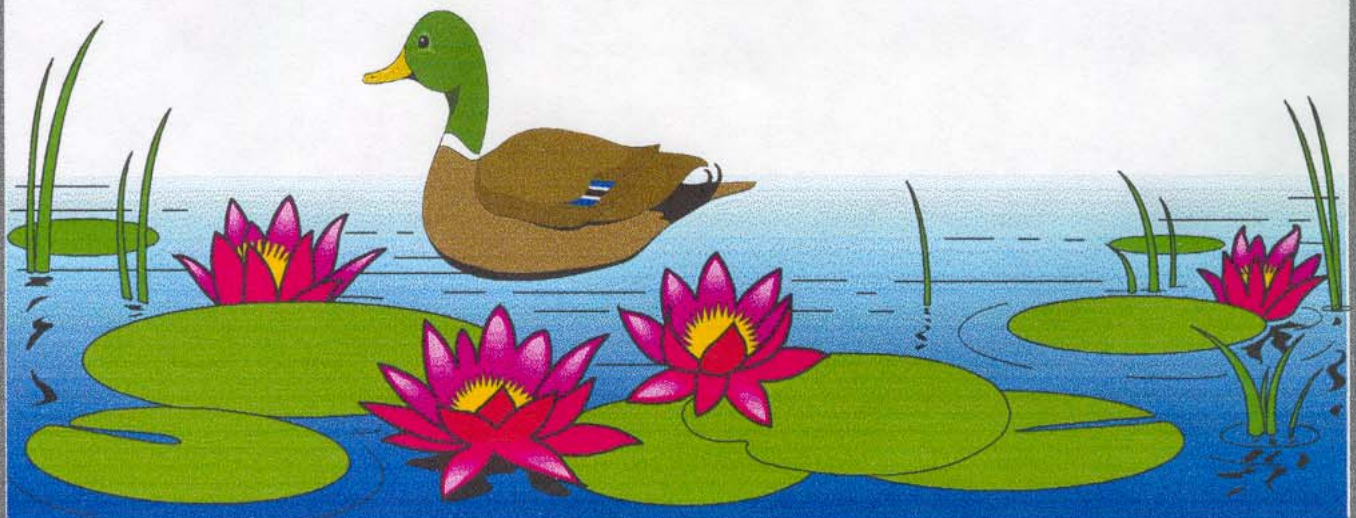


WAUPACA COUNTY
SHORELAND ZONING
ORDINANCE



Creation of Chapter 34 of the General Code of Ordinances, Shoreland Zoning. Repeal of all aspects of the existing Waupaca County Zoning Ordinance that relate to shorelands and creation of Shoreland Zoning Ordinance, Chapter 34 under the Waupaca County General Code of Ordinances. Adopted by the Waupaca County Board on May 20, 1997 and published on June 5, 1997.

Amend Ordinance #98-01-420 to revise selected parts of the text of the Waupaca County Shoreland Zoning Ordinance, Chapter 32, General Code of Ordinances. Adopted by the Waupaca County Board on February 17, 1998 and published on February 26, 1998.

Amend Chapter 32 to revise selected parts of the text of the Waupaca County Shoreland Zoning Ordinance. Adopted by the Waupaca County Board on April 20, 1999 and published on April 30, 1999.

Amend Chapter 32 for selected revisions to Sections 5.62, 8.32, 8.32(4) and 12.2(23) of the Waupaca County Shoreland Zoning Ordinance. Adopted by the Waupaca County Board on April 19, 2000 and published on May 11, 2000.

Amend Chapter 32 to revise selected parts of the text of the Waupaca County Shoreland Zoning Ordinance. Amended and enacted by the Waupaca County Board of Supervisors on March 19, 2002.

Amend Chapter 32 to change the lake classification of Selmer Lake from a Group 2 Lake classification to a Group 3 Lake classification in the Waupaca County Shoreland Zoning Ordinance. Amended and enacted by the Waupaca County Board of Supervisors on November 19, 2002.

