEVENTEEN LAKE	high	low
LONG INTERLAKEN LAKE (LONG)	medium	medium	SHERMAN LAKE (LOST)	low	low
LONG LAKE	medium	medium	SHISHEBOGAMA	low	high
LOST CANOE LAKE	high	medium	SIGNAL LAKE (STAR)	medium	low
LOST LAKE	low	high	SILVER LAKE	medium	high
LYNX LAKE T43N R07E S18	high	low	SMOKY LAKE	medium	low
MADELINE LAKE	medium	low	SNIPE LAKE	medium	medium
MAMIE LAKE	medium	medium	SPARKLING LAKE (SILVER)	medium	high
MANITOWISH LAKE	low	high	SPECTACLE LAKE	high	low
MANN LAKE	medium	high	SPIDER LAKE	medium	medium
MANUEL LAKE	medium	low	SPIRIT LAKE	low	low
MARSHALL LAKE	medium	low	SPRING LAKE T43N R09E S27	low	low
MCCULLOUGH LAKE	low	medium	SQUAW LAKE	low	medium
MCLEOD LAKE	high	low	STAR LAKE	medium	high
MERMAID LAKE	high	low	STARRETT LAKE	medium	low
META LAKE	low	high	STATELINE LAKE	high	low
MILL LAKE (CHARLOTTE)	medium	low	STATENAKER LAKE	high	low
MINETTE LAKE (L BASS, SPRUCE)	medium	low	STEARNS LAKE	low	low
MINONK LAKE (DEER)	high	low	STELLA LAKE	medium	medium
MITTEN LAKE	medium	low	STONE LAKE	low	high
MOCCASIN LAKE	high	low	STORMY LAKE	low	high
MOON LAKE	medium	medium	STREET LAKE	high	medium
MORAIN LAKE	high	low	SUGAR MAPLE LAKE (BIG BASS)	medium	medium
MORTON LAKE	medium	low	SUGARBUSH LAKE, LOWER	medium	low
MOSS LAKE (LITTLE MUD)	medium	medium	SUGARBUSH LAKE, MIDDLE	medium	low
MURPHY LAKE	high	low	SUGARBUSH LAKE, UPPER	medium	low
MUSKELLUNGE LAKE	low	high	SUMACH LAKE (LONG)	high	high
MUSKESIN LAKE (BIG BASS)	medium	low	SUNFISH LAKE	low	low
NEBISH LAKE	high	low	SUNSET LAKE (ROUND)	medium	medium
NELSON LAKE T40N R09E S22	high	medium	TAMBLING LAKE	low	high
NINEMILE LAKE, LOWER	low	low	TENDERFOOT LAKE	medium	low
NINEMILE LAKE, UPPER	medium	low	TEPEE LAKE (BASS)	medium	low
NIXON LAKE	medium	low	TIPPECANOE LAKE (ISLAND)	high	medium
NO MANS LAKE	high	low	TOULISH LAKE (STATENAKER)	medium	low
NORWOOD LAKE(BOOT)	medium	low	TOWANDA LAKE (BASS)	high	high
OSWEGO LAKE	medium	high	TRILBY LAKE	medium	low
OTTER LAKE	low	high	TROUT LAKE	low	high
OXBOW LAKE	high	medium	TURTLE LAKE, NORTH	medium	medium
PALLETTE LAKE (CLEAR)	medium	low	TURTLE LAKE, SOUTH	medium	medium
			TWIN ISLAND LAKE	medium	low

Amended November 25, 2009

Article III

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TWIN LAKE, NORTH	low	high	WHITE SAND LAKE T42N R07E S26	low	low
TWIN LAKE, SOUTH	low	high	WHITEFISH LAKE	medium	high
VAN VLIET LAKE	medium	medium	WHITNEY LAKE (HARRINGTON)	medium	medium
VANDERCOOK LAKE (CRANE)	high	high	WILD RICE LAKE (HALF WAY)	low	medium
VERNA LAKE	medium	medium	WILDCAT LAKE	medium	medium
VOYAGEUR LAKE	low	medium	WISHOW LAKE	medium	low
WATERSMEET LAKE	low	medium	WOLF LAKE T43N R07E S31	low	low
WEST BAY LAKE	medium	low	WYANDOCK LAKE	medium	low
WHITE BIRCH LAKE	medium	high	YELLOW BIRCH LAKE	low	high
WHITE SAND LAKE T41N R05E S22	medium	medium			

B. Lakes 50 Acres and Less.

Lakes 50 acres and less in surface area were not individually evaluated based on sensitivity or development but were classified as warranting the highest level of protection as set forth in the Vilas County Lake and River Classification Study dated February 1999. Lakes under 50 acres that have been re-classified according to Section 3.5 are listed in Table 1 and are subject to the same standards as similarly classified lakes over 50 acres.

C. Rivers and Streams.

Navigable rivers and streams were placed into two classes, based upon factors set forth in the Vilas County Lake and River Classification Study dated February 1999. Class II rivers and streams are set forth in Table 2 below. All other navigable rivers and streams in Vilas County are Class I.

Table 2 - CLASS II RIVERS AND STREAMS:

Wisconsin River downstream of Hwy. G	Eagle River
Manitowish River from Johnson Lake to Rest Lake dam	Tomahawk River
St. Germain River downstream of Big St. Germain Lake	Johnson Creek
Military Creek downstream of Hwy. E	Mud Creek
Deerskin River downstream of Range Line Rd.	Link Creek
Muskellunge Creek downstream of Birchwood Dr.	

3.5 Lake and River Classification Amendments.

A. Procedure.

1. The Vilas County Board may change the classification of a lake or river by amending this ordinance in accordance with Section 9.5 of the Vilas County General Zoning Ordinance.
2. Any person or town board seeking to change the classification of a lake or river may petition the County Board for an amendment to this ordinance in accordance with the procedures set forth in ¶ 3.5B and ¶ 3.5C and Section 9.5 of the Vilas County General Zoning Ordinance.

B. Corrections to Classifications.

1. Any proposed change of a river classification or a lake classification of a lake greater than 50 acres must be based on a demonstration that the sensitivity or development assessment in the Vilas County Lake and Stream Classification Study was incorrect for that stream or lake.
2. Any proposed change of a lake classification of a lake of 50 acres or less must be based on an analysis of lake sensitivity and/or level of development based on the criteria utilized for lakes greater than 50 acres in the Vilas County Lake and River Classification Study.
3. Changes in lake sensitivity or development after the enactment of this ordinance are not grounds for seeking a change in classification.

C. Changes to More Restrictive Classification.

1. Any person or town board may seek a change to a more restrictive status for one or more water bodies.
2. A change to a more restrictive status must be based on an evaluation of any relevant scientific factors relating to a lake or river's sensitivity or development.
3. Changes made under this paragraph are not subject to the provisions in & 3.5 B. Subsequent changes to an amendment under this paragraph may only be made upon petition of the Town.

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ARTICLE IV: MINIMUM LOT SIZE FOR SHORELAND LOTS AND WATERFRONT ACCESS LOTS

4.1 Applicability.

A. New Waterfront Lots.

All lots recorded, approved, or filed after enactment of this ordinance shall meet the minimum requirements in this Article.

B. Existing Waterfront Lots.

1. Existing lots are defined as follows:
 - a. All lots recorded or filed with the Vilas County Register of Deeds office prior to the enactment of this ordinance.
 - b. All lots created prior to the Vilas County Subdivision Control Ordinance and on file in the Vilas County Surveyor's Office prior to the enactment of this ordinance.
 - c. All lots created under the Vilas County Subdivision Control Ordinance and on file in the Vilas County Surveyor's Office prior to the enactment of this ordinance.
 - d. All single lots and splits created where Vilas County Planning and Zoning approval was not required, but the lots meet the minimum standards set forth in the Vilas County Subdivision Ordinance at the date on which they were created, and the map is filed in the Vilas County Surveyor's Office prior to the enactment of this ordinance.
2. Existing lots are subject to the requirements in Section 4.2.

C. Shoreland Back lots.

For shoreland back lots, the dimensional standards are those set forth in the General Zoning Ordinance.

