

Local Innovation in Shoreland Management

Over the years many counties have upgraded their shoreland zoning rules to be more protective than the statewide minimums required by state law. While recent changes to state law¹ increase some development standards (such as capping impervious surface areas on waterfront lots and requiring mitigation to offset negative effects of certain developments very close to the water), there already is a rich set of experience among Wisconsin counties in implementing more progressive shoreland development standards.

County Lake Classification

Local innovation in shoreland zoning over the past ten years has been fostered by lake classification grant funding offered through the DNR Lake Protection Grants Program to help counties inventory surface waters and use this information to design and implement local land and water resource management programs.

To date most of the counties that have completed classification projects have chosen to address shoreland development concerns and adopted stronger local shoreland regulations. Some counties are using their classification projects to guide watershed and countywide lake planning efforts as well.

Thirty-three counties, mostly in the lake-rich areas of Northern Wisconsin, have grouped their waters according to common characteristics and are using their classification systems to better manage those waters. Most counties have tailored shoreland development standards (such as lot sizes, structure setbacks and buffer areas) to better protect the most pristine and sensitive waters, while leaving more basic standards on waters that are least sensitive and heavily developed already.

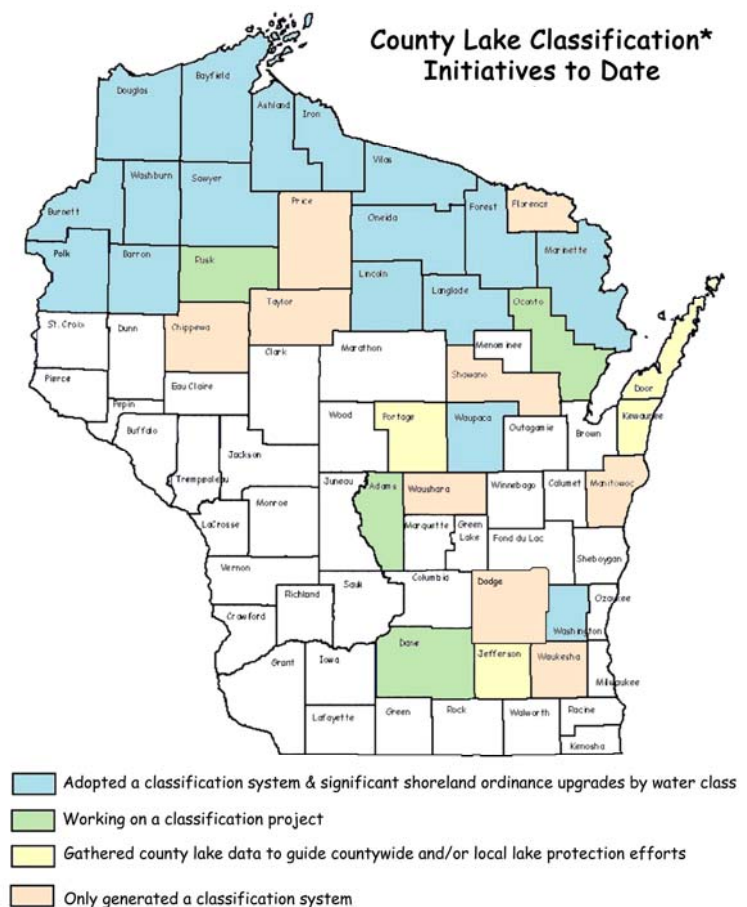


Lake classification is a flexible tool that counties can use to organize waters into similar groups and tailor management approaches to meet the needs of waters within each class.

¹ Statewide minimum shoreland zoning rules for counties are in ch. NR 115, WI Adm. Code. Changes to NR 115 went into effect Feb. 1, 2010.

Seventeen counties have adopted classification systems of two to four groups, with different shoreland zoning rules for each water class—ranging from very protective to the status quo of statewide minimum rules. A few more counties are currently working on classification projects that may include significant shoreland zoning upgrades when completed, and a few others have adopted significant shoreland zoning upgrades without a classification system.

Counties are successfully using many innovations in their shoreland zoning rules, such as: performance standards, impervious surface area caps, mitigation, setback reduction formulas for substandard lots, and area-based rather than valuation-based limits on expansion of nonconforming structures. A few examples follow.



Impervious Surface Area Standards

Impervious areas are hard surfaces such as pavement, buildings, driveways and compacted soils that prevent infiltration of water, increasing the amount and velocity of runoff to lakes and streams.

At least 21 counties² currently limit impervious surface areas on shoreland lots. Some have set an impervious area cap on a per lot basis: for instance, the total square footage (in ground floor area) of all structures on any shoreland lot cannot exceed 20% in Sheboygan County. Waupaca County requires that at least 75% of a shoreland lot remain in vegetative cover.

Another option is to set an impervious surface area limit within a certain distance from the water. Combining a percentage limit with a square footage limit is one way to prevent very

² Adams, Bayfield, Calumet, Chippewa, Dane, Door, Fond du Lac, Forest, Green Lake, Langlade, Lincoln, Polk, Price, Rusk, Sawyer, Shawano, Sheboygan, Vilas, Washington, Waukesha, Waupaca.

large areas of impervious surfaces on large lots. For example, in Price County no more than 15% or 10,000 square feet, whichever is less, of the area located within 200 feet of a navigable lake, river, or stream of any lot may be impervious. The impervious surface limit may be exceeded if a stormwater management plan shows that there will be no increase in stormwater discharge from the lot as a result of the proposed construction for a specified storm event. Bayfield County limits impervious surfaces on shoreland lots within 300 feet of the ordinary high water mark (OHWM) to no more than 4,500 square feet or 15% of the lot area, whichever is greater. To exceed this limit, a performance standard of no increase in storm water discharge from the lot development must be met³.

Others have refined their standards to include separate limits for buildings and other hard surfaces. For example, in Langlade County no more than 15% of a shoreland lot within 200 feet of the OHWM may be covered by buildings, and no more than an additional 5% may be covered by other impervious surfaces. On Class 1 waters in Washington County, principal structures cannot cover more than 15% of the lot area, and the total amount of impervious surfaces cannot exceed 30% (Class 2 and 3 waters have different impervious surface area limits)⁴.

Nonconforming Structures and Mitigation

Structures that pre-date a shoreland zoning ordinance's adoption, or that complied with earlier zoning rules but not with the new standards of a revised ordinance are called "nonconforming" structures. The goal in developing standards for nonconforming structures is to achieve ordinance objectives of protecting water quality, wildlife habitat, and natural scenic beauty while still allowing reasonable use of legal pre-existing structures. Current uses are protected so people can keep what they have, but expansion is limited to achieve eventual ordinance compliance. Two methods are generally used to limit expansion: a 50% valuation cap on improvements, or an area cap.

Approximately 21 counties⁵ currently regulate alterations or expansions based on a nonconforming structure's distance from OHWM and/or total area of structure, instead of the 50% valuation cap. This approach is typically linked with mitigation in exchange for permitted expansion of nonconforming structures.

Mitigation has become an important concept in modern shoreland ordinances, as it provides reasonable choices for property owners to improve infiltration of runoff, restore shoreline buffer functions, or other measures to offset the development impacts in exchange for more generous expansion of nonconforming structures than would be allowed under the 50% rule.

³ See Appendix for examples of counties' ordinance language.

⁴ Ibid.

⁵ Ashland, Bayfield, Barron, Burnett, Chippewa, Douglas, Langlade, Lincoln, Marquette, Marinette, Oneida, Polk, Price, Rusk, Sauk, Sawyer, Sheboygan, Vilas, Washburn, Washington, and Waupaca.

Another concept commonly used by counties with area caps is to treat structures very close to the water's edge more restrictively than those that are nearly compliant to the current setback. For example, in Marquette County structures that are 25 feet or less from the OHWM cannot be expanded (though ordinary maintenance, repair and remodeling is allowed within the existing building envelope). Structures that are 25-50 feet from the OHWM are permitted a one time 25% square footage expansion, provided that the expansion is on the landward side of the structure, there are no new basements or stories, and mitigation is completed. Structures that are 50-75 feet from the OHWM are permitted a one time 50% square footage expansion, provided that expansion is on the landward side of the structure and mitigation is completed⁶.

Approximately 27 counties⁷ currently require mitigation when constructing, altering, or remodeling new or existing structures. Langlade, Lincoln, and Vilas are examples of counties that require mitigation for construction of new or existing principal structures, rather than just for nonconformities. Adams and Waushara are examples of counties that require mitigation when shore cover is removed beyond ordinance standards— essentially requiring restoration of the natural functions of the shoreline vegetation protection area.

To increase the flexibility and acceptability of mitigation many counties allow property owners to choose mitigation measures from a list of options, such as: restoring shoreland buffers, removing accessory structures within the setback area, upgrading septic systems, infiltrating stormwater, controlling erosion, installing downcast outdoor lighting, or other practices.

Counties may also assign point values to a list of potential mitigation measures, define how many mitigation points are necessary for the proposed activity, and then allow landowners to choose from a menu of mitigation options to obtain the necessary points. For example, Waupaca County uses a menu approach to mitigation which first requires privately owned wastewater treatment systems to be evaluated and upgraded as needed to comply with current codes and that erosion and storm water control practices be implemented; and then provides a menu of mitigation options— with point values assigned to each— from which landowners choose practices up to the total number of required points.⁸

Polk County is another example of a flexible mitigation standard. In response to property owners' need for flexibility in development standards, their ordinance update (2002 revision) included mitigation options that take into account unique property characteristics.

⁶ See Appendix for examples of counties' ordinance language.

⁷ Adams, Ashland, Barron, Bayfield, Burnett, Calumet, Chippewa, Door, Douglas, Eau Claire, Forest, Green Lake, Langlade, Lincoln, Marinette, Marquette, Oneida, Polk, Price, Rusk, Sawyer, Sheboygan, Vilas, Washburn, Washington, Waupaca, and Waushara.

⁸ See Appendix for Waupaca County's mitigation language.

If a property owner wishes to improve or expand a nonconforming structure or increase a lot's impervious surface area within 300 ft. of the OHWM, mitigation is required. The simplest option is to limit the lot's impervious surface areas to 15% and restore a shoreland buffer area so it meets the ordinance standards. However, if that doesn't work for a property owner, they can instead calculate other ways to achieve compliance with the Land Use Runoff Rating (LURR).

The LURR calculates the amount of stormwater runoff under various types of land cover, slope, and soil types. Polk County's target number is 69, representing the allowable runoff from developed lots. Higher LURR numbers indicate that too much runoff is being generated on the lot and corrections need to be made to either intercept the runoff (such as retention ponds or diversions) or improve the land cover.

To help implement the ordinance changes, Polk County created a shoreland property owners handbook to help people calculate the LURR, choose mitigation options, and better understand other development rules⁹.

Shoreland development guides

Several other counties have also created shoreland development guides after adopting significant shoreland zoning changes. They are colorfully illustrated booklets that simply and visually describe shoreland zoning and land development rules. Figure 1 illustrates an example from Bayfield County. The guides also offer tips on lake-friendly waterfront living, such as:

- Ways to restore or enhance natural shorelines.
- Tips on responsible land management practices.
- Simply answering the question, "Why do we have this in our shoreland zoning ordinance," helps explain the benefits of sound development practices.

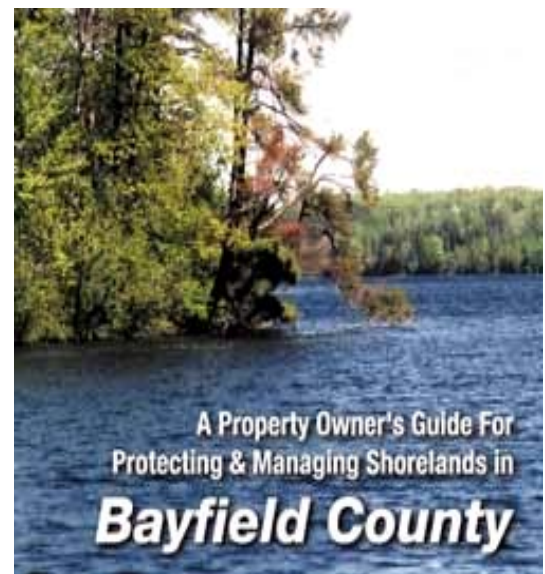


Figure 1. Cover of Bayfield County's shoreland development guide for waterfront property owners. See the complete guide at:

www.bayfieldcounty.org/zoning.asp

Some counties' shoreland development guides also include a checklist of things to consider when purchasing shoreland property so that peoples' expectations may better match the capacity of the lot and the lake.

⁹ See Appendix for Polk County's mitigation language.

Shoreland restoration technical assistance

Many counties also have active shoreland restoration programs. They are largely a result of shoreland zoning upgrades that have strengthened shoreland buffer standards or set mitigation requirements in exchange for permitted expansion of nonconforming structures or reduced building setbacks on substandard lots. In other cases, counties have developed educational programs to voluntarily encourage waterfront property owners to restore natural shoreland vegetation. Activities include:

- Shoreland restoration demonstration sites in public parks.
- Tours of shoreland restorations on private properties.
- Shoreland restoration how-to manuals or guidebooks for property owners. These are tailored to local conditions with lists of appropriate native plant species, places to get materials, etc.
- Workshops to provide training and updates for contractors, landscapers, and developers about appropriate erosion control methods in shoreland areas, restoration techniques, and mitigation requirements associated with county zoning ordinances.
- Cost-sharing programs that provide financial incentives for landowners to install shoreland restoration projects and county staff to assist landowners with site planning and design assistance. Funding is typically from county tax dollars, DATCP and DNR Grants.