Amend Chapter 32 for selected revisions to Sections 4.21, 4.4, 5.43, 6.16 and 8.32(2) of the Waupaca County Shoreland Zoning Ordinance. Amended and enacted by the Waupaca County Board on April 21, 2004.

Amend Chapter 32 to add Section 7.6 Waterfront Camp or Institution to the text of the Waupaca County Shoreland Zoning Ordinance. Amended and enacted by the Waupaca County Board of Supervisors on August 17, 2004.

Amend Chapter 32 to add Section 9.7(8) Fees: Shoreland Permit to the text of the Waupaca County Shoreland Zoning Ordinance. Amended and enacted by the Waupaca County Board of Supervisors on May 15, 2007 and published and effective as of June 7, 2007.

Published in the Waupaca County Code of Ordinance, Chapter 32.

WAUPACA COUNTY SHORELAND ZONING ORDINANCE

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SHORELAND ZONING ORDINANCE

1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, STATEMENT OF PURPOSE AND TITLE

1.1 STATUTORY AUTHORIZATION.

This ordinance is adopted pursuant to the authorization in Wis. Stats. s. 59.69, 59.692, 59.694 87.30 and 281.31.

- s. 59.69 - General County Planning and Zoning Authority.
 - s. 59.692 - Duty to adopt shoreland zoning imposed on counties.
 - s. 59.694- County Board of Adjustment authority, composition and duties.
 - s. 87.30 - DNR procedures to adopt shoreland zoning for noncompliant county.
 - s. 281.31 - General program objectives and authority for all counties, towns, cities and villages to adopt and administer shoreland zoning.
- NR 115 (Wisconsin Administrative Code) - State shoreland zoning standards for counties.

1.2 FINDINGS OF FACT.

Uncontrolled use of the shorelands and pollution of the navigable waters of Waupaca County would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Waupaca County, Wisconsin.

1.3 PURPOSE.

For the purpose of promoting the public health, safety, convenience and welfare, this ordinance has been established to:

1.31 Further The Maintenance of Safe and Healthful Conditions and Prevent and Control Water Pollution Through:

- 1) Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
- 2) Establishing minimum lot sizes to provide adequate area for private sewage disposal facilities.
- 3) Controlling filling and grading to prevent serious soil erosion problems.

1.32 Protect Spawning Grounds, Fish and Aquatic Life Through:

- 1) Preserving wetlands and other fish and aquatic habitat.
- 2) Regulating pollution sources.
- 3) Controlling shoreline alterations, dredging and lagooning.

1.33 Control Building Sites, Placement of Structures and Land Uses Through:

- 1) Separating conflicting land uses.
- 2) Prohibiting certain uses detrimental to the shoreland area.
- 3) Setting minimum lot sizes and widths.
- 4) Regulating side yards and building setbacks from waterways.

1.34 Preserve Shore Cover and Natural Beauty Through:

- 1) Restricting the removal of natural shoreland cover.
- 2) Preventing shoreline encroachment by structures.
- 3) Controlling shoreland excavation and other earth moving activities.
- 4) Regulating the use and placement of boathouses and other structures.

1.4 TITLE.

Shoreland Zoning Ordinance for Waupaca County, Wisconsin.

2.0 GENERAL PROVISIONS.

2.1 AREAS TO BE REGULATED.

Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Waupaca County, which are:

2.11 Lakes, Ponds and Flowages.

Within one thousand (1,000) feet of the ordinary high water mark of navigable lakes, ponds or flowages or within 1000 feet of the high water mark of glacial pothole lakes. Lakes, ponds or flowages in Waupaca County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication "Surface Water Resources of Waupaca County" or are shown on United States Geological Survey quadrangle maps or other zoning base maps.

