

Ch 53 Zoning- Shoreland Proposed Revisions

Revisions will comply with recent NR115 amendments.

Italicized and bold type is to be added. Type that has a strikethrough is to be deleted.

ARTICLE II. - GENERAL PROVISIONS

Sec. 53-31. - Areas to be regulated.

(3)The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas, and to annexed or incorporated areas ~~as provided in Wis. Stats. § 59.692(7)~~. Unless specifically exempted by law, all cities, villages, towns, counties and, when Wis. Stats. § 13.48(13) applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland zoning ordinances if Wis. Stats. § 30.2022(1) applies.

Sec. 53-32. - Shoreland-wetland maps.

~~The Wisconsin Wetland Inventory Maps approved on July 25, 1983 are made part of this chapter. They are on file in the office of the zoning administrator for Monroe County.~~ ***The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer is made part of this ordinance. The maps can be viewed at <http://dnrm.wisconsin.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>***

ARTICLE III. - SHORELAND-WETLAND DISTRICT

Sec. 53-61. - Designation.

~~(a)This district shall include all shorelands within the jurisdiction of this chapter which are designated as wetlands on the Wisconsin Wetland Inventory Maps that are adopted and made a part of this chapter.~~ ***This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.***

ARTICLE V. - LAND DIVISION REVIEW AND SANITARY REGULATIONS

Sec. 53-123. - Sanitary regulations.

(2)Where a public sewage collection and treatment system is not available, design and construction of private on-site waste treatment system shall, prior to July 1, 1980, be required to comply with . ch. ~~Comm 83~~ ***SPS 383***, and after June 30, 1980, be governed by a private sewage system ordinance adopted by the county under Wis. Stats. § 59.70(5).

Sec. 53-242. - Permit required.

(1)For any filling or grading of any area which is within 300 feet landward of the ordinary high-water mark of navigable water and which has surface drainage toward the water and on which there is filling or grading of more than 10,000 square feet. ~~DNR approval must be submitted prior to issuance of this permit.~~

ARTICLE IX. - IMPERVIOUS SURFACE STANDARDS

Sec. 53-271. - Purpose.

To establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. County impervious surface standards shall apply to the

construction, reconstruction, expansion, replacement or relocation of any impervious surface within 300 feet of the ordinary high-water mark of any navigable waterway, ~~and shall require all of the following.~~

Sec. 53-272. - Calculation of impervious surface.

Percentage of impervious surface shall be calculated by dividing the surface area of existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that portion of the lot or parcel that is within 300 feet of the ordinary high-water mark, and multiplied by 100. ***Impervious surfaces described in 53-275 may be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.***

Sec. 53-273. – **General** Impervious surface standard.

Except as allowed in sections 53-274, 53-275 and 53-278 allow up to 15 percent impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.

Sec. 53-274. - Maximum impervious surface.

~~Allow more than 15 percent impervious surface but not more than 30 percent impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark.~~

~~(1) A permit can be issued for development that exceeds 15 percent impervious surface but not more than 30 percent impervious surfaces with a mitigation plan that meets the standards found in section 53-310~~
A property may exceed the impervious surface standard under 53-273 provided the following standards are met:

(1) For properties where the general impervious surface standard applies under section 53-273, a property owner may have more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.

(2) For properties that exceed the standard under 53-273 but do not exceed the maximum standard under 53-274(1), a permit can be issued for development with a mitigation plan that meets the standards found in section 53-310.

Sec. 53-278 **TREATED IMPERVIOUS SURFACES.** ***Impervious surfaces that can be documented to meet either of the following standards may be excluded from the impervious surface calculations under section 53-272. In order for impervious surfaces to be considered exempt, documentation/evidence by a certified engineer, soil and water conservation department and/or other qualified position shall be submitted. A maintenance agreement shall also be signed by the property owner to properly maintain the property and/or devices in order for the impervious surfaces to continue being considered exempt.***

(1) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swailes or other engineered systems.

(2) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff and allows infiltration into the soil.

ARTICLE X. - NONCONFORMING USES AND STRUCTURES

Sec. 53-305. - ~~Vertical~~ expansion of nonconforming principal structure. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 53-181 may be expanded ***laterally or*** vertically, provided that all of the following requirements are met:

(3) Vertical expansion is limited to the height allowed in section 53-276 **and lateral expansions are limited to a maximum of 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.**

Sec. 53-307. - Replacement or relocation of nonconforming principal structure.

(1) The use of the structure has not been discontinued for a period of 12 months or more **if a nonconforming use.**

~~(6) All other structures on the lot or parcel that do not comply with the shoreland setback requirement per section 53-181 and are not exempt under subsection 53-181(b) shall be removed by the date specified in the permit.~~

~~Sec. 53-309. - Wet boathouses.~~

~~The maintenance and repair of nonconforming boathouses which extend beyond the ordinary high-water mark of any navigable waters shall be required to comply with Wis. Stats. § 30.121.~~

ARTICLE XII. - DEFINITIONS

Sec. 53-361. - Defined terms.

Maintenance and repair means such activities as interior remodeling, ~~painting, decorating, paneling,~~ **exterior remodeling, and the replacement or enhancement of plumbing or electrical systems**, insulation, and replacement of windows, doors, wiring, siding, roof and other nonstructural components; and the repair of cracks in foundations, sidewalks, walkways and the application of waterproof coatings to foundations. **or roof within the existing building envelope.**