4.2 Standards for Existing Lots and Resorts.

A. Existing Lots.

All existing lots may be used as a building site upon issuance of a zoning permit by the Zoning Administrator provided the following conditions are satisfied in addition to any other applicable requirements for a zoning permit:

1. The lot, when recorded, met the minimum dimensional standards in effect on that date;
2. If the lot is within the Shoreland Wetland District as it must comply with Article X of this Ordinance;
3. Code compliant sanitation facilities can be provided and maintained;
4. Each lot served by public sanitary sewer is at least 7,500 square feet in area, possesses a minimum of 50 feet of width at the OHWM and a minimum of 50 feet of width at the building setback line, and the placement of the principal structure can meet the OHWM setback of 75 feet and the required side yard setbacks; and
5. Each lot not served by public sanitary sewer is:
 - (a) At least 10,000 square feet in area, possesses a minimum of 65 feet of width at the OHWM, possesses a minimum of 65 feet at the building setback line, and the placement of the principal structure can meet the OHWM setback of 75 feet and the required side yard setbacks; or
 - (b) At least 20,000 square feet in area, possesses a minimum of 40 feet of width at the OHWM, possesses a minimum of 150 feet at the building setback line, and the placement of the principal structure can meet the OHWM setback of 75 feet and the required side yard setbacks.

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B. Minimum Lot Size Requirements for Existing Resorts.

1. Maintenance of Existing Density.

All resorts existing on the date this ordinance was adopted shall be allowed to continue in operation at their existing density. Density of the resort shall be based upon the number of dwelling units and the number of rooms on the resort license issued by the Department of Health and Family Services.
2. Expansion of Resort Rental Structures on Existing Property.

Resorts existing on the date that this ordinance is enacted may construct additional structures on existing property as long as the cumulative minimum frontage and minimum lot area requirements for all structures as set forth below are not exceeded.

 - a. Single Unit Resort Rental Structures:
 - (1) Within 200 feet from the OHWM:
 - (a) 100 feet of frontage width; and
 - (b) 20,000 square feet of lot area
 - (2) Greater Than 200 feet from the OHWM:
65,340 square feet of lot area
 - b. Duplex Unit Resort Rental Structures:
 - (1) Within 200 feet from the OHWM:
 - (a) 100 feet of frontage width for an initial duplex structure plus 130 feet for each additional duplex structure; and
 - (b) 20,000 square feet of lot area plus 26,000 square feet of lot area for each additional duplex structure
 - (2) Greater Than 200 feet from the OHWM:
65,340 square feet of lot area plus 77,340 square feet of lot area for each additional duplex structure
 - c. Multiple Unit Resort Rental Structures:
 - (1) Within 200 feet from the OHWM:
 - (a) 100 feet of frontage width plus 30 feet for each additional contiguous unit; and
 - (b) 20,000 square feet of lot area plus 6,000 square feet of lot area for each additional contiguous unit
 - (2) Greater Than 200 feet from the OHWM:
65,340 square feet of lot area plus 12,000 square feet of lot area for each additional contiguous unit
 - d. Lodges and Non-rental Residences:
 - (1) Within 200 feet from the OHWM:
 - (a) 100 feet of frontage width; and
 - (b) 20,000 square feet of lot area
 - (2) Greater Than 200 feet from the OHWM:
65,340 square feet lot area
3. Expansion of Resort Rental Structures on Additional Property
 - a. Existing resorts may expand their operation with additional units through purchase of contiguous property provided the corresponding zoning district allows for expansion of the resort.
 - b. Expansion of existing resorts onto such contiguous property shall meet the requirements in ¶4.2.B.2.
4. Replacement of Resort Rental Structures
 - a. Existing Resorts exceeding Maximum Resort Density Requirements.

Resort rental structures may be replaced at the existing licensed room density provided the replacement resort rental structures are located beyond the required OHWM setback for that water body and the number of dwelling units is not increased.

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- b. Existing Resorts that comply with the Maximum Resort Density Requirements.
Resort rental structures may be replaced at the same or greater licensed room density provided
 - (1) The new resort rental structure complies with the OHWM setback, and
 - (2) The density of new structures does not exceed the maximum density requirements as described in ¶ 4.2.B.2.
- c. Replacement of any resort rental structures shall comply with other provisions of this ordinance including, but not limited to, obtaining proper sanitary permits, zoning permits and adhering to the impervious surface and land disturbance requirements of Article IX.

Note: Examples for Resort Units are contained in Appendix A.

C. Minimum Lot Size Requirements for Existing Condominium Expansion Areas.

When a condominium plat has been filed and recorded with the Register of Deeds prior to the date of enactment of this ordinance and the plat shows an expansion area for new structures, additional structures may be constructed in the expansion area provided that they meet the same requirements as existing resorts set forth in ¶4.2.B.2

4.3 Minimum Area and Width Requirements for New Waterfront Lots.

A. Base Minimum Lot Sizes.

The base minimum lot size is determined by the lake or river classification category. In addition to the base minimum, certain structures require additional lot area and width as set forth in ¶4.3.B.

- 1. Minimum lot size for lakes greater than 50 acres.
The minimum lot area and width shall correspond to the lake's sensitivity and development level for that particular lake as shown below in Table 3.

Table 3

LAKE CLASSIFICATION MATRIX FOR LAKES GREATER THAN 50 ACRES			
Sensitivity to Development	Current Level of Development		
	Low Development Level	Medium Development Level	High Development Level
High Sensitivity	Minimum lot area =60,000 ft ² Minimum frontage width =300 ft. Minimum lot width =270 ft.	Minimum lot area =40,000 ft ² Minimum frontage width =200 ft. Minimum lot width =180 ft.	Minimum lot area =40,000 ft ² Minimum frontage width =200 ft. Minimum lot width =180 ft.
Medium Sensitivity	Minimum lot area =40,000 ft ² Minimum frontage width =200 ft. Minimum lot width =180 ft.	Minimum lot area= 40,000 ft ² Minimum frontage width =200 ft. Minimum lot width =180 ft.	Minimum lot area =30,000 ft ² Minimum frontage width = 150f t. Minimum lot width =135 ft.
Low Sensitivity	Minimum lot area =30,000 ft ² Minimum frontage width =150 ft. Minimum lot width =135 ft.	Minimum lot area =30,000 ft ² Minimum frontage width = 150 ft. Minimum lot width =135 ft.	Minimum lot area =30,000 ft ² Minimum frontage width =150 ft. Minimum lot width =135 ft.

- 2. Minimum lot size for lakes 50 acres and less:
 - a. The minimum lot area shall be 60,000 square feet;
 - b. The minimum frontage width shall be 300 feet; and
 - c. The minimum lot width shall be 270 feet.
- 3. Minimum lot size for Class I rivers and streams:
 - a. The minimum lot area shall be 60,000 square feet;
 - b. The minimum frontage width shall be 300 feet; and
 - c. The minimum lot width shall be 270 feet.

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4. Minimum lot size for Class II rivers and streams:
 - a. The minimum lot area shall be 30,000 square feet;
 - b. The minimum frontage width shall be 150 feet; and
 - c. The minimum lot width shall be 135 feet.
5. Exception - where a single existing lot cannot be divided into two lots and meet the requirements of Section 4.3, a division into two lots can be made, provided the following requirements apply:
 - a. One lot shall meet all the criteria under section 4.3 and the second lot shall meet 80% of these requirements.
 - b. The second lot is no less than 100 feet of lot width.

B. Minimum Lot Size Requirements for Specified Uses.

1. Single residential lots and single duplexes shall comply with the base minimum lot size requirements.
2. Multi-family developments with one residential unit per structure shall comply with the base minimum requirement for each single residential unit.
3. Multi-family developments with multiple residential units per structure(s) shall include the base minimum requirements for each residential structure plus an additional 30 percent of the base minimums for each additional contiguous dwelling unit.
4. Hotels/Motels shall include the base minimum requirements for each motel and/or hotel structure plus as an additional 10 percent of the base minimums for each additional contiguous bedroom unit. A single motel/hotel room shall be considered to be a single bedroom.
5. All resorts established after the effective date of this ordinance shall conform to the minimum lot area, minimum frontage width, and minimum lot width requirements of multi-family developments.
6. Commercial lots shall comply with the base minimum requirements.
7. Lots, which include a combination of the development categories in ¶4.3.B shall comply with all of the requirements for each applicable category.

Note: Examples for each of these provisions are set forth in Appendix A.

4.4 Waterfront Access Lots.

A. Water Access Lots.

1. General Restrictions.
 - a. Water access lots shall not be allowed on lakes less than 100 acres or on Class I rivers and streams.
 - b. Water access lots shall not be allowed in Single-Family Residential (R-1) Zoning Districts unless they provide access to a single backlot unit.
 - c. No more than three units (contiguous or non-contiguous) shall be permitted per each water access lot.
2. Minimum Lot Size.
 - a. Each water access lot shall meet the applicable base minimum lot size requirements for that particular waterbody under Section 4.3.
 - b. Each water access lot shall also meet the minimum frontage width and area requirements for the particular zoning district in which the water access lot is located.
3. Buffer Area.