2.12 Rivers and Streams.

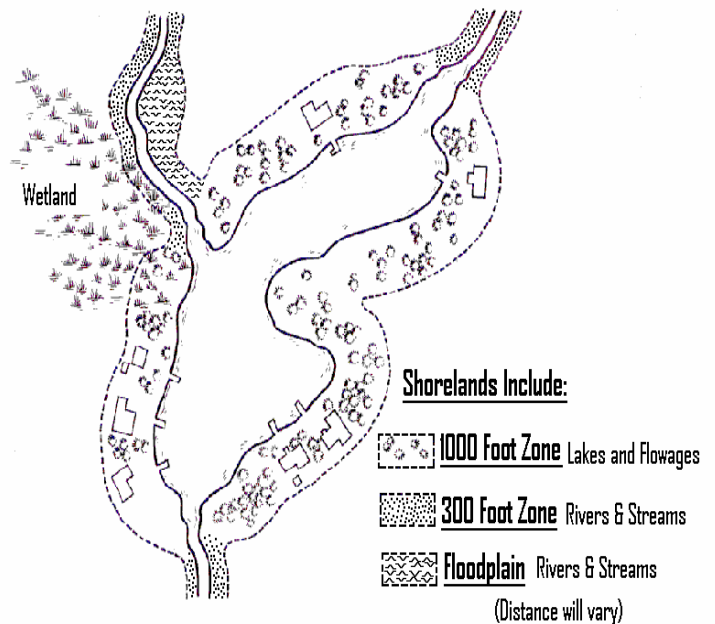
Within three hundred (300) feet of the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in Waupaca County shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on United States Geological Survey quadrangle maps. Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.

2.13 Contiguous Wetlands.

Delineated as wetlands on Wisconsin Wetland Inventory Maps for Waupaca County and which are at least partially within the shoreland area described in Sections 2.11 and 2.12. Such wetlands and adjacent contiguous wetlands shall be regulated as if they were entirely within the shoreland area.

2.14 Determination of Navigability and Ordinary High Water Mark.

Determinations of navigability and ordinary high water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary high water mark.



2.15 Drainage Ditches

Under Wis. Stats. s. 281.31(2)(d), notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to lands adjacent to farm drainage ditches if:

- a) Such lands are not adjacent to a natural navigable stream or river;
- b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- c) Such lands are maintained in nonstructural agricultural use.

2.2 SHORELAND ZONING MAPS AND REPORTS.

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

- 1) United States Geological Survey Quadrangle Maps for Waupaca County (most recent revisions on file in the Zoning Office).
- 2) Wisconsin Wetland Inventory maps based on wetland interpretation information dated May 12, 1993.
- 3) Floodplain zoning maps (most recent revisions on file in the Zoning Office).
- 4) Lake Shoreline Classification Study - Waupaca County, Wisconsin (February 17, 1997)

2.3 ANNEXED AND NEWLY INCORPORATED AREAS.

The Waupaca County shoreland and wetland zoning provisions in effect on the date of annexation or of town incorporation remain in effect and will be administered by the annexing or incorporating city or village for all areas annexed after May 7, 1982 or incorporated after April 30, 1994 unless the alternatives provided under Wis. Stats. s. 59.692 (7) are enacted.

2.4 COMPLIANCE.

The use of any land or water, the size, shape and placement of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation, the subdivision of lots, shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. Buildings, signs and other structures shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

2.5 MUNICIPALITIES AND STATE AGENCIES REGULATED.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when Wis. Stats. s. 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Wis. Stats. s. 30.12(4)(a) applies.

2.6 ABROGATION AND GREATER RESTRICTIONS.

The provisions of this ordinance supersede all the provisions of any County Zoning Ordinance adopted under Wis. Stats. s. 59.69 which relate to shorelands. However, where an ordinance adopted under a statute other than Wis. Stats. s. 59.69, such as the County's Floodplain Zoning Ordinance, is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

2.61

This ordinance shall not require approval or be subject to disapproval by any town or town board.
[Wis. Stats. s. 59.692(2)(a)]

2.62

If an existing town ordinance relating to shorelands is more restrictive than this ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.

2.63

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

2.64

The provisions of the Waupaca County Zoning Ordinance are hereby incorporated by reference; these provisions shall only apply to the shoreland area where they impose greater restrictions than this ordinance otherwise imposes.