Resources to learn more

For more information and other resources, visit the following websites:

Wisconsin's Shoreland Management Program and the minimum statewide shoreland zoning standards:

<http://dnr.wi.gov/org/water/wm/dsfm/shore/news.htm>

Resources from the WI Dept. of Natural Resources for adopting and enforcing local shoreland zoning ordinances, including the Model Shoreland Zoning Ordinance and publications such as *Creating an Effective Shoreland Zoning Ordinance: A Summary of Wisconsin Shoreland Zoning Ordinances*:

<http://dnr.wi.gov/org/water/wm/dsfm/shore/local.htm>

Shoreland restoration resources:

<http://dnr.wi.gov/org/water/wm/dsfm/shore/restoration.htm>

DNR Lake Protection and Classification Grants Program guidelines and application materials:
<http://dnr.wi.gov/org/caer/cfa/grants/Lakes/lakeprotection.html>

UW-Extension Center for Land Use Education Zoning Board and Plan Commission Handbooks:
<http://www.uwsp.edu/CNR/landcenter/pubs-handbooks.html>

UW-Extension Center for Land Use Education also produces many other publications related to land use planning and zoning:
<http://www.uwsp.edu/CNR/landcenter/pubs.html>

UW-Extension Lakes Program Shorelands and Shallows Resources Clearinghouse:
<http://www.uwsp.edu/cnr/uwexlakes/ecology/shorelands/default.asp>

Natural Resources Conservation Service Wisconsin Technical Note #1 for Shoreland Habitat:
<http://www.wi.nrcs.usda.gov/technical/technotes.html>

Learn more about lake classification projects in Wisconsin Counties:
<http://www.wisconsinlakes.org/lakeclassification.html>

Getting involved in local lake protection, tips for citizens and lake organizations:
<http://www.wisconsinlakes.org/getinvolved.html>

Appendix

Summary of Wisconsin Counties' Shoreland Zoning Standards for:

- **Impervious surface area limits**
- **Mitigation**

Table 1. County Shoreland Ordinance Examples

Shoreland ordinance excerpts for impervious surface area limits and mitigation standards from the following counties are provided here as noted in this table.

County	Impervious surface area standards	Mitigation standards
Adams	X	X
Ashland		X
Barron		X
Bayfield	X	X
Burnett		X
Calumet	X	X
Chippewa	X	X
Dane	X	
Door	X	X
Douglas		X
Eau Claire		X
Fond du Lac	X	
Forest	X	X
Green Lake	X	X
Langlade	X	X
Lincoln	X	X
Marinette		X
Marquette		X
Oneida		X
Polk	X ¹	X

¹ See Polk County's impervious surface area language in the mitigation section, under alternate mitigation.

County (cont.)	Impervious surface area standards	Mitigation standards
Price	X	X
Rusk	X	X
Sawyer	X	X
Shawano	X	
Sheboygan	X	X
Vilas	X	X
Washburn		X
Washington	X	X
Waukesha	X	
Waupaca	X	X
Waushara		X

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Impervious surface area ordinance examples

A Web link to the County’s Planning and Zoning Department is provided by each ordinance excerpt so interested readers can look up the entire County shoreland ordinance.

Adams County

<http://www.co.adams.wi.gov/Departments/PlanningandZoning/tabid/81/Default.aspx>

SECTION 11 - GENERAL PURPOSE DISTRICT
11-1.00 DESIGNATION

This district shall include all shorelands within the jurisdiction of this Ordinance that are not included in the: (1) Shoreland-Wetland District, (2) Conservancy District or (3) Recreational-Residential District. ...

11-6.00 SITE REQUIREMENTS ...

(C) Lot / Area Requirements:

1. Maximum Ground Coverage. The total ground area occupied by any principal building with all its accessory buildings shall not exceed thirty percent (30%) of total lot area.

Bayfield County

Bayfield County Planning & Zoning Dept. website:

<http://www.bayfieldcounty.org/zoning.asp>

Bayfield County ordinances:

<http://www.bayfieldcounty.org/ordinance/default.asp>

Title 13, Chapter 1, Article B Zoning Code Sec. 13-1-32

- (f) **Impervious Surfaces.** That part of a shoreland lot within 300 feet of the ordinary high water mark shall not contain more than 4,500 square feet or 15% of impervious surfaces, whichever is greater, except pursuant to a fully implemented storm water management plan approved by the Department and providing that there will be no increase in storm water discharge from the lot as a result of the construction for storms up to and including the 10-year 24-hour storm event. Such plan shall be certified by a registered professional engineer or, at the County's option, the applicant shall provide funds to defray the costs of County preparation of the plan.

Calumet County

http://www.co.calumet.wi.us/departments2.iml?dept_id=74

Chapter 82 Zoning Code. Article III. General Requirements

Sec. 82-31. District Requirements.

In Table of District Requirements "Max. Imper. Surface Ratio" – Refers to the maximum amount of land that can be covered by impervious surfaces. Varies by zoning district.

Sec. 82-40. Impervious Surface Requirements.

- (a) *Water Setback No Net Increase.* Except for natural landscaping materials used to prevent a slope from eroding, items exempt in Sec. 82-35(d), Setbacks from Navigable Water, and those items in par. (b), Nonconforming Structures, there shall be no net increase in impervious surfaces between the ordinary high water mark and the setback specified in Sec. 82-35(a) and (b), Setbacks from Navigable Water.

- (b) *Nonconforming Structures.* For structures which do not meet the required water setback and are considered nonconforming, there shall be no net increase in impervious surfaces between the ordinary high water mark and the setback identified in Sec. 82-35(a) and (b), Setbacks from Navigable Water.
- (c) *Maximum Limitations.* Unless restricted elsewhere in this chapter, impervious surface ratios shall not exceed the maximum limitations identified in Sec. 82-31(c), Table of District Requirements.
- (d) *Exceptions.* Except on bluff lots, impervious surfaces may exceed allowable limits by 5% provided the property owner does 1 of the following:
 - (1) *Diversion.* Divert rain and snowmelt from new impervious surfaces so the rain and snowmelt soak into the pervious surface or is filtered before reaching a lake or river, and, install a rain garden twice the area of the impervious surface ratio exceeded. The rain garden shall be designed in accordance with the Wisconsin Department of Natural Resources publication PUBWT-776 2003, or a revision of said document. The rain garden may be subject to design- 428 approval by staff of the Calumet County Land and Water Conservation Department, said approval based on accepted design standards and practices promoted by that department, and be designed to collect the diverted water, and, maintained per the approved design. No water shall be diverted so it flows onto a public road surface.
 - (2) *Restoration.* Restore and maintain the 35 foot shoreland buffer to natural conditions, in accordance with Sec. 82-81, Shoreland Vegetation, and, divert rain and snowmelt from new impervious surfaces so the rain and snowmelt soak into the pervious surface or is filtered before reaching a lake or river. No water shall be diverted so it flows onto a public road.
 - (3) *Conservation.* Place the land located within the required setback from the ordinary high water mark in a perpetual conservation easement prohibiting any future impervious surfaces within the setback, and, file such easement with the Calumet County Register of Deeds.
- (e) *Exemptions.* Except as required by NR115, Wis. Admin. Code (Wisconsin's shoreland regulations), projects authorized by a permit issued under Article III, Chapter 10, Calumet County Code of Ordinances, Post- Construction Stormwater Management, are exempt from the maximum impervious surface limitations in Sec. 82-31(c), Table of District Requirements.

Chippewa County

http://www.co.chippewa.wi.us/index.php?option=com_content&view=article&id=274&Itemid=40

ARTICLE V. Supplemental Regulations.

Sec. 54-122. Substandard Lot Regulations.

(2) Substandard lots not served by public sanitary sewer.

A substandard lot not served by public sanitary sewer which is at least 10,000 square feet in area and at least 60 feet in width at the building setback line and at least 60 feet in width at the ordinary high-water mark may be used as a building site for a single-family dwelling upon issuance of a zoning permit by the zoning administrator if it meets all of the requirements of subsection (c)(1)a. and (c)(1)b. of this section. In addition, the following regulations will be applicable:

- a. All required setbacks must be met with all the proposed buildings.
- b. The total impervious surface cannot exceed 30 percent of the lot area.
- c. A variance may not be granted for any type of side yard setback relief on the property.

Dane County

<http://www.countyofdane.com/ordinances/>

11.03 SHORELAND REGULATIONS.

- (1) Building lots: Lots located in shoreland areas shall meet all area, width, density and lot coverage standards required in section 10.05(4) and (5), R-1 residence district, section 10.16(3), general provisions and exceptions of chapter 10 of the Dane County Code of Ordinances.

Chapter 10 Zoning.

10.05 R-1 RESIDENCE DISTRICT.

- (4) Lot width and area.
- (a) Unsewered lots shall be not less than 100 feet in width at the building setback line and have an area of not less than 20,000 square feet.
 - (b) Sewered lots shall be not less than 100 feet in width at the building setback line and have an area of not less than 15,000 square feet.
- (5) Lot coverage. No building together with its accessory buildings shall occupy in excess of 30 percent (30%) of the area of an interior lot or 35 percent (35%) of the area of a corner lot.

Door County

Impervious surface area limits vary by zoning district. A maximum impervious surface ratio for various zoning districts is used to indicate the maximum proportion of a lot that may be covered with buildings, pavement, and other impervious surfaces.

See the Door County Zoning Ordinance for details, available at:

<http://map.co.door.wi.us/planning/>

Fond du Lac County

Fond du Lac County Planning & Development Dept. website:

<http://www.fdlco.wi.gov/index.aspx?page=74>

Direct link to Fond du Lac County ordinances:

http://library6.municode.com/default-now/home.htm?infobase=13059&doc_action=whatsnew

Chapter 44 Shoreland Zoning.

ARTICLE I. IN GENERAL

Sec. 44-16. East Branch, Fond du Lac River Corridor. ...

- (4) Lot sizes and setback. Lots with river frontage specified in this section shall be a minimum of 150 feet wide. The minimum buildable lot area shall be 20,000 square feet. Buildable area is defined as the total lot area remaining after subtraction of the 150-foot conservancy area of a lot. Impervious surfaces may not exceed 25 percent of the total lot area.

ARTICLE III. DISTRICT REGULATIONS

DIVISION 3. RECREATIONAL-RESIDENTIAL DISTRICT

The recreational-residential district includes all shorelands subject to regulation under section 44-5 which are designated as recreation-residential on the shoreland zoning maps which are adopted and made a part of this chapter in section 44-62.

Sec. 44-103. Permitted uses. ...

- (6) Impervious surfaces are not to exceed 25 percent of the total lot area.

Forest County

http://www.co.forest.wi.gov/docs_by_cat_type.asp?doccatid=255&locid=145

LAKES AND FLOWAGES OVER FIFTY (50) ACRES

5.14 Dimensions of Structure Sites and Requirements for Waterfront Properties

5.14.1 Lots Not Served By Public Sanitary Sewer

(1.) (A.) Minimum lot requirements: ...

- (e.) Maximum twenty (20%) percent lot coverage impervious surface area.

5.14.2 Lots Served By Public Sanitary Sewer

(1.) (A.) Minimum lot requirements: ...

- (e.) Maximum of twenty (20%) percent lot coverage impervious surface area.

LAKES, PONDS AND FLOWAGES FIFTY (50) ACRES OR LESS, RIVERS AND STREAMS

5.15 Dimensions of Structure Sites and Requirements for Waterfront Properties

- 5.15.1 Lots served by a public sanitary sewer and lots not served by a public sanitary sewer.
(1.) (A.) Minimum lot requirements: ...
(e.) Maximum twenty (20%) percent lot coverage impervious surface area.

BACK LOTS

LAKES AND FLOWAGES OVER FIFTY (50) ACRES

5.16 Dimensions of Structure Sites and Requirements for Back Lots in the Shore Land Lake Development District

- 5.16.1 Lots Not Served by Public Sanitary Sewer and Lots Served by a Public Sanitary Sewer.
(1.) (A.) Minimum lot requirements: ...
(d.) Maximum twenty (20%) percent coverage impervious surface area.

LAKES, PONDS AND FLOWAGES FIFTY (50) ACRES OR LESS, RIVERS AND STREAMS

5.17 Dimensions of Structure Sites and Requirements for Back Lots in the Shore Land Lake Development District

- 5.17.1 Lots Not Served by Public Sanitary Sewer and Lots Served by a Public Sanitary Sewer.
(1.) (A.) Minimum lot requirements: ...
(c.) Maximum thirty (30%) percent lot coverage impervious surface area.

Green Lake County

Green Lake County Land Use Planning & Zoning Dept. website:

<http://www.co.green-lake.wi.us/departments.Impl?Department=14>

Link to Green Lake County ordinances:

<http://www.ecode360.com/?custId=GR2053>

Chapter 338-32.3 Non-Conforming Principle Structures

All nonconforming principal structures that have any part of the structure in the shore yard setback area shall be regulated by the provisions of this article unless a variance has been granted by the Board of Adjustment affecting the regulation of the nonconforming principal structure. The following shall apply to nonconforming principal structures:

...

- (C) Expansions of nonconforming principal structures shall meet the purpose and intent of this chapter and comply with the following:
- (1) Expansion of a nonconforming principal structure with any part located within 35 feet of the ordinary high-water mark of navigable waters is prohibited.
 - (2) Expansion on any level of a nonconforming principal structure shall occur at a point that is equal to or greater than 75 feet from the ordinary high-water mark of the navigable water. In addition, the expansion must satisfy the standards of § 338-32.5, Mitigation system.

