



**Waupaca County
Planning & Zoning Office**

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SHORELAND PROTECTION ORDINANCE, CHAPTER 32

LEGEND:

Highlighted Term = Additional language proposed

Red Font Strikethrough = Language proposed to be stricken

Amend Sec. 6.1(1)

6.1(1) EXEMPT STRUCTURES All of the following structures are exempt from the shoreland setback standards in Section 6.1 and wetland and drainageway setback in Section 6.5:

- (1) Boathouses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation. The following standards shall apply for the placement of boathouses:
 - (a) The construction or placement of boathouses below the ordinary high-water mark of any navigable waters shall be prohibited.
 - (b) The boathouse shall be located at least ten (10) feet landward from the ordinary high-water mark but no greater than thirty-five (35) feet from the ordinary high-water mark.
 - (c) Boathouses shall be designed and constructed solely for the storage of boats and related equipment.
 - (d) One boathouse is permitted on a lot as an accessory structure.
 - (e) Proper erosion control methods shall be implemented during and after construction of the boathouse.
 - (f) Boathouses shall be constructed in conformity with local floodplain zoning standards and any other ordinance standards applicable to the placement of structures.
 - (g) Boathouses shall not exceed four hundred (400) square feet in floor area.
 - (h) Boathouse sidewall height may not exceed ten (10) feet.

Please note All formatting, renumbering, and references will be corrected prior to review with the Planning and Zoning Committee.

- (i) Boathouse roofs shall have a pitch that is no flatter than 4/12 pitch and no steeper than 6/12 pitch.
- (j) Existing legal nonconforming flat boathouse roofs may be used as a deck provided that the roof has no sidewalls or screens.
 - a. A railing may be installed around a flat boathouse roof provided that it is consistent with the standards promulgated by the Department of Safety and Professional Services enacted under ch. DSPS 101 Wis. Ad, Code.
- (k) The main door of the boathouse shall face the water and have a minimum width of six (6) feet.
- (l) Patio doors, fireplaces, decks (not specifically allowed above), walkways that are not necessary to provide pedestrian access to the shoreline, dormers, overhangs exceeding three (3) feet, approaches to entrances and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.

Amend Sec. 6.1(1)(f)

(1) EXEMPT STRUCTURES All of the following structures are exempt from the shoreland setback standards in Section 6.1 and wetland and drainageway setback in Section 6.5:

...

(f) Walkways, stairways, or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of sixty (60) inches in width and located within a defined access and viewing corridor.

Amend Sec. 6.5

6.5 DRAINAGEWAY AND WETLAND SETBACK. All buildings and structures shall be set back at least twenty-five (25) feet from the landward edge of non-navigable streams, drainage ways, and wetlands. Non-navigable streams and drainage ways that are hydrologically connected to a navigable waterway shall have the same setbacks applied from the ordinary high water mark as a navigable body of water. Roadways, recreational trails, and pedestrian walkways shall be permitted to cross non-navigable streams and drainage ways provided such construction allows for the free passage of waters and runoff is controlled to prevent erosion and transport of sediment and pollutants to nearby waters.

(1) EXEMPT STRUCTURES AND USES. The following uses or structures shall be exempt from the drainageway and wetland setback described above:

- (a) Those uses described in Section 3.3, provided all applicable standards described in said section can be met.
- (b) Those exempt structures described in Section 6.11, provided all applicable standards described in said section can be met.

In instances where the above exemptions overlap, the more restrictive standards shall apply.

Add Sec. 7.2(6)

7.2 ACTIVITIES ALLOWED WITHIN A VEGETATIVE BUFFER ZONE. To protect water quality, fish and wildlife habitat, and natural scenic beauty, and to promote preservation and restoration of native vegetation, land that extends from the ordinary high water mark to a minimum of thirty-five (35) feet inland is designated as a vegetative buffer zone. The removal of vegetation in the vegetative buffer zone is prohibited except as follows:

- (1) The routine maintenance of vegetation.
- (2) The removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Per s. 59.692(1f)(b), Wis. Stats. the viewing corridor may be thirty-five (35) feet wide for every one hundred (100) feet of shoreline frontage. The viewing corridor may run contiguously for the entire maximum width of shoreline frontage owned.
- (3) The removal of trees and shrubs in the vegetative buffer zone on a parcel with ten (10) or more acres of forested land consistent with “generally accepted forestry management practices” as defined in ch. NR 1.25 (2) (b) Wis. Adm. Code, and described in Department publication “Wisconsin Forest Management Guidelines” (publication FR-226), provided that vegetation removal be consistent with these practices.
- (4) The removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.
- (5) Additional vegetation management activities authorized by a land use permit in the vegetative buffer zone. The land use permit application shall be consistent with the provisions set forth in Section 11. The land use permit issued under this subd. par. shall require that all management activities comply with detailed plans approved by the County and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The land use permit also shall require an enforceable restriction to preserve the
- (6) The placement, replacement, or repair of riprap that does not extend more than five (5) horizontal feet landward of the ordinary high water mark.