2.7 INTERPRETATION.

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by a standard in ch. NR 115, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the ch. NR 115 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

2.8 SEVERABILITY.

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

3.0 LAND DIVISION REVIEW AND SANITARY REGULATIONS.

3.1 LAND DIVISION REVIEW.

The county shall review, pursuant to Wis. Stats. s. 236.45, all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less within a 5-year period. Such review shall include application of the provisions of a County subdivision ordinance and consideration of the following factors:

- a) Hazards to the health, safety or welfare of future residents.
- b) Proper relationship to adjoining areas.
- c) Public access to navigable waters, as required by law.
- d) Adequate storm drainage facilities.
- e) Conformity to state law and administrative code provisions.

3.2 PLANNED RESIDENTIAL UNIT DEVELOPMENT.

3.21 Purpose

The Planned Residential Unit Development is intended to permit smaller lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Residential Unit Development at the time of its approval. This is often accomplished by setting lots back farther from navigable water and clustering them on one portion of the parcel. A condition of all Planned Residential Unit Development is the preservation of certain open space, preferably along the shoreline, in perpetuity.

3.22 Requirements for Planned Residential Unit Development.

The Zoning Committee may at its discretion, upon its own motion or upon petition, approve a Planned Residential Unit Development either by approving first a conditional use permit and then a plat or by approving only a plat for the specific planned residential project upon finding, after a public hearing, that all of the following facts exist:

- 1) Location and Area.** The area proposed for the Planned Residential Unit Development is located in a zoning district which allows residential use and is at least 40 acres in size.
- 2) Pollution Control.** The location and nature of the septic systems which will serve the homesites individually or collectively will assure that effluent from the septic systems will not reach the ground or surface waters in a condition which would contribute to health hazards, taste, odor, turbidity, fertility or impair the aesthetic character of navigable waters.
- 3) Open Space.** At least 50 percent of the gross project area shall be dedicated as permanent open space. Open space shall be deed restricted to prohibit development and may be:
 - a) dedicated to the public;
 - b) retained by the former owner;

- c) held in common by the residents of the Planned Residential Unit Development;
or
- d) held as outlots by individual owners of the Planned Residential Unit Development.

Lands dedicated to the public must be accepted by action of the governing body of the accepting unit of government. If the land is to be held in common by owners of lots in the development, a homeowner's association or similar legally constituted body shall be created to maintain the open space land. Any restriction placed on platted land by covenant, grant of easement or any other manner which was required by this ordinance or which names Waupaca County as grantee, promisee or beneficiary, shall vest in Waupaca County the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction.

Open space shall be deed restricted to nonstructural agricultural, forestry, recreational and environmental protection uses. However, a sanitary waste disposal system may be located in such an area provided no suitable site is available on the lot served by the system.

- 4) **Density.** The number of platted home sites shall not exceed 150 percent of those which would have been possible if the same land were platted in accordance with the minimum lot sizes, setbacks and widths provided by the applicable provisions of the Zoning Ordinance. This figure shall be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot sizes required by Section 7.0 of this ordinance.
- 5) **Lot Sizes, Widths, Setbacks, and Shoreline Buffer Area.** The minimum lot size for such development shall be 20,000 square feet with a 100 foot minimum lot width. Shoreline buffer area and setback provisions in section 5.0 shall apply except that maximum width of a lake view corridor shall be 100 feet.
- 6) **Design Standards.** Roadways, lots and building envelopes shall be located in areas where they will have the least effect on forests, environmentally sensitive areas, cropland, pasture, meadow, farm buildings and historic structures, and where they will retain or enhance the visual character of the rural landscape. However, in resolving conflicts between these interests, priority shall be given to protection of waterways and their buffers, steep slopes, regulated floodplains and avoidance of a fragmented landscape.

(a) Building Envelopes.