Each water access lot shall include an unmowed buffer area along each side lot boundary. Each buffer width shall be a minimum of 25% of the required minimum water access lot width. Water access lot buffers may include wetlands. The remaining lot width located between the buffers shall not include any wetlands.

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4. Improvements on a water access lot are limited to the following:
 - a. A driveway onto the access lot is allowable. The driveway shall not be closer than 100 feet from the OHWM of the waterbody. The driveway shall not be greater than 20 feet in width. In addition to the width of the driveway, parking spaces are allowed on the access lot, but only limited to equal the number of units plus one additional space.
 - b. A single (1) shoreline recreational area is permitted at the water's edge subject to the requirements in & 8.3E.
 - c. A path is allowed to the shoreline recreational area. The path shall not exceed six feet in width.
 - d. One privy is allowed on the access lot provided the privy complies with all other federal, state and local regulations.

B. Island Access Lots.

1. General Restrictions.
 - a. An island access lot is not allowed in a Single-Family Residential (R-1) Zoning Districts unless it provides access to a single island dwelling unit.
 - b. A maximum of six island units (contiguous or non-contiguous) shall be permitted for each island access lot.
2. Minimum Lot Size.
 - a. Each island access lot shall meet the applicable base minimum lot size requirements for that particular waterbody under Section 4.3.
 - b. Each island access lot shall also meet the minimum frontage width and area requirements for the particular zoning district in which the island access lot is located.
3. Buffer Area.

Each island access lot shall include an un-mowed buffer area along each side lot boundary. Each buffer width shall be a minimum of 25% of the required minimum island access lot width. Island access lot buffers may include wetlands. The remaining lot width between the buffers shall not include any wetlands.
4. Structures.

No structures shall be permitted on island access lots unless only one island dwelling unit has access via this access lot.

C. Waterfront Access Easements.

1. Except as specifically authorized by Wis. Stats. 30.131, no easements may be conveyed to a non-riparian landowner to allow access to water bodies or for any other purpose.
2. Existing easements are authorized to the extent allowed by state law.

History: (Amendment #85-231, Section 4.4, effective 11-25-09) Removed note.

D. "Dockominiums" Prohibition.

The sale of mooring sites and berths as a condominium or non-condominium unit separate from a dwelling unit on the same shoreland lot is prohibited.

ARTICLE V: SETBACKS

5.1 Ordinary High Water Mark Setback.

A. Applicability.

1. The provisions of this article shall apply to all new buildings and structures except piers, boat hoists, and boathouses. For the purposes of this Article, fences, stairways, and access paths and roads are not considered structures and are regulated under Article VII. This Article does not apply to structures authorized under Article X and NR115.05
2. Structures in place when this ordinance was adopted are considered existing structures and not required to meet the provisions of this article. However, existing structures located closer than 75 feet from the OHWM are subject to the provisions of Article VI.

B. 75 Foot OHWM Setback.

A seventy-five foot setback from the OHWM is required for all new buildings and structures.

History: (Amendment #85-177, Section 5.1B effective 11-12-02)

5.2 Reduced Ordinary High Water Mark Setbacks.

A. Reduced Ordinary High Water Mark Setbacks for Existing Resorts and Private Clubs.

A setback less than that required by ¶ 5.1 B may be permitted for an existing resort or private club only for the purpose of replacement and expansion of an existing dwelling structure, provided any expansion is consistent with ¶ 6.4 A and the following conditions are met:

1. The resort or club meets the definition of an “existing pattern of development” as determined by the zoning administrator or designee.
2. The dwelling structures on each side of the applicant’s proposed building site are within 100 feet of the proposed building envelope.
3. The proposed structure is a principal structure.
4. The replacement structure is not in any instance given a setback less than that of the dwelling structure being replaced.
5. The property owner agrees to perform mitigation activities as specified in Article XI if applicable.

History: (Amendment #85-177, Section 5.2A.1., 2 & 5 effective 11-12-02)

B. Reduced Public Right-of-Way Setback Line and OHWM Setback Line for a Principal or Accessory Structure.

1. Finding.
Where the required public right-of-way setback line and OHWM setback line on an existing waterfront lot do not allow for a 30-foot deep building envelope for a principal or accessory structure, an unnecessary hardship usually exists which warrants a reasonable reduction in setback requirements.
2. Applicability.
Reduced public right-of-way setback line and OHWM setback line provisions shall only be applicable where the following conditions are satisfied:
 - a. The lot is, existing, as defined in ¶ 4.1B.
 - b. The construction of a principal or accessory structure or the relocation of a principal or accessory structure farther from the OHWM than its previous location is proposed.
 - c. In the event an accessory structure or a principal structure with an attached garage is proposed, no new boathouse shall be permitted on the lot.
 - d. A reduced setback is necessary to create a 30-foot deep building envelope including overhangs and appurtenances.
3. Reduction in the Public Right-of-Way Setback Line.
 - a. The public right-of-way setback line may be reduced until a 30 foot deep building envelope is established, provided the resulting setback is not less than 15 feet for a principal structure and not less than 5 feet for a detached accessory structure from the public right-of-way.

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- b. A reduction to a public road setback line may require prior approval from the municipality or jurisdictional authority responsible for public road setbacks.
- 4. Reduction in the OHWM Setback Line.
If the above public right-of-way setback line reduction in 5.2(B)(3) above does not provide a 30 foot deep building envelope, including overhangs and appurtenances, the OHWM setback line may then be reduced until a 30 foot deep building envelope is established provided the resulting shoreline setback is not less than 50 feet from the OHWM.
- 5. Mitigation is required pursuant to Article XI if applicable.

History: (Amendment #85-177, Section 5.2B., 5.2B.1., 2., 3., 4., & 5. & 5.2B.2., a. thru d. & 5.2B.3.a. &b., effective 11-12-02.)

5.3 Side yard Setbacks for All New Habitable Structures on Waterfront Lots.

The minimum side yard setback for all new habitable structures on waterfront lots shall be fifteen feet (15'), except in the Community Business District where side yard setbacks shall comply with the Community Business District standards in the General Zoning Ordinance. All other structures are subject to setback provisions set forth in the General Zoning Ordinance.

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ARTICLE VI: REGULATION OF EXISTING STRUCTURES LOCATED CLOSER THAN 75' FROM THE OHWM

6.1 Applicability.

This Article applies to existing structures, or portions of existing structures, located less than seventy-five feet (75') from the ordinary high water mark and supercedes any contrary provision in the Vilas County General Zoning Ordinance. Lawful existing uses of a building or structure, which existed at the time this ordinance or applicable amendments to this ordinance took effect, may be continued subject to the conditions in Article VIII and IX of the Vilas County General Zoning Ordinance. This Article does not apply to existing structures authorized under Article X and NR 115.05.

6.2 Intent.

It is the intent of this Article to balance the public objectives of this ordinance with the interests of owners of existing structures located closer than seventy-five feet from the ordinary high water mark by:

- A. Treating smaller, more readily moveable structures more restrictively than larger, more permanent principal structures;
- B. Allowing for maintenance, repair, and internal improvement of existing structures essential to the continued reasonable use of a property;
- C. Treating structures located closer to navigable waterways within seventy-five feet of the ordinary high water mark more restrictively than structures which are more nearly in compliance with the seventy-five foot minimum setback;
- D. Allowing for limited expansion of a principal structure provided the adverse effects of such improvement or expansion are mitigated;
- E. Limiting the extent of expansion of principal structures vertically and to the side to minimize adverse water quality, shoreland buffer zone, aesthetic and other impacts from such expansion, and to provide incentive for property owners seeking major expansions to consider relocation of the principal structure beyond seventy-five feet from the ordinary high water mark.
- F. Encouraging removal of non-principal structures from the 75 ft setback area to promote better buffer areas and decrease runoff to the water body.

6.3 Maintenance, Repairs and Internal Improvements.

- A. Maintenance, repair and internal improvements to existing structures or portions of existing structures located closer than seventy-five feet (75') from the ordinary high water mark are permitted provided the exterior of the building is not altered beyond the thickness of new materials.

History: (Amendment #85-231, Section 6.3, effective 11-25-09)

- B. Such maintenance, repairs and internal improvements include replacement or installation of windows, skylights, doors, vents, siding, insulation, shutters, gutters, flooring, shingles and other roofing, replacing or repairing walls or floors of a foundation, or internal improvements within the existing building envelope.