- (3) Expansion of all nonconforming principal structures within the seventy-five-foot shore yard setback area is allowed if all the standards of Subsection C(3)(a) through (d) are satisfied. In addition, if the nonconforming structure is entirely within the seventy-five-foot shore yard setback area, the expansion shall only be made to the side of the nonconforming structure that is farthest from and opposite the ordinary high-water mark of the navigable water.
- (a) The existing land area is an average width of 50 feet, is at least 10,000 square feet in area, and is of record in the Register of Deeds office.
- (b) **The total of all impervious surface areas within the seventy-five-foot shore yard setback area, at the completion of an expansion project, shall be as follows:**
- [1] A gross shore yard setback area shall be determined, being the area between the ordinary high-water mark and a line 75 feet landward and parallel to the ordinary high-water mark, and the area between the side lot lines 75 feet back from the ordinary high-water mark.
 - [2] Subtract from the gross shore yard setback area the net shore yard setback area. Determine the net shore yard setback area by subtracting the thirty-five-foot primary shore yard buffer area and the two side yard setback areas and other applicable setback areas.
 - [3] The impervious surface area allowed in the gross shore yard setback area shall be a percentage of the net shore yard area. The percentage shall be based on the extent of encroachment into the seventy-five-foot shore yard setback of the nonconforming principal structure or part thereof, with a seventy-five-foot shore yard setback being 0% impervious surface allowed. For each foot of encroachment into the shore yard setback area, an additional 1% of the net shore yard area shall be allowed as impervious surface in the gross shore yard setback area, up to a maximum of 40%.
 - [4] Measurements shall be taken from the ordinary high-water mark to the closest part of the nonconforming principal structure, or part thereof.
- (c) The standards of § 338-32.5, Mitigation system, are satisfied.

Langlade County

<http://lrrd.co.langlade.wi.us/>

(8) LAND DISTURBING ACTIVITIES ...

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

1. Lot coverage by buildings. Buildings may not occupy more than 15% of total lot area within the shoreland zone. An applicant for a zoning permit shall provide a diagram

describing lot dimensions and area of all buildings together with computations that demonstrate compliance with this section and Section 17.30(8)(e)3.

2. Building Height. Buildings shall not exceed 35 feet in height as measured from the lowest exposed level to the highest peak of the roof.
3. Lot coverage by impervious surfaces. No more than 5% of total lot area may be covered by impervious surfaces unless a stormwater management plan approved by the Land Records and Regulation Department is implemented. Buildings and areas which do not drain to surface waters are excluded from the 5% limit. A plan may be approved if it provides that erosion will be controlled and that all runoff from the lot will be infiltrated on the lot or detained to prevent pollutants from reaching nearby waters.

Lincoln County

Zoning Dept. website:

<http://www.co.lincoln.wi.us/departments/?department=62bf249afc42>

Link to Lincoln County ordinances:

http://library6.municode.com/default-test/home.htm?infobase=12537&doc_action=whatsnew

17.4.30 MAXIMUM BUILDING AND IMPERVIOUS SURFACE COVERAGE.

Maximum building coverage varies by base zoning district, as prescribed in the tables in Sections 17.2.101 and 17.2.102. Chapter 21, Shoreland Zoning Ordinance, establishes maximum impervious surface coverages applicable in the shoreland zone.

21.07 Requirements for Shoreland Development

- (1) DIMENSIONAL STANDARDS for properties located upon the 3 classes of waterbodies shall be as follows:

Dimensional Standards of Waterways as Classified by the Lincoln County Lakes and River Classification Map Dated October 8, 2003. TABLE INSET

Impervious Surface Coverage

Greater of 20% of Lot or 3,000 sq. ft.	(Low Sensitivity Water bodies)
Greater of 18% of Lot or 3,000 sq. ft.	(Moderate Sensitivity Water bodies)
Greater of 15% of Lot or 3,000 sq. ft.	(High Sensitivity Water bodies)

Price County

www.co.price.wi.us/government/ZoningAdministration/Default.htm

- 4.5 TOTAL BUILDABLE LOT AREA. No more than 15% or 10,000 square feet, whichever is less, of the area located within 200 feet of a navigable lake, river or stream of any lot or

condominium unit may be converted to an impervious surface. Impervious surfaces shall include but not be limited to roofs, driveways, patios and decks. Fifty (50) percent of the surface area of gravel driveways and walkways shall be considered impervious. A parcel or unit may exceed the impervious surface limitations provided that a stormwater management plan certified by a registered professional engineer is approved by the Price County Zoning Administrator and implemented concurrent with the construction activities that create impervious surfaces exceeding the restrictions of this ordinance. The stormwater management plan shall provide that there be no increase in stormwater discharge from the lot or unit as a result of the proposed construction for storms up to and including the 10 year, 24 hour storm event. (Amended June 19, 2007, Resolution #27-07)

Rusk County

www.ruskcounty.org/services/zoning.asp

7.2 IMPERVIOUS SURFACE STANDARDS.

1. No more that 25% of each shoreland lot within 300 feet of the OHWM shall be covered by impervious surfaces using best management practices.
2. However, on parcels zoned industrial, commercial or multi-family, an approved stormwater management plan may be implemented as an option to (1) above. Such plan shall provide that there will be no increase in stormwater discharge from the parcel as a result of the proposed construction for storms up to and including the 10 year, 24 hour storm event. The plan shall be certified by a registered professional engineer or, at the county's option, the applicant shall provide funds to defray the costs of county preparation of a plan.

Sawyer County

www.sawyercountygov.org/Departments/ZoningandConservation/tabid/70/Default.aspx

4.422 IMPERVIOUS SURFACE LIMITATIONS

INTRODUCTION: Extensive research shows that shoreland development results in increased quantities and velocities of runoff that may overwhelm infiltration capacity and transport sediment, nutrients and other pollutants directly to surface waters if proper management is not employed.

- 1) The maximum total area of impervious surfaces shall not exceed fifteen percent (15%) of a total shoreland lot area within 300' of the ordinary high-water mark.
- 2) The limitation on impervious surfaces may be increased to no more than twenty-five percent (25%) only with a Conditional Use Permit. A conditional use application shall include, at a minimum, the following documentation:

- (a) A topographic survey of sufficient scale (not less than 1" = 20') showing pre-construction and pre-excavation conditions including slopes/contours, water bodies, wetlands, vegetative cover, drainageways, roadways, buildings and all other impervious surfaces and any unique physical features of the lot.
 - (b) A site plan of similar scale showing the information required in (a) as proposed post-construction conditions, and shall include all erosion/sedimentation control measures, diversion/containment structures and total calculations of lot area and impervious surfaces.
- 3) The limitation on impervious surfaces located more than 300 feet from the ordinary high-water mark may be increased to no more than thirty percent (30%) only with the submission and approval of the Zoning Department of a Rainwater/Snow Run-off Retention Plan containing the same information required in 2(a) and 2(b) for a Conditional Use Permit.

Shawano County

Shawano County Planning & Development Dept. website:

<http://www.co.shawano.wi.us/departments/?department=c61420c5769b>

Direct link to ordinance:

http://www.co.shawano.wi.us/i_shawano/pu/shorelandzoningordinance.pdf

8.2 WHITE LAKE PROTECTION DISTRICT

8.25 BUILDING AND CONSTRUCTION STANDARDS

8.251 The minimum area for residential structures shall be 1,200 square feet on a single level.

8.252 No more than 8% of each lot with 300 feet of the ordinary high water mark may be covered by impervious surfaces including but not limited to roofs, driveways, patios and decks.

8.253 No more than one accessory structure of no greater than 600 square feet in area and 14 feet in height may be constructed on a lot.

Sheboygan County

Sheboygan County Planning Dept. website:

http://www.co.sheboygan.wi.us/html/d_planning.html

Direct link to shoreland ordinance:

http://www.co.sheboygan.wi.us/county_depts/planner/ordinances/Shoreland%20Ordinance%208.15.06.pdf

72.13 BUILDING SITES AND DIMENSIONS. Any Shoreland/Floodplain Zoning Permit or Conditional Use Permit issued hereunder shall have as applicable these additional requirements: ...

- (5) The total square footage, in ground floor area, (including but not limited to eaves, overhangs, chimneys, etc.) of all proposed or existing principal and accessory structures [for example: main buildings, garages, sheds, patios, boathouses, and decks (including cantilevered or upper-story decks)] on any one (1) lot shall not exceed twenty percent (20%) of the total lot area, in furtherance of this Ordinance's environmental and aesthetic purposes set forth in Section 72.03 of this Code. For the purposes of this Subsection, the following are excluded from the calculation of total square footage:
 - (a) Arbors (as defined in Section 72.27 of this Code), provided that ground coverage consist entirely of vegetation or organic mulch material and furniture (for example: benches, tables, etc.) shall not be incorporated in the arbor structure, and with:
 - 1. Vertical posts of four inches (4") by four inches (4") or less in size set a minimum of four feet (4') on center,
 - 2. Beams with a maximum dimension of two inches (2") by eight inches (8") set with their narrowest dimension on edge, and
 - 3. Joists, having a maximum width of two inches (2") in the narrowest dimension, set on edge with a minimum spacing of sixteen inches (16") on center;
 - (b) Walkways and stairways, except if necessary to comply with handicapped accessibility requirement, which do not exceed four feet (4') in width; and
 - (c) Driveways.

Vilas County

www.co.vilas.wi.us/dept/zoning.html

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.

Washington County

www.co.washington.wi.us/departments.iml?mdl=departments.mdl&ID=LAN

23.12 DESIGN REVIEW AND IMPERVIOUS AREAS. (RR 00-23)(AM 05-33)

These standards apply to all lands located within the shoreland and shoreland - floodplain zoning districts. All existing and proposed impervious areas and principal structure square footage footprint dimensions shall be submitted as part of a zoning permit, administrative permit or conditional use permit application. An applicant may apply for a conditional use permit if they cannot meet the standards listed below. See section 23.11(3) for conditional use permit requirements.

(1)(RR 00-23) For all filling, grading, lagooning, dredging, ditching, excavating or paving the following review and impervious area limits shall apply. Roof top, driveway and other significant impervious surfaces shall be managed to prevent direct discharge to a waterbody and promote infiltration and/or surface dispersal. Any impervious areas greater than the following percentages shall require a conditional use permit or if the scope of the proposed and/or existing project(s) exceed 15,000 square feet in total.

- (a) Class 3 waterbody – detailed, scaled drawings shall be submitted showing the entire lot, scope of project, stormwater runoff management and erosion control practices. Total impervious area shall not exceed 45 percent of the lot.
- (b) Class 2 waterbody – detailed, scaled drawings shall be submitted showing the entire lot, scope of project, stormwater runoff management and erosion control practices. Best management practices and a review based on sensitivity of resources and existing site limitations are required. Impervious area shall not exceed 40 percent of the lot.
- (c) Class 1 waterbody – detailed, scaled drawings shall be submitted showing the entire lot, scope of project, stormwater runoff management and erosion control practices. Best management practices and extensive detailed site planning for all components of proposed development are required. May require a landscape architect, professional

engineer or other licensed individual to complete design. Impervious area shall not exceed 30 percent of the lot.

(2)(RR 00-23) **Square Footage Limits for Principal Structures.** The following square footage limits shall apply to all principal structures (new or existing) within a shoreland, wetland or floodplain district. Any square footage requests greater than the following percentages shall require a conditional use permit.

- (a) Class 3 waterbody – the principal structure square footage footprint shall not exceed 35 percent of the lot.
- (b) Class 2 waterbody – the principal structure square footage footprint shall not exceed 30 percent of the lot.
- (c) Class 1 waterbody – the principal structure square footage footprint shall not exceed 15 percent of the lot.

Waukesha County

Impervious surface area limits vary by zoning district.

See the Waukesha County Zoning Code for details, available at:

<http://www.waukeshacounty.gov/page.aspx?SetupMetaId=10714&id=10886>

Waupaca County

www.co.waupaca.wi.us/Shoreland/tabid/421/Default.aspx

6.16 Impervious surface standards.

- 1) At least 75 percent of each shoreland lot shall be maintained in vegetative cover inclusive of standard landscape practices such as mulch treatments but excluding areas covered by structures such as decks and similar structures.
- 2) However, on parcels zoned industrial, commercial or multi-family, an approved stormwater management plan may be implemented as an option to (1) above. Such plan shall provide that there will be no increase in stormwater discharge from the parcel as a result of the proposed construction for storms up to and including the 10 year, 24 hour storm event. The plan shall be certified by a registered professional engineer.
- 3) Any part of a parcel that is mapped as part of the service area of a completed stormwater treatment system is counted as permeable in calculating impervious surface limits provided adequate treatment measures are employed between the parcel and downstream lakes or streams. Additions to stormwater service areas must be approved by the municipality responsible for their design and operation.

Mitigation ordinance examples

A Web link to the County's Planning and Zoning Department is provided by each ordinance excerpt so interested readers can look up the entire County shoreland ordinance.

Adams County

<http://www.co.adams.wi.gov/Departments/PlanningandZoning/tabid/81/Default.aspx>

SECTION 6 - NONCONFORMING STRUCTURES, USES & LOTS

6-1.06 Non-existent, inadequate or otherwise ineffective thirty-five (35) ft. shoreline buffer areas as set forth in Section 4 shall be considered nonconforming uses unless under an existing maintenance / management plan approved by Adams County. All nonconforming shoreline buffer areas shall be brought into compliance by September 30, 2013, unless prior to said date, NR115 as revised, requires less restoration than the following for compliance: All shoreline buffer restoration / enhancement plans shall, where practical, result in a thirty-five (35) ft. deep area measured upland from the Ordinary High Water Mark in which vegetation, shall not be mowed (except for grasses which may be cut to a minimum height of twelve {12} inches), cut, tilled or otherwise removed and shall consist of a minimum fifty (50) percent native plant canopy upon maturity. As determined by the Planning & Zoning and Land & Water Conservation Departments, in cases where a thirty-five (35) ft. buffer is not practical due to site limitations including but not limited to legal nonconforming setback encroachments, topography, the non-existence of soil (e.g. bedrock), soil inadequacies; other mitigation measures capable of serving the purposes of this Ordinance such as rain gardens may be implemented in lieu of a portion of the required buffer. If less than a 35' buffer is to be established, the buffer area shall be at a minimum, thirty-three (33) percent of the distance as measured horizontally from the Ordinary High Water Mark to the primary structure. In all such cases whether a buffer restoration / enhancement and/or other mitigation plan is require; a maintenance agreement approved by and filed with the Land and Water Conservation and Planning and Zoning Departments. See Section 4 for exceptions to this section.

