

ARTICLE 13 SHORELAND OVERLAY DISTRICT

490-1800 Legislative findings

The Common Council makes the following legislative findings relating to the shoreland overlay district:

- (1) Cities are required by § 62.233, Wis. Stats., to adopt shoreland zoning regulations meeting the minimum standards set forth in that section by July 1, 2014.
- (2) The Common Council adopted such regulations.
- (3) Uncontrolled use of the shorelands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, and general welfare and impair the tax base.

490-1801 Purpose

This article promotes the public health, safety, and welfare and is intended to:

- (1) further the maintenance of safe and healthful conditions and prevent and control water pollution;
- (2) protect spawning grounds, fish, and aquatic life by controlling the removal of shoreline vegetation;
- (3) control the placement of principal buildings by establishing setbacks from waterways; and
- (4) preserve shore cover and natural beauty by (i) restricting the removal of natural shoreland cover; (ii) preventing shoreline encroachment by structures; (iii) controlling shoreland excavation and other earth moving activities; and (iv) regulating the use and placement of boathouses and other structures.

490-1802 Boundary of district

- A. Generally.** The shoreland overlay district includes lands annexed by the City after May 7, 1982 and which are located within 1,000 feet of the ordinary high-water mark of a navigable lake, pond, or flowage, or within 300 feet of the ordinary high-water mark of a navigable river or stream, or to the landward side of the 100-year floodplain, whichever distance is greater.

Any feature designated as a lake or as a stream on the zoning map has been determined to be navigable for the purpose of this section. The flood insurance rate maps adopted under Chapter 450 of the municipal code are used in determining the extent of the 100-year floodplain.

- B. Lands exempted.** This article does not apply to lands adjacent to an artificially constructed drainage ditch, pond, or stormwater retention basin if they are not hydrologically connected to a navigable water body.

490-1803 Vegetation management within shoreline buffer zone

- A. Generally.** Woody vegetation not located in a wetland and woody and non-woody vegetation in a wetland located in the shoreline buffer zone (i.e., 35 feet landward from the ordinary high-water mark) shall not be removed, except as described in this section.
- B. Removal of invasive species.** Vegetation in the shoreline buffer zone that is listed by the Wisconsin Department of Natural Resources as an invasive species under Ch. NR 40, Wis. Admin. Code may be removed provided the property owner reestablishes vegetation within the shoreline buffer zone consistent with a management plan approved by the Plan Commission.
- C. Access and viewing corridor.** The property owner may remove vegetation in the shoreline buffer zone to create and maintain an access and viewing corridor no more than 30 feet wide for every 100 feet of shoreline frontage, but not to exceed 200 feet.

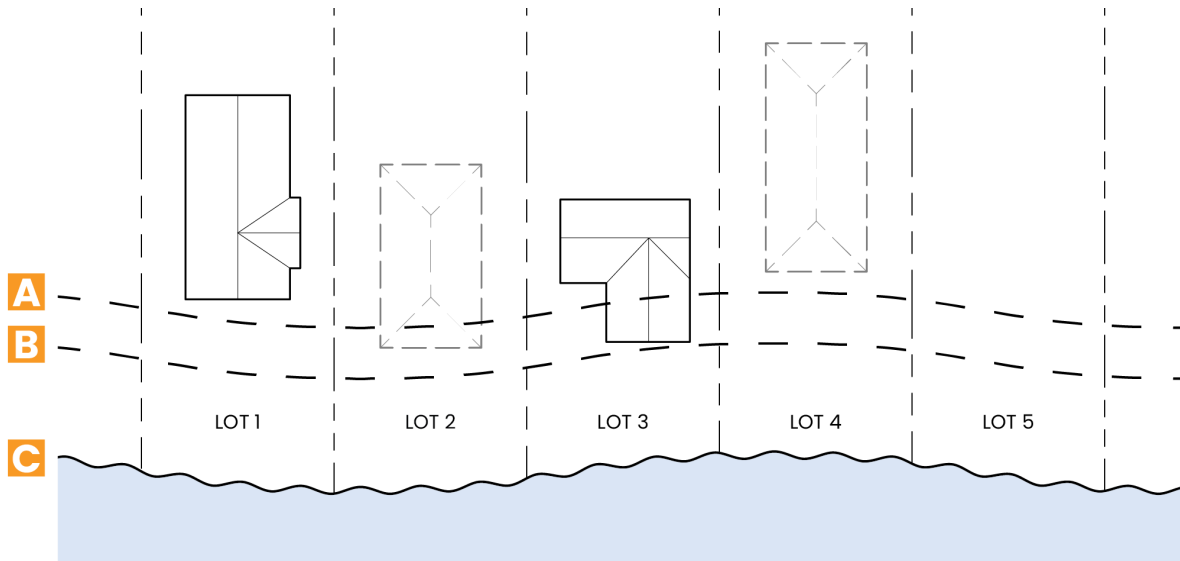
490-1804 Shoreline setback

- A. Principal buildings.** Principal buildings shall be no closer than 50 feet to the ordinary high-water mark, except that a lesser setback is allowed if all of the following apply:

- (1) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.
- (2) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.

B. Accessory buildings. Accessory buildings shall comply with the setback standards for principal buildings described in this subsection, except that a boathouse may be constructed within 50 feet of the ordinary high-water mark as set forth in § 490-1805.

Exhibit 13-1. Shoreline setback requirements



- A** 50 feet from OHWM
- B** 35 feet from OHWM
- C** Ordinary high-water mark (OHWM)

- Lot 1** The principal building is existing and is more than 50 feet from the ordinary high-water mark (OHWM)
- Lot 2** The lot is vacant. Because the lots on both sides have a principal building, setback averaging may be used, but the setback may not be less than 35 feet. In the instance depicted above, the setback would be calculated as follows: (50 feet plus the actual distance of the building on Lot 3) divided by 2.
- Lot 3** The principal building is existing and is less than 50 feet from the ordinary high-water mark.
- Lot 4** The lot is vacant. A principal building on this lot must comply with the 50-foot setback requirement because setback averaging does not apply (i.e., a principal building is only on one side).
- Lot 5** The lot is vacant.

Notes: Diagram is not to scale

490-1805 Boathouses

A boathouse if otherwise allowed may be constructed in the viewing/access corridor as allowed in § 490-1803.

490-1806 through 490-1899 reserved