History: (Amendment #85-231, Section 6.3, effective 11-25-09)

- C. Maintenance, repairs and internal improvements do not include external alterations and additions subject to Section 6.4 or replacement of existing structures subject to Section 6.5.
- D. An increase in roof pitch is permitted provided the living space is not increased and the height of the structure does not exceed other building height limitations.

6.4 External Alterations and Additions.

A. Existing Principal Structures.

1. General Restrictions.

Alterations or additions to existing principal structures or portions of existing principal structures located less than seventy-five feet (75') from the OHWM which result in altering the exterior building envelope horizontally or vertically may be permitted provided they meet the following conditions:

 - a. The existing structure may only be expanded one time from the effective date of this ordinance.
 - b. Expansion shall be limited to a maximum of 50% of the enclosed habitable living area of the structure or portions of the structure.
 - c. For existing structures within 50 feet of the OHWM, expansion may only occur landward away from the OHWM until the expansion extends to 50 feet of the OHWM.
 - d. Sideways expansion parallel to the OHWM is permitted provided the expansion is located greater than 50 feet from the OHWM.
 - e. New stories and vertical expansions are permitted provided the expansion is located greater than 50 feet from the OHWM and does not exceed other building height limitations.
 - f. New basements are permitted for the portion of the existing structure or expansion located greater than 50 feet from the OHWM. New basements greater than 6 feet in depth are not permitted within 50 feet of the OHWM.
 - g. Decks and overhangs on expanded structures may not exceed the width of the existing deck and overhang.
2. Expansion of Existing Condominiums into Expansion Areas.

When a condominium plat has been filed and recorded with the Register of Deeds prior to the date of enactment of this ordinance and the plat shows an expansion area for an existing structure, that existing structure may be expanded into the expansion area provided the following conditions are met:

 - a. Expansion shall be limited to a maximum of 50% of the habitable living space of the structure.
 - b. For existing structures within 50 feet of the OHWM, expansion may only occur landward away from the OHWM until the expansion extends to 50 feet of the OHWM.
 - c. Sideways expansion parallel to the OHWM is permitted provided the expansion is located greater than 50 feet from the OHWM.
 - d. New stories and vertical expansions are permitted provided the expansion is located greater than 50 feet from the OHWM and does not exceed other building height limitations.
 - e. New basements are permitted provided the expansion is located greater than 50 feet from the OHWM.
3. Additional Restrictions Applicable to All Existing Structures.
 - a. Side yard and rear yard setbacks.

Alterations or additions shall not encroach into any required side or rear yard setbacks beyond any existing encroachment. Any existing encroachment may be continued in expansions.
 - b. Impervious Surface Area.

The total amount of impervious surface area including the expansion shall conform to Article IX.
 - c. Mitigation is required pursuant to Article XI of this ordinance-
 - d. Permit Required.

A county zoning permit must be obtained for such alterations or additions. A shoreland alteration permit may also be required as specified in Article IX.

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- e. Exception for Disabilities.
Notwithstanding any other provisions of this section, any principal structure located closer than seventy-five feet from the ordinary high water mark may be expanded in order to provide reasonable accessibility to the structure for people with permanent physical disabilities, subject to conditions in Article XI.

B. Existing Non-Principal Structures.

External alterations and additions to existing non-principal structures or portions of such structures located less than seventy-five feet (75') from the OHWM which result in altering the exterior building envelope horizontally or vertically are prohibited unless they conform to the requirements of Article VII.

6.5 Replacement of Existing Structures.

A. Voluntarily Demolished.

Unless ¶ 6.5.B. applies, an existing structure may not be rebuilt or replaced closer than the applicable OHWM setback if it has been voluntarily demolished such that any of the following apply:

1. The one-time cost of repair or replacement exceeds 50% of the assessed value of the structure.
2. Replacement of 50% or more of the building's supporting members as described in Vilas County General Zoning Ordinance Section XI Definitions:
Structural Alteration: Any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls.
History: (Amendment #85-231, Section 6.5, effective 11-25-09)
3. The existing use of the structure has been discontinued for twelve consecutive months as a result of the demolition.

B. Damaged or Destroyed by Violent Wind, Fire, Flood or Vandalism.

As required by Wis. Stat. § 59.692(1s), if an existing structure has been destroyed or damaged after October 14, 1997 by violent wind, fire, flood or vandalism, the structure may be reconstructed or repaired to the size, location and use it had immediately before the damage occurred, subject to the following conditions:

1. A structure that is destroyed or damaged due to a deliberate act by the landowner or by his or her agent, or due to general deterioration or dilapidated condition, may not be reconstructed or repaired, except in conformance with the standards of this ordinance.
2. Except as provided in Wis. Stat. § 87.30 (1d), a building located closer than seventy-five feet (75') from the ordinary high water mark that is subject to regulation under a floodplain zoning ordinance may not be reconstructed or repaired except in compliance with the floodplain zoning ordinance.
3. The landowner shall bear the burden of proof as to the size, location or use a destroyed or damaged structure had immediately before the destruction or damage occurred.
4. Repairs are authorized under this provision only to the extent that they are necessary to repair the specific damage caused by violent wind, vandalism, fire or flood, and only that portion of the structure that has been destroyed may be reconstructed.
5. The private onsite wastewater treatment (septic) system serving the principal structure shall meet current standards for new construction.
6. The landowner complies with the impervious surface area limitations of Article IX.

ARTICLE VII: REGULATION OF BOATHOUSES, FENCES, STAIRWAYS, ACCESS PATHS AND ROADS

7.1 Boathouses.

A. Applicability.

This Section applies to boathouses located within the OHWM setback. Boathouses located beyond the OHWM Setback are considered accessory structures and shall conform to all other applicable local, state and federal laws.

B. Requirements for New Construction.

1. General Requirements.

A boathouse may be constructed by a property owner only if a Zoning Permit and a Shoreland Alteration Permit and an Erosion Control Plan have been issued by the Vilas County Zoning Administrator or designee, and provided that the boathouse complies with this Ordinance and the requirements of all other local, state and federal regulations.

Note: All three permits are required to be filled out and filed with the Zoning Office. The fee for all three permits will be the same as a Shoreland Alteration Permit fee.

2. Erosion Control Plan.

Implementation of an approved erosion control plan under Article IX is required.

3. New Construction Requirements.

a. Setbacks.

- (1) For lakes less than 100 acres, new boathouses may be placed within the area located between thirty-five (35) feet inland from the OHWM and the OHWM setback, and shall be located no closer than 25 feet from any side property boundary.
- (2) For lakes of 100 acres or more, new boathouses may be placed within the area located between five (5) feet inland from the OHWM and the OHWM setback, and shall be located no closer than fifteen (15) feet from any side property boundary unless the property owner receives written permission from the adjacent property owner. A copy of the letter shall be forwarded to the Zoning Office to be kept on file.

b. Size, Number, Configuration and Placement.

- (1) For lakes less than 100 acres, new boathouses shall not exceed a maximum footprint (excluding overhangs) of 100 square feet except at licensed resorts. For lakes of 100 acres or more, new boathouses shall not exceed a maximum footprint (excluding overhangs) of 300 square feet, provided that the maximum width of the boathouses parallel to the OHWM shall not exceed 15 feet.
- (2) New boathouses at licensed resorts shall be permitted provided that the cumulative maximum footprint (excluding overhangs) for all new and existing boathouses does not exceed 300 square feet.
- (3) The footprint of a boathouse shall be of rectangular or square configuration. Boathouses shall be constructed with solid walls.
- (4) Boathouses shall be constructed on natural slopes of 20 percent (1 rise:5 run) or less. Artificial alterations of slopes to conform to the 20 percent (1 rise:5 run) requirement are not permitted.
- (5) Vegetation removal shall be minimized when locating any new boathouse.
- (6) A new boathouse shall not be permitted on a lot that contains an accessory structure or a principal structure with an attached garage permitted pursuant to Article V, section 5.2B.,2.,c.
- (7) A boathouse shall not be placed where it would obstruct the view of the waterway from adjacent properties, unless the property owner receives written permission from the adjacent property owner. A copy of the letter shall be forwarded to the Zoning Office to be kept on file.

c. Height and Roof Requirements.

Note: It is recognized and intended that these requirements restrict boathouses to storage of small watercraft and associated items as defined in Article III Definitions (Boathouse).

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- (1) The overall height of a boathouse shall not exceed twelve feet.
- (2) Overhangs for roofs shall not exceed 18 inches.
- (3) For lakes less than 100 acres, the roof slope shall not be less than 4:12 (rise: run) nor greater than 6:12.