Ashland County

<http://www.co.ashland.wi.us/departments/zoning>

10.0 NONCONFORMING USES AND STRUCTURES

10.15A Nonconforming principal structures less than 40 feet from the ordinary high water mark are permitted ordinary maintenance and repair. Such structures may be improved internally provided:

- (1) Internal improvement is confined to the building envelope (i.e., no new basements, additional stories, lateral expansion or accessory construction outside of the perimeter of existing enclosed dwelling space are permitted but replacement of windows, doors, roofing, siding and upgrading of the insulation of a structure are permitted);
 - (2) The property owner implements a plan approved by the County Land Conservationist which restores the shoreland cover buffer zone.
- 10.16A A nonconforming principal structure located between 40 and 75 feet from the ordinary high water mark which includes at least 500 square feet (footprint) of enclosed area may be expanded providing:
- (1) The addition does not exceed 50% of the existing footprint or 2,000 square feet of total enclosed area;
 - (2) All expansion is no closer to the water than the landward facade of the existing principal structure (placement of standard or walkout basements under existing structures is prohibited);
 - (3) Existing nonconforming accessory structures are removed from the property excluding legally erected boathouses and structures covered under 5.3; and
 - (4) The property owner implements a plan approved by the County Land Conservationist which restores the shoreline cover buffer zone.

Barron County

Barron County Zoning Office website:

http://barronwi.govoffice3.com/index.asp?Type=B_BASIC&SEC={5849F663-F197-46AF-9020-7123068F82DF}

Direct link to zoning ordinance:

<http://barronwi.govoffice3.com/vertical/Sites/{55B35465-9825-4C7F-A839-E0EDFC6408E8}/uploads/{85887CC3-0436-438D-A14C-3685B564101B}.PDF>

17.41 SO District

- 5. Mitigation is required to compensate for loss of shore buffer area functions when nonconforming structures are improved or expanded within the shoreland setback area. A person proposing such improvement or expansion shall submit a mitigation plan to the Zoning Administrator for review and approval. A mitigation plan shall include the following:
 - a. The associated privately owned wastewater treatment system must be evaluated and upgraded as appropriate (COMM 83.055(3)(b)(1&3).
 - b. Implementation of standard erosion and storm water management measures.
 - c. Selection of any of the following mitigation measures which amount to three points:
 - (1) Restore vegetative buffer area within 25 feet of the natural high water elevation (1 point).

- (2) Restore vegetative buffer area within 50 feet of the natural highwater elevation (2 points).
 - (3) Restore the vegetative buffer area within 75 feet of the natural highwater elevation (3 points).
 - (4) Remove nonconforming accessory buildings from setback area (1 point per building removed).
 - (5) Restore native vegetation in both side yards (1point).
 - (6) Other practices and points agreed upon by the Zoning Administrator.
- d. A signed and notarized, Shoreland Mitigation Affidavit.
6. Recording of a Shoreland Mitigation Affidavit. Upon review and approval of the mitigation plan, the property owners shall record the Shoreland Mitigation Affidavit in the Barron County Register of Deeds office, acknowledging the approved mitigation plan.
7. A mitigation plan is not required when nonconforming structures 50 feet or more from the ordinary highwater elevation are improved or expanded within the shoreland setback area, when the owner has voluntarily complied with the mitigation measures prior to applying for a permit.

Bayfield County

Bayfield County Planning & Zoning Dept. website:

<http://www.bayfieldcounty.org/zoning.asp>

Bayfield County ordinances:

<http://www.bayfieldcounty.org/ordinance/default.asp>

Title 13, Chapter 1, Article C Zoning

- (5) Mitigation Measures. As specified in the following provisions, the objective of these mitigation requirements is to compensate for adverse environmental effects when development is permitted to occur within designated shoreline setback areas. A site plan and implementation schedule describing any required mitigation shall be submitted by the property owner or owner's authorized agent and approved by the Planning and Zoning Department and/or Land and Water Conservation Department prior to issuance of the related land use permit(s). Mandatory mitigation measures shall include:
- a. Evaluation and upgrading of any existing sanitary system on the subject property to comply with COM 83, Wis. Adm. Code, and the Bayfield County Sanitary and Private Sewage Ordinance.
 - b. Implementation of erosion and storm water runoff control measures in accordance with best management practices.
 - c. Accumulating at least four (4) points from among the following proposed or current practices:

1. Restoration or maintenance of a shoreline vegetation protection area within twenty-five (25) feet of the ordinary high water mark (OHWM) (1 point).
2. Restoration or maintenance of a shoreline vegetation protection area within forty (40) feet of the OHWM (2 points).
3. Restoration or maintenance of a shoreline vegetation protection area within seventy-five (75) feet of the OHWM (3 points).
4. Restoration of native vegetation along both side yards (1 point).
5. Removal of nonconforming accessory buildings from the shore setback area (1 point per building).
6. Use of exterior building materials or treatments that are inconspicuous and blend with the natural setting the site (½ point).
7. Compliance with Sec. 13-1-32(g) shoreland lighting requirements (½ point).
8. Other practices agreed upon by the Zoning Department (seawall removal, removal of excessive dockage and mooring, removal of artificial sand beaches, etc.) (Points as determined by the Zoning Department).

Burnett County

<http://www.burnettcounty.com/index.aspx?NID=415>

4.4 SHORELAND REGULATIONS

(2) Removal of Shoreline Cover

There shall be a shoreline vegetation protection area on each parcel which shall extend from the ordinary high water mark to a line 25 feet less than the required setback for structures but, in no case, less than 35 feet landward from the ordinary high water mark. Within this area, vegetation removal (including trees, shrubs and ground cover) and land disturbing activities are prohibited with the following exceptions:

- (a) One viewing/access corridor more or less perpendicular to the shore and no more than 30 feet wide may be established. Limited tree removal, pruning and mowing will be permitted. Clear-cutting, filling, grading and other land disturbing activities are not permitted in this area. On contiguous frontage, there shall be a 30-foot separation of uncut area between adjoining view corridors.
- (b) Limited pruning and mowing will be allowed in the area greater than 35 feet from the ordinary high water mark.
- (c) Pedestrian access, walkways, pathways, and stairways must be located in the access/viewing corridor and also subject to section 4.4(1)d, unless such location is not feasible due to steep slopes, wet soils, or similar limited conditions.

(d) Pier, wharf and lift placement must also be confined to waters immediately adjacent to viewing/access corridor unless such location is not feasible due to steep slopes, wet soils, or similar limiting conditions.

(e) Normal maintenance of existing vegetative buffer strips.

(9) Shoreline Setback Nonconformities

(a) Nonconforming principal structures less than 40 feet from the ordinary high water mark are permitted internal improvement and ordinary maintenance and repair. This includes replacement of similar size windows, doors, roofing and siding, upgrading of insulation and electrical. Such structures may be structurally altered when a land use permit is issued provided:

(1) No more than 25% of the structural members of the existing foundation, external walls and roof are modified or replaced;

(2) Internal improvement is confined to the building envelope (i.e. no new basements, additional stories, lateral expansion or accessory construction outside of the perimeter of existing enclosed dwelling and

(3) **The property owner implements a plan approved by the County Land Conservationist, which restores the shoreline cover buffer zone as per Section 4.4(2).**

(b) Nonconforming principal structure located between 40 and 75' from the ordinary high water mark are permitted internal improvement and ordinary maintenance and repair. This includes replacement of similar size windows, doors, roofing and siding, upgrading of insulation and electrical. These structures may be expanded by permit when the structure includes at least 500 square feet (footprint) of enclosed dwelling area provided:

(1) No more than 25% of the structural members of the existing foundation, external walls, and roof are modified or replaced (allows matching of existing roof lines);

(2) The total area of the existing structure and the proposed addition does not exceed 1,500 square feet of enclosed dwelling area not to include basements.

(3) All expansion is no closer to the water than the landward façade of the existing principal structure (placement of standard or walkout basements under existing structures is prohibited); except for a one time maximum 144 square foot expansion (including open patios and decks) which is no closer to the ordinary high water mark than the closest setback of the structure provided further that such addition does not extend toward the ordinary high water mark beyond the shoreline façade, of existing structure;

(4) Existing nonconforming accessory structures are removed from the property and

(5) **The property owner implements a plan approved by the County Land Conservationist, which restores the shoreline cover buffer zone as per Section 4.4(2).**

Calumet County

http://www.co.calumet.wi.us/departments2.iml?dept_id=74

Sec. 82-81. Shoreland Vegetation. ...

(4) *Revegetation Mitigation Plan*. If the landowner is required to submit a plan to preserve or establish a vegetative buffer per Sec. 82-43(f)(2)D., Vegetation Preservation, or, if vegetation has been removed in violation of par. (c) above, Requirements, the preservation plan or violation must be created and mitigated per the following:

A. *Mitigation Plan and Procedure*. The following must be completed prior to preserving or establishing a vegetative buffer zone or beginning any mitigation efforts.

1. *Prepare a Plan*. A plan must be prepared by a professional engineer or landscape architect. The plan shall indicate how the site will be preserved, established, or mitigated to meet the requirements of this chapter and shall show buffer size, location of viewing corridor and pathway, location of structures, and specify the type, name, size, number and location of all materials to be used to preserve or establish the buffer zone or mitigate the violation. The plan must be approved by the Planning Department. The plan must be submitted to the Planning Department no more than 30 days after the violation has been discovered and the landowner notified verbally on site or in writing.
2. *Affidavit*. By law, the landowner must file an affidavit with the Planning Department and record it with the Calumet County Register of Deeds. This affidavit ensures that the landowner will preserve, establish or perform the mitigation and that all future landowners are aware the vegetation must be maintained and removal of the vegetation is restricted per an approved plan on file in the Planning Department. The affidavit gets attached to the landowner's deed. Blank affidavit forms are available from the Planning Department. The affidavit should be filed after the Planning Department approves the plan in subd. 1. above, Prepare a Plan, but prior to a regular zoning permit being issued authorizing the actual preservation, establishment, or mitigation activities. It is the landowner's responsibility to notify the Planning Department when the affidavit has been recorded.
3. *Permit*. A separate regular zoning permit must be obtained from the Planning Department authorizing the establishment or mitigation. Specific regular zoning permit application forms for establishment or mitigation efforts are available from the Planning Department. Prior to processing an application, the application must be accompanied by all required paperwork and the required processing fee. All fees are non-refundable.
4. *Completion*. As stated in the affidavit, the landowner must also perform the preservation, establishment or mitigation, and, maintain the material to achieve compliance. Since establishment and mitigation deal with the installation of plant materials and because the growing season is limited in this region, the land owner will have one summer season after permit issuance to complete the establishment or mitigation project.

B. *In General*.

1. *Establishment and Mitigation Methods.* There are basically 4 methods of mitigation that will establish or maintain a buffer. Each method involves preserving or establishing three vegetative layers: ground cover (grasses, etc.), shrub understory, and tree canopy. Attempts should be made to duplicate or mimic the undisturbed vegetative habitat that exists around the particular water body.
 - a.) *Avoidance.* Some of the buffer may be totally intact or undisturbed. If that is the case, that area does not have to be mitigated. However, the affidavit shall state that the landowner will not disturb the area and will remain compliant with placement of the viewing corridor, etc.
 - b.) *Natural Recovery.* Some of the buffer may be present but some of the understory vegetation may have been removed, or the area may have been mowed to the shore. The goal is to reestablish the natural condition, had the area not been disturbed. The recovery method involves simply stopping all mowing or clearing and letting the area regenerate naturally.
 - c.) *Accelerated Enhancement Recovery.* This method is similar to natural recovery, but entails actually installing some plant materials to achieve proper vegetation density, as outlined in subd. 2., Density, below. Simply, the landowner fills in areas that are too thin or where the vegetation is missing.
 - d.) *Accelerated Creation Recovery.* This method is used when no buffer exists. The area in question may have been graded to bare soil or the site may have been mowed for many years. Creation will involve planting groundcover, shrubs and trees.
2. *Density.* If you have to install plantings, a specific vegetation density is required. Refer to subd. a.), Table of Density Requirements, which denotes how many plantings should be instated per square foot per vegetative layer (groundcover, shrub or tree canopy). Planting dates should be verified with the chosen plant supplier. The landowner may take credit for existing plants. (For example, if all soil is covered by grasses, the landowner does not have to install plantings in that layer. Likewise, if the buffer has 10 existing trees, the trees would count as 3 new trees.)

a.) *Table of Density Requirements.*

LAYER	MAX. NO. OF DIFFERENT SPECIES	NO. TO BE INSTALLED PER 100 SQ. FT.	CREDITS FOR EXISTING VEGETATION	PLANTING DATES
Tree Canopy	3	1	1 existing tree = 0.3 new trees	4/15-11/15
Shrub Understory	4	2	1 existing shrub = 0.5 new shrubs	4/15-11/15
Groundcover Plant Plugs	1	70	n/a	5/15-11/15
Groundcover Seedlings, Cool Season	1	General seed broadcasting	Complete cover of bare soil	5/1-6/15
Groundcover Seedlings, Warm Season	1	General seed broadcasting	Complete cover of bare soil	Thaw-7/15

3. *Plant Selection.* When selecting the plantings to install, the landowner shall use species which are native to the region and non-noxious. The landowner should pay special

attention to which species grow in the soil and light conditions specific to the subject property.

4. *Erosion Control and Maintenance*. As with any construction project, erosion control measures should be utilized during mitigation. Runoff from impervious structures should be diverted away from the water, and, matting or mulch should be used as groundcover plantings are taking root. The mitigated area is intended to be a natural area so little maintenance is needed. There should be no need to mow, rake or fertilize. For detailed information on care and maintenance of the mitigated area the landowner is encouraged to consult a landscape architect.

Chippewa County

http://www.co.chippewa.wi.us/index.php?option=com_content&view=article&id=274&Itemid=40

Sec. 54-7. Nonconforming Uses and Structures. ...