- 1) No more than 20 percent of the total area classified as Class I, II, or III soils may be used for buildings and roads.
- 2) Buildings and roads shall be located as to minimize interference and land use conflicts with nearby farms and normal agricultural practices and activities.
- 3) Building envelopes shall be selected that do not permit rooflines to protrude above the crestline of hilltops.
- 4) Building envelopes shall be located on the edges of fields and woodlands.
- 5) Lots abutting the perimeter of a site must be designed to be compatible with adjacent zoning and land use.
- 6) Building envelopes shall not include wetlands, heavily wooded areas or floodplains.
- 7) Building envelopes shall not include slopes in excess of 20 percent.

(b) Roadways and Infrastructure.

- 1) Roadways and, where practicable, infrastructure shall not be located in open fields but shall be sited along forest edges and shall be designed to maximize the amount of forest in the Planned Residential Unit Development which is contiguous with adjacent forested lands.
- 2) Roadways shall follow existing contours to minimize the extent of cuts and fills.
- 3) Where sites include linear features such as existing access roads, tree lines and fence rows, roadways shall, where practicable, follow these features to minimize their visual impact.
- 4) All driveways shall serve a minimum of two units.
- 5) The maximum number of units served by a common driveway shall be four unless the applicant demonstrates that a greater number will promote the objectives of the Planned Residential Unit Development District.
- 6) Maximum length of common driveways shall be 1,000 feet.
- 7) All lots using common driveways shall provide a driveway maintenance agreement to be approved by the County Planning & Zoning Committee.

(c) Site Development and Land Disturbing Activities.

- 1) Existing natural drainage ways shall be retained.
- 2) Existing natural vegetation shall be preserved in areas where disturbance outside the building envelope is not essential.
- 3) Where building envelopes are located in woodlands, a wooded buffer of at least 30 feet shall be retained between the building envelope and the common drive or roadway.

3.23 Procedure for Establishing A Planned Residential Unit Development District.

The procedure for establishing limited rezoning in the form of a Planned Residential Unit Development district shall be as follows:

- 1) **Petition:** A petition setting forth all of the facts required in Section 3.22 shall be submitted to the County Zoning Administrator.

- 2) **Review and Hearing:** The petition shall be submitted to the County Zoning Committee established as required by Wis. Stats. s. 59.69(5)(e)(2), which shall give notice and hold a public hearing as required by Section 9.44.

The County Zoning Committee decision shall reflect the recommendations of any federal, state or local agency with which the County Zoning Agency consults. A single hearing on the issues of both the conditional use permit and plat approval may be held before the County Zoning Committee.

- 3) **Findings and Conditions of Approval.** The County Zoning Committee shall make written findings as to the compliance or noncompliance of the proposed Planned Residential Unit Development with each of the applicable requirements set forth in Section 3.22. If the conditional use permit is granted in whole or part, the County Zoning Committee shall attach such written conditions to the approval as are required by and consistent with Section 3.22. The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks, location of septic systems and the preservation of ground cover and open space. The Committee shall specifically approve or reject the deed restrictions relating to the location, ownership and use of dedicated open space and shall require proof of the filing of such restrictions with the County Register of Deeds prior to the issuance of any building permits for the project.
- 4) **Planning Studies.** A landowner or petitioner may at his own expense develop the facts required to establish compliance with the provisions of Section 3.22 or may be required to contribute funds to the county to defray all or part of the cost of such studies being undertaken by the county or any agency or person with whom the county contracts for such work.

3.3 SANITARY REGULATIONS.

The county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.

3.31

Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 112, Wis. Adm. Code.

3.32

Where a public sewage collection and treatment system is not available, design and construction of private sewage disposal systems shall be governed by a private sewage system ordinance adopted by the county under Wis. Stats. s. 59.065.