Note: It is recognized and intended that these requirements restrict boathouses to storage of small watercraft and associated equipment items as defined in Article III Definitions (Boathouse).

History: (Amendment #85-177, Section 7.1B., 7.1B3.b.1.,6. & 7., 7.1B.3.c.Note, effective 11-12-02)

C. Boathouse Use, Restrictions and Prohibitions.

1. The use of any new or existing boathouse for any purposes other than storage of watercraft and water related equipment is prohibited.
2. Boathouses shall not be used in any way for human habitation.
3. Boathouses shall not contain any plumbing or kitchen facilities.
4. Boathouses shall not support any type, shape or form of antenna or other appurtenance unless specifically allowed by Wis. Stats. § 59.69(4d).

History: (Amendment #85-177, Section 7.1C.1., effective 11-12-02)

D. Limitation of Boathouse Numbers.

Only one (1) boathouse is permitted per lot with the exception of resort developments. Up to three boathouses are permitted in resort developments, provided that the total footprint area of all boathouses does not exceed the maximum footprint area allowed for resorts as specified in ¶ 7.1B.3.b(2).

E. Maintenance or Repair of Existing Boathouses.

1. Existing Wet Boathouses.
Repair and maintenance of a wet boathouse must comply with Wis. Stats. § 30.121.

Note: Vilas County does not regulate wet boathouses. Owners should contact the Wisconsin Department of Natural Resources for issues related to these structures.

History: (Amendment #85-177, Section 7.1E.1., effective 11-12-02)

2. Existing Dry Boathouses.
 - a. Maintenance, repair, and internal improvement to existing dry boathouses are permitted provided the exterior building envelope is not altered beyond the thickness of new material.
 - b. External alterations and additions to existing dry boathouses; which result in altering the exterior building envelope horizontally or vertically are prohibited.

7.2 Fences.

Fences within shoreland areas shall conform to the provisions of Section 5.12 of the Vilas County General Zoning Ordinance.

7.3 Paths, Boat Landings and Access Roads.

A. Pedestrian Access Paths.

1. General Provisions.
One pedestrian access path to the shoreline or within seventy-five (75) feet of the ordinary high water mark (OHWM) of a lake, river or stream is permitted on each lot provided:
 - a. It is located, constructed and surfaced so as to effectively control erosion; and
 - b. It is located within the shoreline recreational area; and
 - c. It is located and constructed so as to minimize removal of screening trees and shrubbery; and
 - d. It is constructed of materials which blend with the natural ground cover in the vicinity of the path; and
 - e. The cutting of vegetation complies with Forestry BMPs.; and
 - f. It has a maximum width of six feet; and
 - g. If the path is to be paved and is paved with materials such as concrete, asphalt, pavers or bricks, a shoreland alteration permit is required, as set forth in Article IX.

History: (Amendment #85-177, Section 7.3A.1., 7.3A.1.a. thru g., effective 11-12-02)

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2. The pedestrian access path may include an elevated stairway, above ground walkway or powered lift if:
 - a. It is essential to access the shore because of steep slopes or wet soils; and
 - b. It is the minimum construction necessary to provide access; and
 - c. It is no more than four feet (4') wide; and
 - d. It includes no additional construction other than railings essential for safety; and

History: (Amendment #85-177, Section 7.3A.2.a. thru d. effective 11-12-02)

- e. Landings are allowed where required for safety purposes and shall not exceed 40 square feet. Attached benches, seats, tables, etc. are prohibited except where required to provide reasonable accommodation of persons with disabilities as required by provisions of federal and state law;
 - f. Stairways, walkways and lifts shall be supported on piles or footings. Any land disturbing activities that are proposed must meet the requirements of Article IX of this Ordinance; and
 - g. Construction plans are approved by, the Zoning Office.
3. Resorts, hotels or motels may provide one pedestrian access path for each one hundred feet of shoreline frontage width.

B. Private Boat Landings and Roadway Access to Water.

1. General Limitation.
New private boat landings and roadway access are not permitted except on a water body where there is no public accessible boat landing in existence.
2. Specific Limitations.
On water bodies without public accessible boat landing, a private roadway access and boat landing may be permitted subject to the following provisions:
 - a. No roadway access or boat landing will be permitted on slopes of 20% (1 rise:5 run) or greater.
 - b. No private access road may exceed twelve feet (12') in width.
 - c. No private boat landing may be permitted on a waterbody where a letter from the owner of a boat landing is on file with the zoning office granting all property owners of the waterbody the use of such landing. All letters shall only be revocable on January 1 of the succeeding year after notification to the zoning office.
 - d. A shoreland alteration permit is obtained and an erosion control plan is submitted.

Note: Wisconsin Department of Natural Resources approval shall be required for placement of any structures or other activities water ward of the ordinary high water mark.

History : (Amendment #85-177, Section 7.3B.1. & 7.3B.2. effective 11-12-02)

C. Public Boat Landings and Roadway Access.

1. Boat landings and roadway access to navigable water bodies for the purpose of providing public access, and which are located on publicly-owned lands, are subject to approval from the Local, County, State or Federal management agency with jurisdiction over the riparian property the public access is located on.
2. The public agency with management jurisdiction over the riparian property, builder or any other contractors may be held responsible for compliance with these provisions for development of the public boat landing and roadway access.
3. A shoreland alteration permit shall be obtained and an erosion control plan shall be submitted.

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ARTICLE VIII: REMOVAL OF TREES AND SHORE COVER

8.1 Applicability.

This Article applies to the removal of trees and vegetation on shoreland properties.

Note: General Restrictions on Tree Removal are set forth in Section 5.13 of the Vilas County General Zoning Ordinances.

8.2 Permitting Requirements.

A. General.

1. All tree cutting exceeding the limitations of Section 8.3 requires a Shoreland Alteration Permit from the Vilas County Zoning Office.
2. Tree cutting on more than 10 acres in a shoreland area also requires that the owner provide notice to the Vilas County Clerk's Office.

B. Exceptions.

1. Shoreland Alteration and Zoning Permits are not required when logging is performed on public lands (State, Federal, County and Town) or managed lands in compliance with a Forest Law Program, or where cutting is performed by governmental bodies or public utilities.
2. This Article shall not apply to removal of dead, dying or diseased trees or shrubbery.

8.3 Limitations on Removal of Trees and Shore Cover.

A. Preservation of Trees and Vegetation.

Except as set forth in this section, natural shrubbery, trees, and undergrowth shall be preserved as far as practicable on all shoreland properties, and if removed, it shall be replaced with vegetation that is equally effective in meeting the objectives of this Ordinance.

B. Prohibition of Clear Cutting.

Clear cutting of trees shall be prohibited within 300 feet of a lake or within 150 feet of a river or stream other than for the following areas and purposes:

1. For the placement and maintenance of a building within thirty feet (30') of each exterior wall.
2. For the installation of a private septic system.
3. For the construction of a twenty feet (20') wide roadway from a public road or easement to the principal structure. Such roadway may not encroach on any setback.

History: (Amendment #85-177, Section 8.3B.4. effective 11-12-02.)

C. No Cut Zone.

Except as set forth in other Articles of this ordinance, no removal of trees, shrubs or undergrowth is permitted within 75 feet of the OHWM of a lake or stream.

D. Select Cut Zone.

Select cutting of trees between 75 and 300 feet from the OHWM of a lake or between 75 and 150 feet of the OHWM of a stream is permitted under the following conditions:

1. A basal area of 60 square feet per acre, DBH, evenly distributed shall be maintained.
2. Natural shrubbery, trees, and undergrowth shall be preserved as far as practicable within the select cutting area.
3. The maximum slash height permitted shall be 24 inches.

E. Creation of a Shoreline Recreational Area.

1. Except as set forth in ¶ E.2, one shoreline recreational area is allowed on each waterfront

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lot no larger than thirty feet (30') in width along the shoreline and extending 75 feet in depth from the OHWM. Select cutting of trees and shrubbery is permitted to create a shoreline recreational area if one does not exist naturally.

2. The shoreline recreational area for resorts, hotels or motels, or private clubs shall be no larger than thirty feet (30') in width along the shoreline for each one hundred feet (100') of shoreline frontage width for up to three hundred feet (300') of shoreline frontage width, plus an additional ten feet (10') of shoreline recreational area width for each remaining one hundred feet (100') of shoreline frontage width. For the purposes of mitigation only, such shoreline recreational areas may be contiguous or non-contiguous. Shoreline recreational areas shall only be created up to 75 feet in depth from the OHWM.