(c). Conditions for continuance of legal nonconforming structures.

- (1). Principal Structures. Structural alterations, structural repairs or additions to a an original nonconforming principal structure, over the life of that structure, may be made subject to all of the following conditions:
 - a. A one-time addition shall not exceed a total of 50 percent of the floor area of the original nonconforming principal structure. In computing the original floor area, the existing floor area covered by attached decks (covered or uncovered) or garages shall not be used.
 - b. An addition can be at the same setback as the original nonconforming principal structure, except that no lateral, vertical or horizontal additions are allowed within 50 feet of the ordinary high-water mark.
 - c. A lateral addition shall not exceed 50 percent of the width of the original nonconforming principal structure.
 - d. An addition shall not exceed the roof height of the original nonconforming principal structure. (Example: A deck which is closer to the ordinary high-water mark than the principal structure cannot be converted to a sunroom, three or four-season porch because of the increase in height), except as follows:
 1. An existing roof, which is equal to or less than 12 horizontal units to 6 vertical units will be allowed a one-time roof replacement up to 12 horizontal units to 6 vertical units as long as the same orientation and configuration are kept with the condition that no additional habitable living area would be allowed within the roof structure, such as a loft.
 2. An existing roof, which is greater than 12 horizontal units to 6 vertical units will be allowed a one-time roof replacement as long as the same orientation,

configuration and pitch are kept with the condition that no additional habitable living area would be allowed within the roof structure, such as a loft.

- e. The total habitable living area of a nonconforming principal structure shall not exceed 1,800 square feet within 75' of the ordinary high-water mark.
 - f. The property must comply with shoreline cutting regulations found in section 54-128. If the property is not in compliance with section 54-128, a restoration plan must be submitted and restorations must be completed within one year of permit issuance.
- (2). Accessory Structures. Structural alterations, structural repairs or additions to an original nonconforming accessory structure, over the life of that structure, may be made subject to all of the following conditions:
- a. A one-time addition shall not exceed a total of 50 percent of the floor area of the original nonconforming accessory structure. In computing the original floor area, the existing floor area covered by attached decks (covered or uncovered) shall not be used.
 - b. Any addition must meet a minimum 75' setback from the ordinary high-water mark and a 10' setback from a property line.
 - c. An addition shall not exceed the roof height of the original nonconforming accessory structure. (Example: A deck which is closer to the ordinary high-water mark than the principal structure cannot be converted to a sunroom, three or four-season porch because of the increase in height.
 - d. An accessory building shall not be used for any type of habitable living space prior to or after permit issuance.
 - e. The property must comply with shoreline cutting regulations found in section 54-128. If the property is not in compliance with section 54-128, a restoration plan must be submitted and restorations must be completed within one-year of the permit issuance.
- (3). Boathouses.
- a. The maintenance and repair of any nonconforming boathouses that extend waterward beyond the ordinary high water mark shall comply with the requirements of Wis. Stats. § 30.121.
 - b. An existing non-conforming boathouse which is found to be completely on the landward side of the ordinary high-water mark shall be allowed an addition as long as the addition meets the minimum setback requirements of this ordinance and the addition is in compliance with section 54-127.
 - c. The property must comply with shoreline cutting regulations found in section 54-128. If the property is not in compliance with section 54-128, a restoration plan must be submitted and restorations must be completed within one-year of the permit issuance.

Door County

<http://map.co.door.wi.us/planning/>

5.09 Shoreland vegetation. ...

(4) Shoreland Vegetative Buffer Zone. To qualify for an exemption from the ordinary high water mark [setback of 75 ft.] as provided in Section 3.07(3)(l), a shoreland vegetative buffer plan shall be established.

(a) Plan. The shoreland vegetative buffer zone plan shall include the following:

1. A description of how the landowner intends to carry out the project including methods, materials, and equipment that will be used.
2. A proposed schedule and sequence of work activities.
3. The names and descriptions of native species to be utilized in the shoreland vegetative buffer zone.
4. A description of the site before the project begins and a description of the site once the shoreland vegetative buffer is completed.
5. The erosion control measures that will be used during construction of the permitted structure to control sediment runoff and protect water quality.

(b) Implementation. Upon approval of the shoreland vegetative buffer plan by the planning department, the shoreland vegetative buffer plan shall be completed before the planning department will grant the regular zoning permit for the structure. The shoreland vegetative buffer shall be established for a least one growing season before the permit to build the structure is granted. No mowing shall be allowed in the shoreland vegetative buffer zone so as to maximize the growth of grasses and shrubs.

(c) Standards. Shoreland vegetative buffer plant materials shall be required so as to accumulate 100 landscape points per 100 sq. ft. of shoreland vegetative buffer zone. Landscape points shall be accumulated according the table "LANDSCAPE POINTS" of Section 7.03(2)(b) of this ordinance. One canopy tree with a caliper of at least 2 inches shall be required for each 100 square feet of shoreland vegetative buffer zone and shall be spaced no more than 10 feet apart. (Added: 18 April 2000; Ord. 07-00)

7.03 Parking area landscaping requirements.

(2) Minimum landscaping requirements.

(b) ... Landscape points shall be accumulated according to the following table:

LANDSCAPE POINTS

<u>Landscape Element</u>	<u>Minimum Planted Size</u>	<u>Points</u>
Canopy Trees	2 in. caliper or 1.5 in. caliper for multi-stem trees	50 pts.
Evergreen Trees	4 feet high	30 pts.
Low Ornamental Trees	5 feet high and balled and burlapped stock	20 pts.
Tall Shrubs	2.5 feet high	9 pts.
Medium Shrubs	18 inches high	6 pts.
Low Shrubs	15 inches high	3 pts.

The publication, A Guide to Selecting Landscape Plants for Wisconsin, by E. R. Hasselkus, UW-Extension publication A2865, shall be used to determine which plants are "low ornamental trees" and "tall/medium/low shrubs."

Douglas County

Douglas County Planning & Zoning Dept. website:

<http://www.douglascountywi.org/index.aspx?nid=327>

Direct link to shoreland zoning ordinance:

<http://www.douglascountywi.org/DocumentView.aspx?DID=124>

9.4 Mitigation Measures.

- (1) Required mitigation. A site plan and implementation schedule describing any required mitigation shall be submitted by the property owner or their authorized agent and approved by the Zoning Department prior to issuing the related land use permit(s). Mandatory practices for mitigation shall include:
 - (a) Evaluation and if needed upgrading of any existing sanitary system on the subject property to meet current Douglas County and Department of Commerce regulations.
 - (b) Implementation of standard erosion and storm water runoff control measures described in applicable sections of this ordinance.
- (2) Additional requirements
 - (a) Accumulating at least two (2) points from among the following proposed or current practices:
 - (1) Maintenance of an existing shoreland buffer area within 35 feet of the OHWM for Class 1 & 2 Lakes and within 50 feet for Class 3 Lakes and Rivers/Streams (2 points).
 - (2) Restoration of the shoreland buffer area within 35 feet of the OHWM for Class 1 & 2 Lakes and within 50 feet for Class 3 Lakes and Rivers/Streams (2 points).
 - (3) Restoration of native vegetation along both sideyards, minimum of 5 feet wide measured perpendicular to the lot line for the entire length of the lot. (1/2 point).
 - (4) Removal of legal pre-existing accessory buildings from within the shoreland setback area (1 point per building).
 - (5) Use of exterior building materials or treatments that are inconspicuous and blend with the natural setting of the site (1/2 point).
 - (6) Removal of waterward improvements (seawalls, dockage, artificial sand beach etc. and / or restoration of emergent aquatic vegetation (1/4 point for each distinct removal / restoration effort).
 - (7) Any other mitigation that is deemed appropriate by the Zoning Administrator may be used to meet the mitigation requirement of Section 9.4(2)(a).

- (3) A Shoreland Mitigation/Preservation Affidavit shall be signed and recorded with the register of deeds prior to the issuance of a zoning permit for the expansion or improvement of a legal pre-existing principal building which requires mitigation under Section 9.2.

Eau Claire County

http://www.co.eau-claire.wi.us/residents/CODE/table_of_contents.htm

18.24.015 Nonconforming structures. A structure which does not conform to the yard, height, parking, loading and access requirements of this subtitle may be continued to be used but shall comply with the following provisions:

- A. Normal maintenance is not considered a modification or addition; normal maintenance includes painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities.
- B. Structural repairs, alterations and expansions to non-conforming structures are not allowed, except as provided in 18.24.015 C. and E. through H.
- C. Nonconforming structures damaged or destroyed by violent wind, fire, flood, or vandalism and destroyed after October 4, 1997 may be reconstructed or repaired to the size, location and use that existed immediately before the damage occurred, subject to the following.
 - 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 constructed or repaired except in conformance with the standards of the zoning and building codes.
 - 2. If any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value. For nonconforming buildings that are damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the non-flood disaster, provided that the nonconforming building will meet all of the minimum requirements under 44 CFR Part 60 or under the regulations promulgated thereunder.
 - 3. A plan for mitigating the adverse effects of nonconformity shall be developed and submitted to the department for review and approval. The plan shall include an implementation schedule and shall comply with the following requirements:
 - a. The private onsite sanitary system shall be brought up to current standards for new construction.

- b. The 35 foot natural vegetation buffer strip shall be restored to meet code requirements.
- c. Stormwater and runoff shall be controlled.
- d. Exterior building materials shall be colored as to make the structure visually neutral or inconspicuous during the summer months.
- e. Grading, filling, or dredging shall comply with Chapters 18.19 and 18.20.
- f. Erosion control measures must be identified, approved and installed.

...

- H. Additions to existing nonconforming principal structures are allowed subject to the following conditions:
 - 1. The addition or alteration shall not exceed 500 square feet.
 - 2. One addition is allowed during the lifetime of the nonconforming structure.
 - 3. In the shoreland district, the shoreline vegetative strip as described in 18.19.060 shall be restored.

Forest County

http://www.co.forest.wi.gov/docs_by_cat_type.asp?doccatid=255&locid=145

3.06 NONCONFORMING STRUCTURES OR USE OF NONCONFORMING STRUCTURES

3.06.2 Nonconforming Structure Damaged or Destroyed by Violent Wind, Fire, Vandalism, Flood, Ice, Snow, Mold or Infestation. Rev. 4/16/02

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 Section 87.30(1)(d.), Wis. Stats., nonconforming structures that are subject to regulation under a flood plain zoning ordinance may not be reconstructed or repaired except in compliance with the flood plain zoning ordinance.
- (3.) A plan to mitigate the adverse effects of a nonconformity shall be developed and submitted prior to repair or reconstruction of any destroyed or damaged nonconforming structure. The plan shall be approved by the zoning administrator prior to the issuance of a zoning permit. The plan shall include an implementation schedule and shall comply with the following requirements as they are specifically zoned for:
 - (A.) The nonconforming structure's sanitary system, if any, shall be brought up to current standards for new construction.
 - (B.) For waterfront property, a thirty-five (35) foot buffer area of native vegetation shall be planted or restored. Such buffers shall comply with current Wisconsin Forestry Best

Management Practices for Water Quality and shall provide effective, permanent erosion and sediment control and shall, within five (5) years, provide at least sixty (60%) percent visual screening of the nonconforming structure, as seen from the water.

- (C.) Impervious surface limits as described in each district of this ordinance shall be met. (Maximum lot coverage.)
- (D.) Exterior structure materials should be colored as to make the structure visually inconspicuous.
- (E.) Any grading, filling, or dredging associated with reconstruction or repair must comply with each district requirement of this ordinance. Excess fill, rock, or materials associated with reconstruction or repair shall be removed from the site and may not be deposited within the structure setback required by each district of this ordinance.
- (F.) Any construction activities, including mitigation activities required by this section, shall comply with all applicable standards of the current version of the Wisconsin Construction Site Best Management Practice Handbook.

3.06.4 (2.) Alterations or additions to legal nonconforming principal structures or portions of legal nonconforming principal structures located less than the pre-existing legal setback of the parent plat, which result in altering the exterior building envelope, may be permitted provided they meet the following conditions:

- (a.) Any expansion shall be limited to a maximum of one thousand five hundred (1,500) square feet.
- (b.) Expansion may only occur landward on structures less than fifty (50) feet from the OHWM.
- (c.) Expansion may only occur parallel to the shore on structures further than fifty (50) feet from the OHWM.
- (d.) Vertical expansion to twenty-five feet if the structure is located fifty (50) feet from the OHWM.
- (e.) Basements are permitted if enough vertical separation from groundwater exists.
- (f.) Any existing encroachment may be continued in expansion.
- (g.) Mitigation is required pursuant to 3.06(3) a, b, c, d, e and f.
- (h.) All roof or deck runoff must be directed into a groundwater collection and dispersal system approved by the zoning department.
- (i.) Impervious surface limits found in Section 5.14.1(1)(A)(E) and 5.15.1(1)(A)(E)

Green Lake County

Green Lake County Land Use Planning & Zoning Dept. website:

<http://www.co.green-lake.wi.us/departments.iml?Department=14>

Link to Green Lake County ordinances:

<http://www.ecode360.com/?custId=GR2053>

§ 338-32.5 Mitigation system.