Amend Sec. 8.1

8.1 GENERAL STANDARDS. Filling, grading, lagooning, dredging, ditching, or excavating which does not require a land use permit under Section 8.2 may be ~~permitted~~ **allowed** in the Shoreland area provided that:

- (1) It is done in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat.
- (2) Filling, grading, lagooning, dredging, ditching, or excavating in a shoreland-wetland district meets the requirements of Sections 3.32 and 3.33 of this ordinance.
- (3) All applicable Federal, State and local **approvals are** ~~authority is obtained in addition to a land use permit under this ordinance.~~
- (4) Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover, **retaining walls**, or a bulkhead. **Riprap or a bulkhead may be placed at the ordinary high water mark but may not extend more than five (5) horizontal feet from the ordinary high water mark. Riprap, retaining walls, or a bulkhead not at the shoreline must meet the required shoreland setback.**

Add Sec. 9.5(2)2

9.5 TREATED IMPERVIOUS SURFACES. Impervious surfaces that can be documented to demonstrate that they meet either of the following standards shall be excluded from the impervious surface calculations under Section 9.2.

- (a) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales, or other engineered systems.
- (b) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

(1) **QUALIFICATION FOR TREATED IMPERVIOUS SURFACES.** To qualify for the exemption for treated impervious surfaces found in Section 9.5, the property owner shall submit a complete land use permit application that is reviewed and approved by the County. The application shall include the following:

- (a) Calculations showing how much runoff is coming from the impervious surface area based on a one (1) inch rain event occurring over a twenty-four (24) hour period.
- (b) Documentation from a professional engineer that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device, or internally drained area that retains the runoff to allow infiltration into the soil.

(1) Documentation shall include total inputs, design, installation, and maintenance standards, where applicable, from manufacturers.

- (c) An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices or internally drained area.

(1) The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the land use permit.

9.5(2) VERIFICATIONS FOR TREATED IMPERVIOUS SURFACES. To qualify for the exemption for treated impervious surfaces found in Section 9.5, the property owner shall submit documentation from a professional engineer after the construction of the treatment system, treatment device, or internally drained area stating that the treatment system, treatment device, or internally drained area has been constructed in accordance with the approved permit and will function as designed under Section 9.5(1).

Amend Sec. 12.4

12.4 LATERAL EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURE WITHIN THE SETBACK. An existing nonconforming principal structure that was lawfully placed when constructed, but that does not comply with the required building setback per Sections 6.1, may be expanded laterally (expansion may include a deck or patio; however, the deck or patio may not be considered for vertical expansion allowed under Section 12.3) provided that all of the following requirements are met:

- (1) The use of the structure has not been discontinued for a period of twelve (12) months or more, if a nonconforming use.
- (2) The existing principal structure is at least thirty-five (35) feet from the ordinary high-water mark.
- (3) Lateral expansions are limited to a maximum of two hundred (200) square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- (4) The County shall issue a land use permit that requires a mitigation plan that shall be approved by the County and implemented by the property owner by the date specified in the land use permit. The mitigation plan shall meet the standards found in Section 14.
- (5) All other provisions of the Shoreland Protection Ordinance shall be met.

Add Sec 12.7

12.7 CHANGE IN USE. The use of a nonconforming accessory structure may not be changed so as to convert it to the principal structure on the property unless the structure meets all applicable provisions of the ordinance for a principal structure, including, but not limited to, the shoreland setback.

Add Subsection 14.1(2)(c)(a.)

- (c) Install a rain garden designed either by a professional engineer or the Waupaca County Land & Water Conservation which is reviewed and approved by the Waupaca County Land & Water Conservation and designed to infiltrate all runoff from the applicable project area and, where applicable, all runoff from the area equivalent to the impervious surface overage for a one (1) inch rain event occurring over a twenty-four (24) hour period, one (1) point.

(1) A rain garden required to serve as a mitigation practice shall meet the standards specified in the Wisconsin Department of Natural Resources' Conservation Practice Standard: Rain Garden 1009, or successor publication. Alternative designs may be approved by the Waupaca County Land & Water Conservation Department where unique site characteristics or limitations apply.

Amend Sec. 18.2(8)

- (8) “Development” means any man-made change to improved or unimproved real estate, including, but not limited to, the construction **or replacement** of buildings, structures or accessory structures; the construction of additions or structural alterations to buildings, structures, or accessory structures; increase in impervious surface areas; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations, and the deposition of earthen materials.