History: (Amendment #85-177, Section 8.3E.1. &2. effective 11-12-02.)

8.4 Alternative Tree Removal and Shore Cover Limitations.

A. General.

A special cutting plan allowing cutting greater than that set forth in ¶ 8.3 may be permitted by the Zoning Committee by issuance of a Shoreland Alteration Permit.

B. Application Requirements.

In applying for such a permit, the Committee shall require the parcel owner to submit a plan, which includes the following information:

1. Name;
2. Address;
3. Legal Description;
4. Directions to Site;
5. Location of Parking/Landing Areas;
6. Topography of the Land;
7. Existing Vegetation, OHWM, wetlands, buildings, and structures;
8. Proposed Cutting; and
9. Proposed Replanting.

C. The Committee may grant a permit with alternative limitations only if it finds that such special cutting plans;

1. Will not cause undue erosion or destruction of scenic beauty;
2. Will provide substantial screening from the water of dwellings, accessory structures and parking areas;
3. Will not exceed the cutting restrictions in ¶ 8.3.E.; and
4. Will comply with Forestry BMPs.

D. The Committee may require replacement plantings and the submission of a bond, which guarantees the establishment and maintenance of the planned tree or shrubbery planting by the parcel owner.

ARTICLE IX: LAND DISTURBANCE ACTIVITIES

9.1 General Standards.

- A.** Filling, grading, excavating, creation of impervious areas, and other land disturbance activities shall be done in a manner to minimize erosion, sedimentation, and runoff.

- B.** Activities, which do not require a shoreland alteration permit, may be allowed in the shoreland area provided that the following requirements are met.
 - 1. Such alterations are done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat. Any fill placed in the shoreland area shall be protected against erosion by the use of riprap, vegetative cover or bulkhead. Any earth exposed as a result of filling or other alterations shall be covered immediately with organic material and/or topsoil and seeded to protect against erosion. Temporary groundcover, such as mulched straw, shall be used to temporarily stabilize any exposed area during construction.
 - 2. Filling, grading, lagooning, dredging, ditching or excavating in the Shoreland-Wetland District meets the requirements of Section 10.3 of this Ordinance.
 - 3. All applicable federal, state or local permits are obtained.
 - 4. All Land Disturbance Activities shall comply with appropriate best management practices as specified in the Wisconsin Construction Site Best Management Practice Handbook published by the Wisconsin Department of Natural Resources.

- C.** No land disturbance is allowed within 35 feet of the OHWM except as specifically authorized by Wisconsin Statutes.

9.2 Shoreland Alteration Permits.

A. Activities that Require a Shoreland Alteration Permit.

A Shoreland Alteration Permit as described in Section 9.7 is required for the following activities:

- 1. Land Disturbance Activities as specified in Section 9.3.
- 2. Constructing, dredging or commencing work on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway where the purpose is the ultimate connection with a navigable body of water.
- 3. Construction of a boathouse or other structures within the OHWM setback.
- 4. Any activity in a shoreland wetland area listed in ¶10.3.C.
- 5. Maintenance of existing beaches as specified in Section 9.4.
- 6. Construction of walkout lower levels as specified in Section 9.5.
- 7. Paths and Access roads as specified in Section 7.3.
- 8. Any activity, which requires an erosion control plan, a storm water management plan, or a cutting plan.

B. Activities, which require an Erosion Control Plan.

An erosion control plan is required in conjunction with a Shoreland Alteration Permit for the following conditions:

- 1. Land Disturbance Activities in ¶9.3.B
- 2. Construction involving a boat landing or roadway access to a waterbody as specified under Section 7.3.
- 3. Construction on Slopes - Construction on waterfront lots involving slopes where the proposed construction is located within 300 feet of the OHWM of a waterbody, and where the construction involves disturbance of an area with a vertical height difference greater than six feet over the length or width of the structure.

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C. Activities, which require a Stormwater Management Plan.

A storm water management plan is required for impervious surfaces set forth in ¶9.6.A.

D. Activities, which require a Cutting Plan.

A cutting plan is required in conjunction with a Shoreland Alteration Permit for exceedance of tree cutting and shore cover removal standards within 300 feet of the OHWM as set forth in Article VIII.

E. Exceptions.

1. Soil conservation practices such as terraces, runoff diversions and grassed waterways which are used for sediment control shall not require a Shoreland Alteration Permit when designed and constructed to Natural Resource Conservation Service (NRCS) technical standards.
2. Land disturbing activities related to forestry and agriculture shall not require a Shoreland Alteration Permit if:
 - a. Such activities comply with the best management practices guidelines published by the Wisconsin Department of Natural Resources and State of Wisconsin Department of Agriculture; and
 - b. Such activities comply with the applicable provision of Section 9.1 of this ordinance.
3. Land disturbing activities by governmental bodies related to the maintenance, reconstruction, or repair of road beds or rights-of way and public landings.

9.3 General Land Disturbance Activities.

A. Activities Requiring a Shoreland Alteration Permit.

A shoreland alteration permit is required for any land disturbance activity occurring within a 12 month period which exceeds 750 square feet between 75 and 300 feet of the OHWM or 400 square feet between 35 and 75 feet of the OHWM, except where the activity requires a zoning or sanitary permit.

B. Activities Requiring an Erosion Control Plan.

An erosion control plan is required where total land disturbance activities exceed 10,000 square feet in a single-family residential waterfront lot, or exceed 20,000 square feet on a non-single family residential waterfront lot.

Note: a permit under Wis. Stats. Chapter 30 is also required for grading more than 10,000 square feet on the bank of a navigable water.

9.4. Beaches.

A. Prohibition on New Artificial Beaches.

No placement of sand or other material to create a new beach, other than beaches formed entirely through natural processes, shall be permitted on shorelines in Vilas County.

B. Existing Beaches.

Existing beaches may be maintained. A shoreland alteration permit must be submitted and approved by the Zoning Administrator prior to placing additional sand fill onto the existing beach.

Note: Placement of sand or other material below the OHWM is regulated by the Department of Natural Resources.

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9.5. Walk-out Lower Levels.

All proposed structures less than 300 feet from the OHWM involving a walk-out lower level where the base of the water-facing side of the home will be located below the elevation of natural grade, shall comply with the following:

- A. The maximum width (measured parallel with the OHWM) of soil removal to expose the water facing wall shall be limited to a maximum length of 15 feet measured at the base of the level with three (horizontal) to one (vertical) slope from the base of the walkout.
- B. The maximum length of soil removal to allow for exposing the water facing wall of an exposed walk out structure shall be limited to 30 feet measured from the foundation towards the OHWM.
- C. The maximum depth of soil removal for exposure shall not exceed 6 feet in depth.

9.6 Impervious Surface Limitations.

A. Activities Requiring A Shoreland Alteration Permit and Stormwater Management Plan.

A storm water management plan is required in conjunction with a Shoreland Alteration Permit for land disturbance activities on any waterfront lot which results in a maximum cumulative amount of impervious surfaces exceeding either 4,000 square feet or fifteen percent (15%) of the surface area of the lot within 300 feet of the OHWM, whichever is greater. In any case, the total maximum amount of impervious surfaces shall not exceed the standards in ¶ 9.6.B.

B. Maximum Limits.

The maximum cumulative amount of impervious surfaces on a lot shall not exceed the following standards:

- 1. For all single-family-residential waterfront lots, the maximum total area of impervious surfaces shall not exceed 4,000 square feet or thirty percent (30%) of the total lot area located within 300 feet from the OHWM, whichever is greater.
 - 2. For all non-single-family residential lots, the maximum total area of impervious surfaces shall not in any case exceed 4,000 square feet or fifty percent (50%) of the total lot area located within 300 feet of the OHWM, whichever is greater.
 - 3. For all Community Business District parcels which utilize community storm sewer systems or equivalent, the maximum total area of impervious surfaces shall not in any case exceed 80% of the total lot area within 300 feet of the OHWM.
- C. Existing impervious surfaces exceeding these limitations may be maintained and improved, but not expanded.

9.7 Shoreland Alteration Permit Procedure.

A. Application.

An application for a Shoreland Alteration Permit, erosion control plans, stormwater management plans, and cutting plans shall be submitted on forms prescribed by the Zoning Administrator and be accompanied by the required fee.

B. Evaluation of Applications.

- 1. Site development plans may be reviewed by, the County Land Conservation Committee and Natural Resources Conservation Service in addition to the Zoning Administrator.
- 2. A site inspection shall be conducted by the Zoning Administrator to evaluate the request within ten working days from receipt of a completed application and inspection fee, provided seasonal and weather conditions allow for adequate inspection. Seasonal and weather conditions may require inspections to be made when the site is visible and/or accessible.