- A. This chapter intends to provide a system that mitigates the potential adverse impact of a proposed project on water quality; near-shore aquatic, wetland and upland wildlife habitat; and the natural and scenic beauty of navigable waters. All proposed projects that are regulated by the provisions of this article shall meet the following minimum standards:
- (1) Level 1, nonconforming accessory structures: Permits issued for the structural alteration of a nonconforming accessory structure shall include the creation or restoration of a shoreland buffer, along with the preservation and maintenance of either, the size of which is the land area's full width and landward a depth of not less than 15 feet from the ordinary high-water mark. The depth of this buffer shall be less than that required in the NRCS Interim Standard No. 643A. An access viewing corridor shall be permitted in accordance with § 338-18C of this chapter.
 - (2) Level 2, nonconforming principal structures: Permits issued for the structural alteration, replacement or expansion of a nonconforming principal structure shall comply with the following minimum mitigation requirements:
 - (a) Inspection and upgrade, if necessary, of POWTS (private on-site wastewater treatment system) located on a property where a nonconforming principal structure is proposed to be structurally altered, replaced or expanded.
 - (b) The creation or restoration of a primary shoreland buffer, along with the preservation and maintenance of either, shall be required, the size of which is the land area's full width and landward a depth of not less than 35 feet from the ordinary high-water mark. An access viewing corridor shall be permitted in accordance with § 338-18C of this chapter.
 - (c) The creation and implementation of a stormwater management plan designed and maintained in accordance with Chapter 284 of the Code of Green Lake County and approved by the County Land Conservation Department.
 - (d) Removal of nonconforming accessory structures may be used as a mitigation option under Level 2, as determined by the Land Use Planning and Zoning Department.
 - (3) For Level 1 and Level 2 mitigation, the primary shoreland buffer shall be designed by an RSVP-certified professional (in accordance with NRCS Interim Standard No. 643A and NRCS Technical Note 1: Shoreland Habitat), be evaluated and approved by the Land Use Planning and Zoning Department prior to land use permit issuance, and be installed within one year of land use permit issuance.
- B. The primary shoreland buffer maintenance shall be governed by a shoreland vegetative buffer agreement that shall be recorded in the County Register of Deeds office.

Langlade County

<http://lrrd.co.langlade.wi.us/>

Section 17.12(3)(d)

4. Mitigation is required to compensate for lost shore buffer area functions when legal pre-existing structures are improved or expanded within the shore setback area. Such mitigation requirements shall be listed as a condition(s) on the zoning permit:
 - a. The associated privately owned wastewater treatment system must be evaluated and upgraded as appropriate in compliance with COMM83, Wis. Administrative Code.
 - b. Native vegetation and water quality protection functions of the shore buffer area must be restored to the extent practicable following the standards in Section 17.30(13).
 - c. Nonconforming accessory structures must be removed from the shore setback area. This requirement shall not apply to a detached garage which is in good repair and located at least as far from the ordinary high water mark as the principal structure on the property.
 - d. Standard erosion & storm water runoff control measures must be implemented.
 - e. Exterior building materials shall blend with the natural ground cover in the vicinity of the construction.

17.30 (13) SHORELINE BUFFER RESTORATION.

When zoning permits are required for principle structures on waterfront lots under Section 17.62(5), the applicants for such permits shall restore the water quality, habitat and natural beauty protection functions of the shoreline buffer area to the extent practicable.

...

- (b) Plan Requirements. (Rev. Ord. #2-2007) An applicant shall submit a restoration plan for approval by the Land Records and Regulations Department prior to issuance of a zoning permit. The plan shall provide for the following:
 1. Restoration on a waterfront lot shall, to the extent practicable, be conducted on all land within 50 feet of the ordinary high water mark as follows:
 - a. Maximum restorable area:
 - 1) For lots with a single principal structure, maximum length of shoreline over which the 50 ft. buffer must be restored shall be limited to the minimum lot width for the class of waterway on which the land is located. However, vegetation protection area regulations shall apply across the entire shoreline frontage of that lot.
 - 2) For lots with multiple principal structures, including but not limited to resorts, restorable area shall be determined by department staff after consideration of essential shoreline functions.
 - b. Pre-existing structures. For lots with legal pre-existing structures, restoration is not required within 15 feet of the principal structure.

- c. Viewing Corridor. Sod, mulch, or other approved non-erodible natural material is allowed in the view corridor to the minimum extent necessary for access and recreation as stipulated below:
 - 1) Wherever feasible, grass species used shall be no-mow/low-grow grasses which do not require cutting.
 - 2) One 200 square foot area at the water shall be allowed for swimming access as allowed in Section 17.30(8)(b)6.
 - 3) One 400 square foot area shall be allowed elsewhere in the view corridor for a picnic/play/lounge area.
 - 4) One path with a maximum width of 4 feet as allowed Section 17.30(6)(b).
 - 5) Storage areas for small boats, docks or similar items are allowed to the minimum extent necessary and shall not be mowed. Pruning or culling of shrubs or trees to maintain this small area is allowed.
- 2. Restoration shall be conducted as follows:
 - a. Minimum restoration standard: within the restorable area described in Section 17.30(13)(1)(a), no vegetation cutting or raking shall occur and native shrubs and trees shall be planted throughout this same area in a manner that ensures cutting and raking will not occur. Refer to shoreland vegetation guidelines maintained by the Langlade County Land Records & Regulations Department.
 - b. Restoration measures exceeding this minimum standard may also be required by the Department in situations where the minimum habitat functions of the shoreline buffer. (For example, where natural regeneration is limited by site conditions).
 - c. Vegetation used in any restoration shall be native to the state of Wisconsin and shall be installed at densities that are adequate to reestablish the water quality, habitat and natural beauty protection functions of a shoreline buffer area. Density recommendations are available from the Langlade County Land Records & Regulations Department.
- 3. Once the shoreline buffer has been reestablished, vegetation removal and land disturbing activities are generally prohibited except as permitted by applicable provisions of Section 17.30(6), the vegetation protection area.

Lincoln County

Lincoln County Zoning Dept. website:

<http://www.co.lincoln.wi.us/departments/?department=62bf249afc42>

Link to Lincoln County ordinances:

http://library6.municode.com/default-test/home.htm?infobase=12537&doc_action=whatsnew

21.07 REQUIREMENTS FOR SHORELAND DEVELOPMENT

(2) ADJUSTMENTS. To allow flexibility in meeting specified dimensional, setback, shoreland buffer and impervious surface requirements established in this chapter, an adjustment schedule is hereby established. This schedule ascribes weighted values to dimensional increments and allows these units (points) to be flexibly combined to meet those requirements of this chapter that are in excess of minimum state standards. In no instance can these points be used to offset dimensional deficiencies that fall below said minimum state standards. Permitted projects are those that result in a zero or positive net balance of points. The balance of mitigation points required and earned shall be evaluated when a zoning permit is issued. An affidavit which identifies the means by which mitigation points are earned shall be recorded with the deed to notify future owners of the property of the need to maintain such practices.

(3) MITIGATION SCHEDULE. (Am. #2008-03-520)

TABLE INSET:

Points are required for developing property under the following conditions:

- Building or excavating on slopes from 10% to 19% - 2 points
- Building or excavating on slopes greater than or equal to 20% - 3 points
- Building at reduced setbacks from the *OHWM - 1 point for first 0--10 ft. and 1/2 point for each additional rounded 5 ft. increment
- Building at a reduced setback from the road right-of-way - 1 point for first 0--10 ft. and 1/2 point for each additional rounded 5 ft. increment (only applies to nonconforming lots under §21.14)
- Building on an existing lot that contains less than the required lot dimension - 1 point for the first reduction of 0--10,000 sq. ft. and 1/2 point for each additional rounded 5,000 sq. ft. reduction.

* Only in special circumstances can a setback of less than 75 ft. to the OHWM be authorized by mitigation - see §§21.13 and 21.14 of this chapter.

Opportunities to earn mitigation points include:

- Increasing buffer depths - 1/2 point for each rounded 5 ft. increment
- Reducing the width of the view/access corridor - 1/2 point for each rounded 5 ft. increment
- If lot is larger than prescribed minimum size - 1/2 point for each rounded 5,000 sq. ft. increment
- Removal of legal nonconforming accessory structure - 1 point
- Removal of legal nonconforming habitable structure - 3 points
- Replacement of failing septic system due to setbacks or sizing - 2 points
- Replacement of failing septic system due to surface water or groundwater impacts - 3 points
- Removal of a sanitary privy - 1 point
- Removal of nonstructural impervious surfaces - 1/2 point for each rounded 500 sq. ft. of pavement. 1/2 point for each rounded 1,000 sq. ft. of hardpacked gravel
- Restoration of a Passive Buffer -1 point

- Restoration of a Active Buffer -2 points
- Installation of a preapproved runoff control structure** - 2 points
- Leaving percentages of the parcel in a natural state: 25--49% - 1 point; 50--74% - 2 points; >74% - 3 points

** The Lincoln County Land Conservation Department has a list of preapproved runoff control structure designs. The use of a specific runoff control structure is subject to approval by the Zoning Department.

21.10 SHORELAND RESTORATION AND MITIGATION.

- (1) SHORELAND BUFFER RESTORATION REQUIREMENTS. A shoreland buffer of the required dimensions and composition shall be restored when:
 - (a) An excavation permit is required under §21.11(2), then a passive shoreland buffer shall be restored. An active buffer may also serve as the restoration.
 - (b) An application for a zoning permit is submitted to construct a new structure or an addition that will begin at a setback less than that which is required from the OHWM, then a passive shoreland buffer shall be restored. An active shoreland buffer may also serve as the restoration. Both restorations shall qualify for points under the adjustments schedule in §21.07(3).
 - (c) An application for a zoning permit for the structural repair of an existing boathouse or construction of a new boathouse under §21.07(4)(b) is submitted, then a passive shoreland buffer shall be restored. An active shoreland buffer may also serve as the restoration. Both restorations shall qualify for points under §21.07(3). Existing boathouses may not be located within the shoreland buffer zone and must be located within the view and access corridor.
 - (d) A lot or condominium is platted as defined in Chapter 18 of Lincoln County Ordinances, except those defined as a part of a "large lot split". The restoration may be active or passive to be approved by the Zoning Administrator. (Cr. #2008-03-520)
- (2) RESTORATION STANDARDS. (Am. #2008-03-520) Where the growth of vegetative cover in the shoreland buffer area has been substantially altered by tree cutting, shrubbery cutting, mowing or other similar activities, the loss of the environmental benefits of the buffer may be mitigated. Mitigation of the shoreland buffer zone is only required when such mitigation shall meet the following parameters -- §21.10(1)(a)--(d) applies:
 - (a) When all mowing, pruning, and tree cutting ceases within the shoreland buffer area, with the exception of activities allowed by §21.09(3) of this chapter, and existing vegetation is then allowed to grow naturally, this shall be known as the restoration of a passive shoreland buffer.
 - (b) When all mowing, pruning, and tree cutting ceases, and native species or cultivars of native stock are planted within the shoreland buffer area, this shall be known as an active shoreland buffer restoration.
- (3) RESTORATION PLAN REQUIRED. Prior to the issuance of a zoning permit, an applicant required to mitigate the shoreland buffer shall submit a restoration plan to the Zoning

Administrator for review and approval. The plan shall include a sketch of the lot showing the dimensions and location of the required buffer area and the proposed location of all view/access corridors. A plan for the restoration of an active buffer shall also include:

- (a) An inventory of plant species currently present and an indication of their density within the required shoreland buffer area.
 - (b) A list of desired native, site-adapted species (or cultivars of native species) to include in the restoration area and a schedule for their planting.
 - (c) A sketch showing the placement and densities of each species planned for the restored buffer area.
 - (d) A description of how the applicant intends to carry out the project including the erosion control measures that will be used during construction.
- (4) **RECORDING REQUIRED.** All shoreland mitigation requirements shall be maintained in perpetuity, and be recorded on the property deed with a form provided by the Zoning Department.

Marinette County

Marinette County Zoning Dept. website:

<http://www.marinettecounty.com/departments/?department=a67be5f0c03a&subdepartment=96a65c3600de>

Link to Marinette County ordinances:

http://www.marinettecounty.com/departments/page_b9ef67271b57/?department=89fcbb3e9dee&subdepartment=1a7f481799d8

21.07 REMOVAL OF SHORE COVER

(5) **Mitigation Activities.** The mitigation plan shall be approved by the Zoning Administrator or County Zoning Agency. The plan shall include an implementation schedule and shall comply with the following requirements:

- (a) A shoreline buffer area of native vegetation shall be restored/maintained subject to the following conditions:
 - (1) The shoreline buffer shall be restored/maintained in an area from the ordinary high water mark to the required vegetation protection area line as specified in the table of water class development standards in Section 21.09(1) of this chapter. If the principal structure is located within the setback the shoreline buffer shall be restored/ maintained as stated above with the exception to that area within fifteen (15) feet of the principal structure.
 - (2) The plan shall preserve or establish a full range of water quality, habitat and natural shoreline beauty protection functions and shall specifically provide measures to screen structures from view as seen from the water and provide for permanent and effective erosion and sediment control.

- (3) The shoreline buffer area shall be established and maintained consistent with applicable rules regulating the removal of shore cover in Section 21.07 of this chapter.
- (4) Stormwater and runoff shall be controlled in compliance with the current version of The Wisconsin Stormwater Manual.
- (5) Any grading, filling or dredging must comply with Section 21.08 of this chapter.
- (6) The private onsite wastewater treatment system shall be evaluated and, if determined to be failing in accordance with §145.245(4), Wis. Stats., shall be replaced with a code compliant system.

Marquette County

<http://co.marquette.wi.us/Departments/Zoning/zoning.html>

16.1010 MITIGATION

A plan to mitigate for the adverse effects of construction, on a waterfront property, within 300-feet of the ordinary high water mark of a navigable water is required under other sections of this Ordinance. The number of mitigation points necessary for a zoning permit depends on the type, size and location of the construction activity. The Zoning Department must approve a mitigation plan and an affidavit shall be filed with the property deed. The following activities will be awarded the number of points indicated:

- 1) The removal of a legal non-conforming structure, which is non-conforming because it does not meet the requirements of Section 16.1007(1) and which is less than 100 square feet in area (2 points).
- 2) The removal of a legal non-conforming structure, which is non-conforming because it does not meet the requirements of Section 16.1007(1) and which is greater than 100 square feet in area (3 points).
- 3) The implementation of a shoreland buffer restoration plan under Section 16.1009, which is on the property of the proposed construction (3 points).
- 4) The implementation of a shoreland buffer restoration plan under Section 16.1009, on a shoreland property other than that of the proposed construction (2 points).
- 5) At the discretion of the Zoning Administrator and with the approval of the Zoning Committee, up to three mitigation points may be approved for an activity that provides significant benefits to meet the objectives of this Ordinance.