4.0 DIMENSIONS AND STANDARDS FOR BUILDING SITES.

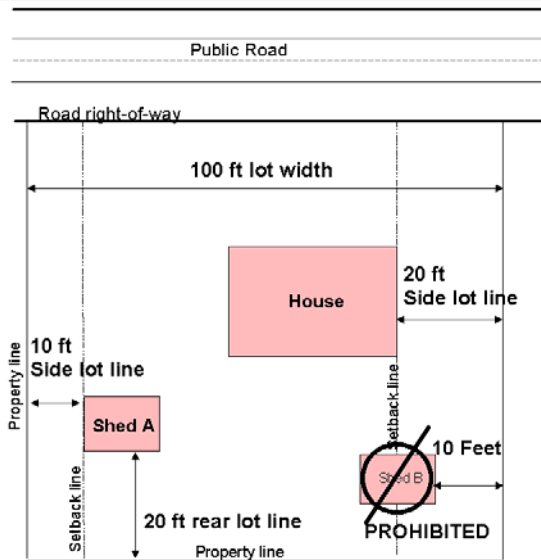
4.1 LOT AREA AND WIDTH.

Minimum lot area and width shall be as specified for each shoreland overlay district in Section 7.

4.2 SIDE AND REAR YARDS AND PUBLIC ROADWAY SETBACKS.

4.21 Side Yards.

SIDE YARD SETBACK REQUIREMENTS (EXAMPLE) FOR LOTS 100 FEET & GREATER IN WIDTH



Note: Side yard setbacks are applied to the lot, not to individual structures.

- 1) For lots 100 feet or more wide at the building line there shall be a minimum side yard of 10 feet and a combined total side yard of at least 30 feet for both side yards for all principal and accessory structures.
- 2) For lots less than 100 feet wide at the building line there shall be a minimum side yard of 7.5 feet and a combined total side yard of at least 20 feet for both side yards for all principal and accessory structures.
- 3) Side yards shall be measured from all points along a common lot line to the nearest point of a building or structure, which may include a roof overhang, wing wall or deck.

4.22 Rear Yards.

There shall be a rear yard of 20 feet for each lot unless a greater shoreline or roadway setback is required. This yard requirement shall apply to all principal and accessory structures.

4.23 Roadway Setbacks.

All structures shall be set back from public roadways as follows:

State	50 feet from road right-of-way
County	42 feet from road right-of-way
Other	30 feet from road right-of-way

Where the road right-of-way is not marked by monuments on the property, its location shall be established by survey, properly monumented and recorded.

4.24 Fences and Minor Accessory Structures Related to Public Utilities.

Fences and minor accessory structures related to public utilities shall be excluded from side and rear yard and roadway setback requirements except where necessary to provide visual clearance at roadway intersections as described in Section 2.05 of the County Comprehensive Zoning Ordinance.

4.3 ONE DWELLING UNIT PER LOT.

No more than one dwelling unit may be placed on a lot in a single family residential district.

4.4 ACCESSORY STRUCTURES.

An accessory structure may be placed on a parcel prior to a principal structure only if the following conditions are met:

- 1) No human habitation shall be allowed in this structure. The structure may not include sleeping, kitchen or other facilities or construction designed to allow its use for human habitation or inconsistent with use as an accessory structure.
- 2) No commercial use shall be allowed in this structure.
- 3) No sanitary facilities shall be allowed in this structure.
- 4) Provided all other sections of this ordinance are met including site plan and setback requirements.

5.0 SHORELINE BUFFER AREA

5.1 PURPOSE.

A shoreline buffer area shall be maintained in order to protect water quality, natural scenic beauty, fish and wildlife habitat and for the purposes enumerated in Section 1.3.