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C. Inspection.

Upon completion of the permitted alterations the property owner shall notify the Zoning Administrator so that a follow-up inspection can be conducted to confirm compliance with the permit conditions.

D. Conditions for Granting Shoreland Alteration Permits.

A Shoreland Alteration Permit shall contain the following conditions where applicable:

1. The smallest amount of bare ground shall be exposed for as short a time as feasible.
2. Temporary ground cover shall be used and permanent cover shall be established and maintained.
3. Diversion, silting basin, terraces and other methods shall be used to minimize runoff and erosion.
4. Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions.
5. Fill shall be stabilized according to accepted engineering standards as described in Minimizing Erosion in Urbanizing Areas: Guidelines, Standards and Specifications. (USDA, N.R.C.S., Madison, Wisconsin, 1973) or recommended by the Natural Resources Conservation Service
6. Fill shall not restrict a flood way or destroy the storage capacity of a flood plain.
7. Sides of channels, artificial watercourses or banks shall be constructed to a stable side slope according to the soil material present; loamy sand and lighter textures 33%(1 rise:3 run) or flatter and sandy loam or heavier textures 50% (1 rise:2 run) unless bulkheads or rip-rap are approved.
8. Approval of the erosion control plan or storm water management plans will be conditioned upon appropriate best management practices specified in the manual for construction site erosion control published by the Wisconsin Department of Natural Resources and Natural Resources Conservation Service guidelines.
9. Compliance with all applicable federal, state and local permits is required.

ARTICLE X: SHORELAND-WETLAND DISTRICT

10.1 Designation.

This district includes all shore lands in Vilas County, which are designated as wetlands on the Wisconsin Wetlands Inventory maps prepared by the DNR Bureau of Planning and dated September 28, 1984 and subsequent revisions; these maps are hereby adopted as district boundaries for the Shoreland-Wetland District. Where an apparent discrepancy exists between the Shoreland-Wetland District shown on the Wisconsin Wetland Inventory maps and actual field conditions, the Zoning Administrator shall contact the appropriate field office of the Department of Natural Resource to determine if the Shoreland-Wetland District is mapped in error. If the DNR staff concur with the Zoning Administrator that a particular area is incorrectly mapped as a wetland or non-wetland, the Zoning Administrator shall have the authority to issue a Zoning Permit in accordance with the requirements of the applicable regulations. To correct wetland mapping shown on the official zoning map, the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period of time.

10.2 Purpose.

The purpose of the Shoreland-Wetland District is to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and aquatic life and to preserve shore cover and natural beauty. Development in wetlands should be limited and when development is permitted in a wetland, it should occur in a manner that minimizes the adverse impacts upon the wetland.

10.3 Permitted Uses.

The following uses shall be allowed, subject to general shoreland zoning regulations contained in this Ordinance, the provisions of Chapters 30 and 31, Wisconsin Statutes, and the provisions of other applicable local, state and federal laws.

A. Activities and uses which do not require the issuance of a Shoreland Alterations Permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling, or excavating except as allowed under §§ 10.3 (B) and 10.3 (C) below.

1. Hiking, fishing, trapping, hunting, swimming, and boating;
2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
3. The pasturing of livestock;
4. The cultivation of agricultural crops;
5. The practice of silviculture, including the planting, thinning, and harvesting of timber; and
6. The construction or maintenance of duck blinds.

B. Uses which do not require the issuance of a Shoreland Alterations Permit may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:

1. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.
2. The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries.
3. The maintenance and repair of existing agricultural drainage systems where permissible by Wis. Stat. & 30.20, including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that the filling is permissible by Chapter 30 Wisconsin Statutes, and that dredged spoil is placed on existing spoil banks where possible.
4. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance.

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5. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
 6. The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- C.** Uses which require the issuance of a Shoreland Alterations Permit which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:
1. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
 - a. The road cannot as a practical matter be located outside the wetland;
 - b. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in ¶10.5.B.;
 - c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - d. Road construction activities are carried out in the immediate area of the roadbed only.
 2. The construction or maintenance of nonresidential buildings, provided that:
 - a. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
 - b. The building cannot, as a practical matter, be located outside the wetland;
 - c. Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and
 - d. Only limited filling or excavating necessary to provide structural support for the building is authorized.
 3. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
 - a. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Chapter 29, Wisconsin Statutes, where applicable;
 - b. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in section 10.33(1)(a)-(d) and;
 - c. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
 4. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:
 - a. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 - b. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in ¶ 10.5B.

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10.4 Prohibited Uses.

Any use not listed in Section 10.3, Permitted Uses, is prohibited, unless the wetland or a portion of the wetland is rezoned by an amendment of this Ordinance in accordance with the requirements of Wis. Stat. § 59.69(5)(e), Chapter NR 115, Wisconsin Administrative Code, and Section 10.5.

10.5 Rezoning of Land in the Shoreland-Wetland District.

- A.** For all proposed text and map amendments to the Shoreland-Wetland District, the appropriate district office of the Department of Natural Resources shall be provided with the following:
1. A copy of the petition for a text or map amendment to the Shoreland-Wetland District within 5 days of the filing of such petition with the County Clerk;
 2. Written notice of the public hearing to be held on a proposed amendment, at least 10 days prior to such hearing;
 3. A copy of the Zoning Committee's findings and recommendation on each proposed amendment, within 10 days after the submission of those findings and recommendations to the County Board; and
 4. Written notice of the County Board's decision on the proposed amendment, within 10 days after it is issued.
- B.** A wetland, or a portion thereof, in the Shoreland-Wetland District shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
1. Storm and flood water storage capacity;
 2. Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
 3. Filtering of storage or sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 4. Shoreland protection against soil erosion;
 5. Fish spawning, breeding, nursery or feeding grounds;
 6. Wildlife habitat, and
 7. Areas of special recreational, scenic or scientific interest, including scarce wetland types.
- C.** If the Department of Natural Resources has notified the Zoning Administrator that a proposed amendment to the Shoreland-Wetland District may have a significant adverse impact upon any of the criteria listed in section 10.5 B., that amendment, if approved by the County Board, shall contain the following provision: "This amendment shall not take effect until more than 30 days have elapsed since written notice of the County Board's approval of this amendment was mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the County Board that it will adopt a superseding Shoreland Ordinance for the County under Wis. Stat. § 59.692(6). If the Department does so notify the County Board, the effect of this amendment shall be stayed until the adoption procedure under section 59.692(6) is completed or otherwise terminated."
- D.** The petitioners who request the rezoning of a wetland shall give certified written notice to the adjacent property owners with proof of notice given to the Zoning Administrator, of the proposed rezoning no less than 30 days prior to the rezoning public hearing.

VILAS COUNTY SHORELAND ZONING ORDINANCE

ARTICLE XI: MITIGATION

11.1 Applicability.

Mitigation is required whenever a property owner requests a zoning permit for construction on a waterfront lot where the proposed construction is located less than 300 feet from the OHWM and involves greater than three hundred square feet (>300 sq. ft.) of any new or existing structure. Mitigation is not required for rebuilding a structure under & 6.5.B. An additional permit fee may be required by, the Zoning Office for administration of the mitigation requirements.

11.2 Mitigation Points Required.

A. Lakes Greater Than 50 Acres.

The number of mitigation points required depends on lake classification and is set forth below in Table 4.

Table 4

MITIGATION POINTS, FOR LAKES GREATER THAN 50 ACRES			
Sensitivity to Development	Current Level of Development		
	Low Development Level	Medium Development Level	High Development Level
High Sensitivity	Five Mitigation Points	Six Mitigation Points	Six Mitigation Points
Medium Sensitivity	Four Mitigation Points	Five Mitigation Points	Five Mitigation Points
Low Sensitivity	Four Mitigation Points	Four Mitigation Points	Four Mitigation Points

B. For Lakes 50 Acres and Less Six Mitigation Points Are Required.

C. For Class II Rivers and Streams Four Mitigation Points Are Required.

D. For Class I Rivers and Streams Six Mitigation Points Are Required.

E. Additional Points for Certain Structures.

Additional mitigation points shall be required on properties with principal structures located closer than seventy-five feet (75') from the ordinary high water mark as follows:

1. Expansion of principal structures with any part located closer than forty feet (40') from the ordinary high water mark require two (2) additional mitigation points.
2. Expansion of principal structures with any part located closer than seventy-five feet (75') but more than forty feet (40') from the ordinary high water mark require one (1) additional mitigation point. This point is not added to the two mitigation points required if a structure is located closer than forty feet (40').