16.1012 (2) NON-CONFORMING STRUCTURES

- a) Except as set forth under sub. f below, legal non-conforming accessory buildings and structures are limited to ordinary maintenance and repair and shall not be improved or expanded.

- b) Legal non-conforming dwellings are permitted unlimited ordinary maintenance, repair and remodeling provided it is confined to the existing building envelope and no more than 25% of the structural members of the existing external walls and roof are modified or replaced.
- c) Legal non-conforming dwellings, which are 0-25 feet from the ordinary high water mark are prohibited from expansion.
- d) Legal non-conforming dwellings, which are 25-50 feet from the ordinary high water mark are permitted a one time 25% square footage expansion provided:
 - 1) The expansion is on the landward side of the structure.
 - 2) There are no new basements or stories.
 - 3) Three mitigation points are obtained under Section 16.1010 of this Ordinance.
- e) Legal non-conforming dwellings, which are 50-75 feet from the ordinary high water mark are permitted a one time 50% square footage expansion provided:
 - 1) The expansion is not on the shoreline side of the structure.
 - 2) Side expansion is limited to open air structures.
 - 3) No new stories are added.
 - 4) Three mitigation points are obtained under Section 16.1010 of this Ordinance.

Oneida County

<http://www.co.oneida.wi.gov/section.asp?linkid=1805&locid=135>

9.96 SHORELAND MITIGATION PLAN (#08-2000, 30-2001, 02-2006, 14-2008, 21-2008)

The construction, alteration, reconstruction or structural repair of such structures located in close proximity to our navigable waters can cause severe erosion, sedimentation, pollution and nutrient loading of such waters. Prior to such construction, alteration, reconstruction or structural repair, the land owner shall be required to submit a plan to mitigate the adverse affects of such structures as related to the buffer area for review and approval by the Department, if the existing conditions do not meet the minimum requirements set forth below. The department may require consultation with the Land Conservation Department, a certified arborist or certified landscaper prior to the issuance of a permit. A copy of the approved mitigation plan, or amendment there of shall be signed by the property owner, and filed with the Department. Mitigation plans shall be completed within one year of issuance of the related zoning permit.

The plan shall include an implementation schedule for the following requirements:

- A. Any sanitary system associated with a structure located within seventy five feet (75') of the OHWM shall be brought up to current standards for new construction
- B. A buffer zone at least 35 feet from, and parallel to the ordinary high water mark shall be planted or restored and maintained with vegetation native to the area to the fullest practicable extent possible with effective and permanent erosion and sediment control. Existing natural beaches or beaches which have been or may be permitted by the DNR shall be allowed to be continued and maintained. In addition, the minimum vegetation

density for trees shall be 1 per 200 sq. ft. evenly spaced with a minimum one inch (1") diameter, subject to the provisions of 9.95. The minimum vegetation density for shrubs shall be 3 per 200 sq. ft. evenly spaced, subject to the provisions of section 9.95. Those structures issued special zoning permission under section 9.94(B) shall establish a vegetation buffer that covers at least 70% of the half of the 75-foot setback area that is nearest to the OHWM.

- C. Open decks or patios within the viewing area located less than 35 feet from the ordinary high water mark shall not be enclosed, covered or expanded, but replacement of up to 200 square feet shall be allowed. Excluding boathouses, all other accessory structures including open decks or patios located outside the viewing area and less than 35 feet from the ordinary high water mark must be removed.
- D. Excess fill, rock or materials associated with reconstruction or repair shall be removed from the site and may not be deposited within the seventy-five (75) foot setback area from the OHWM. The mitigation plan shall also be subject to any provisions of this ordinance which set impervious limits, storm water and runoff control, and forestry and construction best management practices.
- E. A buffer zone at least ten feet (10') wide extending along each side lot line for a depth of at least seventy-five feet (75') from the ordinary high water mark shall be planted or restored and maintained with vegetation native to the area to the fullest practicable extent possible with effective and permanent erosion and sediment control. No cutting or mowing is permitted in this buffer zone. In addition, the minimum vegetation density for trees shall be 1 per 200 sq. ft. evenly spaced with a minimum one inch (1") diameter, subject to the provisions of section 9.95. The minimum vegetation density for shrubs shall be 3 per 200 sq. ft. evenly spaced, subject to the provisions of section 9.95.

Mitigation requirements A-E above shall be implemented for the following:

- 1. Properties requiring a permit under sections 9.32(E) and 9.33(B) and meet the requirements of section 9.99.
- 2. New boathouse construction on properties with existing dwellings or principal buildings.

Polk County

www.co.polk.wi.us/landinfo/ordinances.asp

Article 14. Land Use Runoff Rating

- A. The land use runoff rating is a means to reduce the effects of development, particularly impervious surfaces, on water quality. The Land Use Runoff Rating is based on the amount of storm water runoff from various land uses provided in Urban Hydrology for Small Watersheds, Technical Release 55, June 1986, Natural Resources Conservation Services, United States Department of Agriculture. The Land Use Runoff Rating numbers indicate

the amount of runoff from a lot. The rating number of 69 represents an average allowable runoff from developed lots.

- B. The Zoning Department will provide all materials needed to determine or calculate the Land Use Runoff Rating applicable to the lot that will be developed.
- C. Land Use Runoff Rating – A rating number is determined for the entire lot, up to 300 feet of the ordinary high water mark and drains directly to the lake, for lake Classes 1, 2, 3 and rivers. To calculate the runoff rating the landowner/agent must complete the following steps:
 - 1. Measure each land use of the lot and draw them to dimension or scale. Convert the land use areas into percentages of the lot.
 - 2. Determine the Hydrologic Soil Type (HST) from a map that will be provided by the Zoning Department which indicates the assigned HST number.
 - 3. Multiply each land use percentages by the HST number, and add the products of all the land uses resulting in the land use rating applied to the lot.
 - 4. If the rating number for the lot is less than or equal to the rating of 69, the landowner/agent is not required to take any action to reduce the runoff rating. If the runoff rating is greater than 69, then the landowner/agent must implement measures as approved by the Zoning Department to arrive at a runoff rating of 69 or less. Such measures are as follows, but are not limited to: rain basins, retention ponds, vegetative areas, redirecting water away from the navigable water.
 - 5. Point Credits:
 - (a) One point credit will be applied for the lots with public sewage and a 1.5 point credit for landowners who establish continuous vegetative cover starting from the OHWM and continuing landward.
 - 6. Runoff rating plans approved after September 1 of each calendar year must be completed by June 1 of following year, all others must be completed by October 31 of the same calendar year.
 - 7. All structural practices must be installed prior to issuance of permit and any runoff control practices installed must have an operation and maintenance plan and have that plan recorded on the deed.
- D. **Alternate Mitigation** – A maximum 15 percent impervious surface limit along with a restored vegetated strip meeting the requirements of Article 12.A.1, 2, and 3.
- E. Equal Runoff Alternate for lots that are predominately D type soils – The post-development runoff rating shall be less than or equal to the pre-development (current conditions) runoff rating.
 - 1. Use the method described in Article 14.C. to determine the pre-development and post-development runoff ratings.
 - 2. If the post development number is greater than the pre-development number, the landowner/agent must implement measures as approved by the Zoning Administration. Such measures can include but are not limited to rain basins, retention ponds, vegetative areas, or redirecting water away from navigable waters.

Price County

www.co.price.wi.us/government/ZoningAdministration/Default.htm

9.0 NONCONFORMING USES AND STRUCTURES.

9.16 Shoreline Setback Nonconformities

- a. A principle structure which is nonconforming as to shoreline setback and is located within 50 feet of the ordinary highwater mark may be improved internally without limitation, but may not be expanded. Such improvement shall be confined to the enclosed portions of the building envelope which existed at the time the structure became nonconforming and shall not include new basements or additional stories. Replacement of roofing, siding, windows and upgrading insulation are permitted.
- b. A principle structure which is nonconforming as to shoreline setback and is located more than 50 feet from the ordinary highwater mark may be expanded up to 50% of the enclosed area which existed at the time the structure became nonconforming, or 1500 square feet, whichever is less. Such expansion shall be located on the landward side of the structure wherever practicable. Section 4.5 regarding maximum impervious surface are shall apply to such expansion.
- c. A plan to mitigate for the adverse effects of nonconformity shall be implemented concurrent with improvement or expansion of such structures. The plan shall be approved by the zoning administrator prior to issuance of a zoning permit. It shall include a compliance schedule and the following considerations:
 - (1) The associated sanitary system must be brought up to current standards;
 - (2) Nonconforming accessory structure of less than \$2,000.00 current fair market value or appraised value shall be removed;
 - (3) A shoreline buffer area of native vegetation shall be restored to the extent practicable;
 - (4) Erosion & stormwater runoff shall be controlled.
 - (5) Exterior building materials shall be colored as to make the structure visually inconspicuous.

9.17 A permit to reconstruct or repair any nonconforming structure damaged by violent wind, fire, flood, vandalism, ice, snow, mold, or infestation shall be subject to the following conditions:

...

- c. A plan to mitigate the adverse effects of nonconformity shall be developed and submitted prior to repair or reconstruction of any destroyed or damaged nonconforming structure. The plan shall be approved by the zoning administrator, in consultation with the Land Conservation Department, prior to the issuance of a

zoning permit. The plan shall include an implementation schedule and shall comply with the following requirements:

- (1) The nonconforming structure's sanitary system, if any, shall be brought up to current standards for new construction.
- (2) A thirty-five foot buffer area of native vegetation shall be planted or restored to the extent possible. To the extent possible, such buffer shall comply with current Wisconsin Forestry Best Management Practices for Water Quality, shall provide effective, permanent erosion and sediment control.
- (3) Stormwater and runoff shall be controlled in compliance with the current version of The Wisconsin Stormwater Manual.
- (4) Any grading, filling or dredging associated with reconstruction or repair must comply with Section 7 of this ordinance. Excess fill, rock or materials associated with reconstruction or repair shall be removed from the site and may not be deposited within the building setback required by Section 5 of this ordinance.
- (5) Any construction activities, including mitigation activities required by this section, shall comply with all applicable standards of the current version of the Wisconsin Construction Site Best Management Practice Handbook.

Rusk County

http://www.ruskcounty.org/services/zn_shoreland.asp

10.4 MITIGATION.

A plan to mitigate for the adverse effects of any shoreline setback nonconformity shall be implemented concurrent with expansion of such structures. The plan and the compliance schedule shall be approved by the zoning administrator and recorded by the property owner with the deed to the property prior to issuance of the related zoning permit. The following mitigation practices are mandatory for all such projects:

1. The associated privately owned wastewater treatment system must be evaluated and upgraded as appropriate (DCOMM 83.055 (3)(b)(1 & 3); and
2. Standard erosion & storm water runoff control measures must be implemented and all mitigation activities shall comply with Section 7.0 regarding land disturbing activities.

In addition, a property owner shall choose at least three points of proposed or current practices from among the following mitigation practices:

1. Restore and maintain native vegetation and water quality protection functions of the shore buffer area within 35 ft. of the ordinary high water mark [3 points], or
2. Restore and maintain native vegetation and water quality protection functions of both sideyards [1 point].

3. Remove nonconforming accessory buildings from the shoreline setback area [1 point per building of <100 sq. ft., 2 points per building of 100-400 sq. ft., and 3 points per building of >400 sq. ft.].
4. Other practices as agreed by the Zoning Department [as determined by the Zoning Committee]. Examples may include modified buffers, directional lighting, building colors that blend with the natural vegetation, replacement of seawalls with bioengineered structures, a stormwater management plan that handles all discharge from the property from the 10 year 24 hour storm event or removal of artificial sand beaches. Points may vary from one to three for such practices.

Sawyer County

<http://www.sawyercountygov.org/Departments/ZoningandConservation/OrdinanceRulesandBylaws/ZoningOrdinance/tabid/323/Default.aspx>

4.419 MITIGATION REQUIREMENTS

INTRODUCTION: Mitigation is the requirement to restore (or create) shoreline buffer functions on all waterfront properties that do not meet Shoreline Vegetation Protection Area requirements (see Section 4.410 SHORELINE VEGETATION PROTECTION AREA). Mitigation shall apply only to the LOT for which a Land Use Permit is issued. This section is not applicable to those Chippewa Flowage properties subject to the restrictive covenants implemented by the 1984 Chippewa Reservoir Settlement Agreement (i.e., 100-foot and 200-foot buffer zones).

- 1) Waterfront properties with an existing intact shoreline vegetative protection area.
The application for a land use permit will require property owner certification on a form provided by the Zoning Department and photographic evidence of an intact shoreline vegetative protection area. Photographic evidence may be either digital or film and, if digital, may be transmitted to the Department via electronic means.
- 2) Waterfront properties without an intact shoreline vegetative protection area.
The application for a land use permit will require a Mitigation Plan and Implementation Schedule to be approved by the Zoning Department prior to the issuance of the land use permit.
- 3) Mitigation responsibilities for condominiums.
 - (a) Mitigation is the responsibility of the condominium association and shall be in accordance with a mitigation plan approved by the Sawyer County Land and Water Conservation Department (SCLWD).
 - (b) Once approved, a plan can only be amended with the approval of the SCLWD.
 - (c) Land Use Permits shall not be issued until a copy of the approved plan has been submitted to the Zoning Department and the president of the association has submitted a letter to the Zoning department stating that the association accepts responsibility for the mitigation.

- 4) Mitigation responsibilities for mobile home parks with shoreline frontage.
 - (a) Mitigation is the responsibility of the owner of the mobile home park and shall be in accordance with a mitigation plan approved by the Sawyer County Land and Water Conservation Department.
 - (b) Once approved, a plan can only be amended with the approval of the SCLWD.
 - (c) Land Use Permits shall not be issued until a copy of the approved plan has been submitted to the Zoning Department.