VILAS COUNTY SHORELAND ZONING ORDINANCE

11.3 Mitigation Practices.

Property owners may choose among the following mitigation practices to achieve the number mitigation points required.

A. Buffer Zones.

1. Points may be obtained for maintaining existing buffer zones or for creating and maintaining new buffer zones as set forth below.
2. Buffer Zone Options.
 - a. Primary Active Buffer Zone: Shore buffer zone within thirty-five feet (35') of the OHWM, including trees, shrubbery, underbrush and other natural vegetation, and subject to the conditions in ¶ A.3. (3) Three points. A shoreline recreational area as defined in Article VIII is allowed.
 - b. Secondary Active Buffer Zone: An additional fifteen feet (15') of buffer zone depth inland from the OHWM beyond the thirty-five feet (35') of buffer zone already established, providing a total of fifty feet (50') of buffer zone depth, subject to the conditions in ¶ A.3. (2) Two points.
 - c. Recreational Area Buffer Zone: Shore buffer zone along the entire shoreline, including within the space that may otherwise have been occupied by the recreational area, except that a foot path of no more than six feet (6') in width may be maintained, subject to the conditions in ¶ A.3. (2) Two points.
 - d. Passive Buffer Zone: Shoreland vegetation buffer area within thirty-five feet (35') of the OHWM, including un-mowed, grass or other under story vegetation, but without the tree and shrub layers required to meet the three-point mitigation standard. A shoreline recreational area as defined in Article VIII is allowed. (2) Two points.
 - e. Side lot Buffer Zone: A ten foot (10') wide side lot buffer zone including trees, shrubbery, underbrush and other natural vegetation extending along a side lot line for a depth of at least one hundred feet (100') from the OHWM. (1) One point. The side lot buffer area is subject to the conditions in ¶ A.3. Points for side lot line buffers may be additive, for a maximum of two (2) points, if buffer areas exist and are maintained along both side lot lines.
3. Conditions.
 - a. No mowing is permitted in the buffer zone.
 - b. The establishment of buffer zones except under ¶ A.2.d. are subject to a density of at least two (2) tree stems and four (4) shrub stems per one hundred square feet (100 sq. ft.) of buffer zone area is required. This density must be maintained through the maturity of the species.

B. Removal of Structures.

Points may be obtained for the removal of structures as set forth below.

1. Removal of a principal structure located within seventy-five feet (75') of the OHWM to a site that meets the OHWM set back requirements for new development on that water body. (3) Three points.
2. Removal of all non-principal, accessory structures located within thirty-five feet (35') of the OHWM, with the result that all such structures, including boathouses, are set back at least thirty-five feet (35') from the ordinary high water mark. (2) Two points.
3. Removal of all non-principal, accessory structures located between thirty-five feet (35') and seventy-five feet (75') from the ordinary high water mark, with the result that all such structures, including boathouses, are set back at least seventy-five feet (75') from the ordinary high water mark. (1) One point.
4. No non-principal, accessory structures are located less than seventy-five feet (75') from the ordinary high water mark. This point is not added to points awarded for removal of structures from ¶ B.1. and ¶ B.2. above. (1) One point.

C. Other Practices.

1. At the discretion of the Zoning Administrator, up to three (3) additional mitigation points may be approved for restoration or protection activities that are likely to provide significant benefits to meet the objectives of this ordinance. Examples may include construction of a storm water detention basin or implementation of other storm water management plan activities, replacement of seawalls with bio-engineered structures, or removal of artificial sand beaches.
2. Factors to be considered in making the determination of number of points and approval of alternative mitigation practices include, but are not limited to:
 - a. Cost of implementation;
 - b. Runoff diversion and/or retention;
 - c. Lot configuration;
 - d. Parcel size;
 - e. Location of impervious areas;
 - f. Sensitivity and level of development of the water body; and
 - g. Significance toward meeting ordinance objectives.

11.4 Mitigation Plan.

A. Development and Implementation of Mitigation Plan.

1. A mitigation plan shall be submitted on forms provided by the Zoning Administrator for review and approval. The plan shall indicate the selected mitigation strategies and shall be signed by the property owner and filed with the Zoning Office prior to issuance of the zoning permit.
2. The mitigation measures shall be maintained in perpetuity, unless the property owner receives approval of a new, approved mitigation plan meeting the same point requirements.
3. Notwithstanding any other provision of this ordinance, the current owner is solely responsible for compliance with the terms of this Article.

B. Certification of Completion.

Within one year of issuance of the related zoning permit, the property owner shall complete the mitigation practices and shall certify in writing to the Zoning Administrator that the required mitigation has been completed. As part of the certification, the property owner shall submit photos documenting the mitigation measures.

C. Subsequent Development.

Subsequent zoning permit applications shall not require additional mitigation provided the mitigation measures are maintained.

VILAS COUNTY SHORELAND ZONING ORDINANCE

ARTICLE XII: SPECIAL ZONING PERMISSION FOR ACCESSORY STRUCTURES IN SHORELAND SETBACK AREA

History: (Amendment #85-179, Article XII effective 6-24-03)

12.1 Special Zoning Permission

- A.** This article applies to special zoning permission for accessory structures in the shoreland setback area pursuant to Sections 59.692 (1),(1v) and 59.69 (15)(g), Wisconsin Statutes.
- B.** This Article is an exemption to Article XI, Mitigation. Mitigation is a state requirement and is explained below in 12.4 C.

12.2. Shoreland Setback Area

- A.** The shoreland setback area is located within 75 feet of the ordinary high water mark of a navigable water body in which the construction or placement of structures has been limited or prohibited.
- B.** The Zoning Administrator or designee shall grant special zoning permission for the construction and/or placement of a structure located 35 feet or greater from the OHWM of any navigable waters if the requirements listed in 12.3 below are met.

12.3. Proposed New Accessory Structure Requirements

A. Cumulative Floor Area

1. Maximum total floor area of a structure(s) located in the shoreland setback area shall not exceed 200 sq. ft. Maximum total floor area shall be the cumulative area of all existing and/or proposed new structures located in the shoreland setback area.
2. Overhangs and boathouses are exempt from the square footage total.
3. Stairways, walkways and/or lifts providing pedestrian access to a structure or shoreline are exempt from the square footage total.

B. Number of Structures

1. More than one structure may be permitted on a single property provided the cumulative square footage total does not exceed 200 square feet.

C. Proposed New Structure Location

1. Proposed new structures and/or any portion of proposed new structures located in the shoreland setback area shall be located:
 - a. 35 feet or greater from the ordinary high water mark.
 - b. A detached accessory structure shall be five (5) feet or greater from any side property boundary or property line.
 - c. An accessory structure attached to a principal structure shall be 15 feet or greater from any side property boundary or property line.

D. Erosion Control

The applicant shall take erosion control measures to control sediment runoff, as approved by the Zoning Administrator or designee for any structures allowed under this article.

E. Proposed New Structure Configuration

1. The proposed new structure shall have no sides or shall have open or screened sides. (Examples include a patio, a deck (with or without railings), a gazebo or a porch. Any structure that either has no roof or has a roof and support posts without walls would be included.)
2. Roof over-hang shall not exceed two feet. (Roof over-hang is excluded from total square footage.)

VILAS COUNTY SHORELAND ZONING ORDINANCE

12.4 Permitting Requirements

A. Fee

There will be one fee equal to that of a mitigation fee.

B. Photographs

1. All permit applications shall be submitted to the Vilas County Zoning Office with photographs of the proposed construction site to provide adequate documentation of the vegetative buffer zone prior to construction.
2. Photographs of the preserved or restored vegetative buffer zone shall be submitted to the Vilas County Zoning Office within one year from permit issuance date.

C. Permits Required

1. Applicant shall complete a zoning permit and a mitigation permit, with the following information.
 - a. Section 59.692(1v), Wisconsin Statutes requires preservation or restoration of a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.
$$\left(\frac{\text{Water Frontage Width}}{2} \text{ ft.} \times .7 \times 37.5 = \frac{\text{sq. ft.}}{70\% \text{ of } \frac{1}{2} \text{ of the shoreland setback}} \right)$$

A vegetative buffer zone is an area of undisturbed or restored vegetation.
 - b. Other Permits may be required under the Vilas County Shoreland Zoning Ordinance Article IX, including but not limited to an erosion control permit and/or a shoreline alteration permit.

D. Inspections

1. The Vilas County Zoning Administrator or designee shall conduct an inspection for reduced setbacks in the shoreland setback area prior to permit approval.