Sheboygan County

Sheboygan County Planning Dept. website:

http://www.co.sheboygan.wi.us/html/d_planning.html

Direct link to shoreland ordinance:

http://www.co.sheboygan.wi.us/county_depts/planner/ordinances/Shoreland%20Ordinance%208.15.06.pdf

72.19 NON-CONFORMING USES AND STRUCTURES. ...

- (7) Non-conforming structures destroyed or damaged by the voluntary acts of the owner, occupant, or agent of either may not be reconstructed or repaired without the granting of a variance by the Board of Adjustments in accordance with Section 72.26 of this Code. Removal of any portion of a structure shall be considered to be an act of destruction. Non-conforming structures destroyed or damaged after October 14, 1997, by violent wind, fire, flood, or vandalism, may be reconstructed or repaired to the size, location, and use it had immediately before the damage occurred, subject to the following conditions:

...

- (c) A plan to mitigate the adverse effects of nonconformity shall be developed and submitted as part of the permit application prior to repair or reconstruction of any destroyed or damaged non-conforming structure. The plan shall be approved by the Department and, if necessary, in consultation with the Land and Water Conservation Department, prior to permit issuance. The plan shall include an implementation schedule and shall comply with the following requirements:
 1. If not connected to public sewer, the non-conforming structure's septic system shall be evaluated in accordance with Wis. Admin. Code § Comm 83.25 and Section 70.21 of this Code. If found to be non-code compliant, the appropriate paperwork necessary to bring the septic system into compliance must be completed prior to permit issuance.
 2. A landscape plan shall be submitted that will effectively control erosion and provide visual screening of the non-conforming structure as seen from the water.
 3. Stormwater and runoff shall be controlled in compliance with the current version of "The Wisconsin Stormwater Manual."

4. Exterior building materials shall be colored as to make the structure visually inconspicuous.
5. Any grading, filling, or dredging associated with reconstruction or repair must comply with Section 72.17 of this Code. Excess fill, rock, or materials associated with reconstruction or repair shall be removed from the site and may not be deposited within the building setback required by Section 72.15 of this Code.
6. Any construction activities, including mitigation activities required by this Section, shall employ erosion control in compliance with all applicable standards of the current version of the "Wisconsin Construction Site Best Management Practice Handbook."

Vilas County

<http://www.co.vilas.wi.us/dept/zoning.html>

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.

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').

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.

Washburn County

Shoreland Ordinance:

http://library6.municode.com/default-test/home.htm?infobase=13283&doc_action=whatsnew

Shoreland Buffer Mitigation Standards packet:

<http://www.co.washburn.wi.us/departments/zoning/>

ARTICLE IV. Zoning Regulations.

DIVISION 27. Shoreland Regulations

Sec. 38-594. Shoreline setback nonconformities ...

(e) Mitigation is required to compensate for lost shore buffer area functions when nonconforming structures are improved or expanded within the shore setback area and is required when the enclosed living space of conforming principal structure is expanded by more than 50 percent, or when the principal structure is removed and replaced with a principal structure of equal size or larger. A person proposing such improvement or expansion shall submit a mitigation plan and implementation schedule for approval by the zoning department. The plan shall meet the Washburn County Shoreline Buffer Mitigation Standards of section 38-596(12).

1. The associated privately owned wastewater treatment system must be evaluated and upgraded as appropriate (Wis. Admin. Code DCOMM 83.055(3)(b)(1) and (3).

2. Native vegetation and water quality protection functions of the shore buffer area must be restored to the extent practicable. Shoreland buffer zone standards of Wis. Admin. Code NR 115 in effect on the date of adoption of this amendment shall be held as the required standard: Current Wis. Admin. Code NR 115 minimum standard of 35-foot buffer with no more than one 30-foot access corridor.
3. Nonconforming accessory structures must be removed from the shore setback area.
4. Standard erosion and stormwater runoff control measures must be implemented.

Sec. 38-596. Shoreline vegetation protection area.

There shall be a shoreline vegetation protection area on each lot extending from the ordinary high-water mark to a line that is 25 feet less than the required shoreline setback (see section 38-605). Within this area the removal of trees, shrubs and ground cover and land disturbing activities are prohibited with the following exceptions: ...

- (12) The Washburn County Zoning Committee shall adopt shoreline buffer mitigation standards. The shoreline buffer mitigation standards shall be an addendum to division 27 and shall be available in the office of the zoning administrator. The shoreline buffer mitigation standards shall be provided to all applicants whose zoning permit requirements include shoreline buffer mitigation under division 27, section 38-593 and this section as part of the application process.

Washington County

<http://www.co.washington.wi.us/departments.iml?mdl=departments.mdl&ID=LAN>

23.14 MITIGATION. (1)(RR 00-23) This section has been created to offer alternatives if a property owner desires a lesser setback to the OHWM. The creation of buffer zones, removal of structures that do not meet setbacks and other measures may be used as negotiated options that are detailed in this section.

(2)(RR 00-23) Whenever mitigation is required by another section of this ordinance, the following requirements must be met:

- (a) A Class 3 waterbody requires 3 mitigation points.
- (b) A Class 2 waterbody requires 4 mitigation points.
- (c) A Class 1 waterbody requires 6 mitigation points.

(3)(RR 00-23)(AM 03-42)(AM 05-33)(AM 08-31) The following mitigation practices may be used to obtain the necessary mitigation points. Existing buffer zones may be used to meet the mitigation point totals.

(a) Buffer Zone Options.

1. Primary Active Buffer Zone – Shore buffer zone within 35 feet of the OHWM, including trees, shrubbery, ground cover and other natural vegetation, and subject to the

conditions in sub. 23.14(3)(b). A shoreline recreational area as defined in sub. 23.18(90) is allowed. Three points.

2. Secondary Active Buffer Zone – An additional 15 feet of buffer zone depth inland from the OHWM beyond the 35 feet of buffer zone already established, providing a total of 50 feet of buffer zone depth, subject to the conditions in sub. 23.14(3)(b). Two points.
3. Recreational Area Buffer Zone – Shore buffer zone within 15 feet of the OHWM, including within the space that may otherwise have been occupied by the recreational area, except that a foot path of no more than 4 feet in width may be maintained, subject to the conditions in sub. 23.14(3)(b). Two points.
4. Passive Buffer Zone – Shoreland vegetation buffer area within 35 feet of the OHWM, including unmowed grass or other ground cover vegetation, but without the tree and shrub layers required to meet the 3 point mitigation standard. A shoreline recreational area as defined in sub. 23.18(90) is allowed. Two points.
5. Sidelot Buffer Zone – A 10 foot wide side lot buffer zone including trees, shrubbery, ground cover and other natural vegetation extending along a side lot line for a depth of at least 75 feet from the OHWM. One point. The side lot buffer area is subject to the conditions in sub. 23.14(3)(b). Points for side lot line buffers may be additive, for a maximum of 2 points, if buffer areas exist and are maintained along both side lot lines.

(b) Conditions.

1. No mowing is permitted in the undisturbed buffer zone.
2. The establishment of buffer zones except under sub. 23.14(3)(a)4. are subject to a density of at least one tree per 200 square feet and 2 shrubs per 100 square feet of buffer zone area. Ground cover shall be established to provide an adequate number of ground cover plants to establish complete coverage of exposed soil in one growing season. This density must be maintained through the maturity of the species.

(4)(RR 00-23)(AM 03-42) **Removal of Structures.** Points may be obtained for the removal of structures as set forth below:

- (a) Removal of an existing principal structure or parts of a principal structure located within the required setback from the OHWM to a site that meets the OHWM setback requirements for new development on that waterbody. Three points.
- (b) Removal of all existing accessory structures located within 35 feet of the OHWM, with the result that all such structures, including boathouses meet the setback required for the class waterbody. Two points.
- (c) Removal of any existing accessory structures located between 35 feet and the required setback from the OHWM, with the result that all such structures, including boathouses, are located to the required setback from the OHWM. One point.
- (d) No non-principal, accessory structures are located less than the required setback from the OHWM. This point is not additive to points awarded for removal of structures from sub. 23.14(4)(a) and (b). One point.

(5)(RR 00-23) Other Practices.

- (a) At the discretion of the administrator, up to 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 but are not limited to 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 in compliance with all applicable statutes and provisions set forth in Wisconsin Administrative Code.
- (b) Factors to be considered in making the determination of number of points and approval of alternative mitigation practices include, but are not limited to:
 - 1. Runoff diversion and/or retention.
 - 2. Lot configuration.
 - 3. Parcel size.
 - 4. Location of impervious areas.
 - 5. Sensitivity and level of development of the waterbody.
 - 6. Significance toward meeting ordinance objectives.
 - 7. Type, density and filtering capacity of vegetation/ground cover.
 - 8. Replacement of a private on-site wastewater treatment system with a code compliant system.
 - 9. Removal of existing impervious areas.

(6)(RR 00-23)(AM 05-33) **Mitigation Plan.**

- (a) A mitigation plan shall be submitted to the administrator for review and approval. The plan shall indicate the selected mitigation strategies and shall be signed and dated by the property owner and filed with the Planning and Parks Department prior to the issuance of the zoning permit.
- (b) The mitigation measures shall be maintained permanently, unless the property owner receives approval of a new, approved mitigation plan meeting the same point requirements.
- (c) Notwithstanding any other provision of this ordinance, the current owner is solely responsible for compliance with the terms of this ordinance.
- (d) Recording. The mitigation plan shall be recorded in the Register of Deeds.

(7)(RR 00-23) **Certification of Completion.** Within 1 year of issuance of the zoning permit, the property owner shall complete the mitigation practices and shall certify in writing to the administrator that the required mitigation has been completed. As part of the certification, the property owner shall submit photos documenting the mitigation measures and the Planning and Parks Department staff may conduct an on-site compliance inspection.

(8)(RR 00-23) **Subsequent Development.** Subsequent zoning permit applications shall require additional mitigation and will be dependent on the scope of the project. These will be minimal, provided the original mitigation measures are maintained.

Waupaca County

www.co.waupaca.wi.us/Shoreland/tabid/421/Default.aspx

Section 8.32(4) **Mitigation**

A plan to mitigate for the adverse effects of any shoreline setback nonconformity shall be implemented concurrent with external improvement or expansion of such structures. The plan shall be approved by the Zoning Administrator prior to issuance of a zoning permit and shall include a compliance schedule.

The following mitigation practices are mandatory for all such projects:

- (a) The associated privately owned wastewater treatment system must be evaluated and upgraded as appropriate [COMM 83.03 & 83.25]; and
- (b) Standard erosion and storm water runoff control measures must be implemented and all mitigation activities shall comply with Section 6.0 regarding land disturbing activities.

In addition, a property owner shall choose at least four points from among the following mitigation practices. The property owner can use current equal practices to obtain the necessary 4 points.

- 1. Restore and maintain native vegetation and water quality protection functions of the shore buffer area within 25 ft. of the ordinary high water mark [1 point].
- 2. Restore and maintain native vegetation and water quality protection functions of the shore buffer area within 50 ft. of the ordinary high water mark [2 points].
- 3. Restore and maintain native vegetation and water quality protection functions of the shore buffer area within 75 ft. of the ordinary high water mark [3 points].
- 4. Restore and maintain native vegetation and water quality protection functions of both sideyards [1 point].
- 5. Remove nonconforming accessory buildings from the shoreline setback area [1 point per building of <100 sq. ft., 2 points per building of 100-400 sq. ft. and 3 points per building of >400 sq. ft.]. If there are currently no accessory structures within the shoreline setback, property owner receives 1 point.
- 6. Use exterior building materials that blend with the natural vegetation in the vicinity of the construction [1/2 point].
- 7. Other practices as agreed upon by the Zoning Department [as determined by the Zoning Department]. Examples may include replacement of seawalls for shoreline protection with bioengineering techniques or removal of artificial sand beaches.

Notice of the provisions of the approved plan shall be recorded with the title to the property by affidavit with the County Register of Deeds.

Waushara County

http://www.co.waushara.wi.us/more_zoning.htm

Sec. 58-903. - General shoreland zoning provisions.

(n) Removal of shore cover. ...

(3) The cutting or removal of woody perennial vegetation within 35 feet of the ordinary high-water mark (60 feet of the ordinary high-water mark of class I, II, and III trout streams) shall be prohibited, except as follows:

- a. View corridor - The establishment of a view corridor is exempted from the provisions of removal of shore cover, providing that no more than 30 feet in any 100 feet or 30 percent of the lot or parcel's width, as measured along the ordinary high-water mark, shall be cut to the depth of the 35-foot or 60-foot strip. No filling, grading, lagooning, dredging, ditching or excavating is allowed within 35 feet of the ordinary high-water mark (60 feet of the ordinary high-water mark of class I, II, and III trout streams), except within this view corridor, and in accordance with subsection 58-903(p) herein.

...

(5) If any of the standards of this section are violated, the county shall seek, in addition to other penalties provided by this article, restoration of all the natural functions of the shoreline vegetation protection area in accordance with the standards contained in NRCS Standard 643 A and Wisconsin Biology Technical Note #1 - Shoreland Habitat, or at a minimum restoration of the shoreline vegetation to the level that existed prior to the violation in compliance with a plan prepared by a qualified professional and approved by the zoning department. In reviewing the plan the zoning office shall determine if such plan adequately screens uses from the water, maintains a stable bank, retards the flow of pollutants and protects aesthetic values. As part of restoration that may be required under this section because of a violation of these standards, or that may required in other parts of this code or as a result of a condition of a decision of the zoning committee, board of adjustments or the zoning administrator, a verified affidavit and restrictive covenant running with the land regarding this vegetation protection area shall be executed. Such affidavit and restrictive covenant running with the land shall be recorded in the register of deeds office for the county and shall be considered a restrictive covenant running with the land and shall inure to the benefit of the county, all abutting and contiguous properties to that of the subject property, as well as the residents of the county.