5.2 SHORELINE SETBACK.

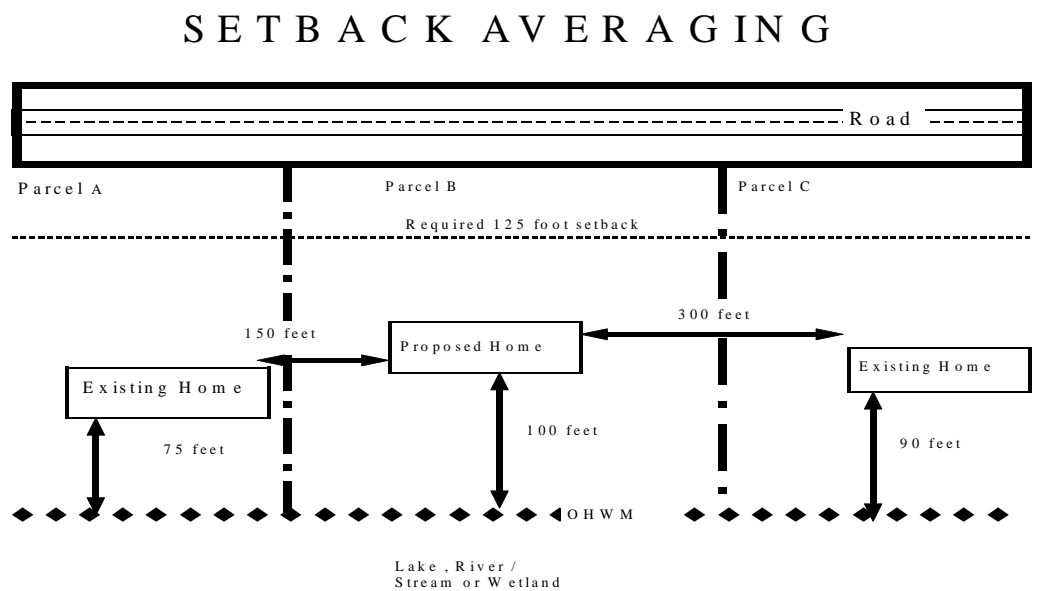
5.21 Exemptions to Setback Requirements.

All buildings and structures shall be set back from the ordinary high water mark of navigable waters as specified in the overlay district regulations in Section 7. Shoreline setbacks shall be measured from the most waterward projection of a structure horizontally to the ordinary high water mark. The following structures are exempted from shoreline, drainageway and wetland setback requirements:

- 1) shoreline protection structures permitted by the Department of Natural Resources;
- 2) piers;
- 3) elevated pedestrian walkways essential to access the shore because of steep slopes or wet soils; and
- 4) erosion control structures designed to remedy significant, existing erosion that cannot otherwise be controlled provided the design of the structure is approved by the Waupaca County Land Conservation Department.

5.22 Setback Averaging.

The shoreline setback for a proposed main dwelling may be reduced to the average of the shoreline setbacks of existing main dwellings within 200 feet on each side of the proposed main dwelling or 75 feet whichever is greater. If there is an existing main dwelling on only one side, the setback shall be the average of the existing dwelling's setback and the required setback.



Average Setback Example

- 1) Parcel A Home 75 Feet
- 2) Parcel B Proposed Home to be Constructed
- 3) Parcel C Home more than 200 feet from proposed home so setback is 125 Feet
- 4) The Average $(A + C) / 2 =$ Average Setback
 $(75 + 125) / 2 = 100$ feet
- 5) Parcel B Average Setback = 100 Feet

5.3 DRAINAGEWAY AND WETLAND SETBACK.

All buildings and structures shall be set back at least 25 feet from the landward edge of nonnavigable streams, drainageways and mapped wetlands. Roadways, recreational trails and pedestrian walkways shall be permitted to cross nonnavigable streams and drainageways provided such construction allows for the free passage of waters and that runoff is controlled so as to prevent erosion and transport of sediment and pollutants to nearby waters. (See Section 7.1 regarding construction activities permitted in shoreland wetlands.)

5.4 REDUCED SHORELINE AND ROADWAY SETBACKS FOR UNDEVELOPED AND REDEVELOPED NONCONFORMING LOTS.

5.41

The roadway setback for an undeveloped or redeveloped nonconforming lot may be reduced until a 30-foot deep building site is established provided:

- 1) the resulting roadway setback is not less than 20 ft. from the road right of way where the lot allows construction of a garage which faces the roadway;
- 2) and not less than 10 ft. where the lot does not allow construction of a residence or garage which faces the roadway;
- 3) no parking area may be located in the reduced roadway setback area;
- 4) state highways shall comply with the provisions of Trans 233, Wisconsin Administrative Code; and
- 5) all other standards of the ordinance are met.

Setback Reduction Formula

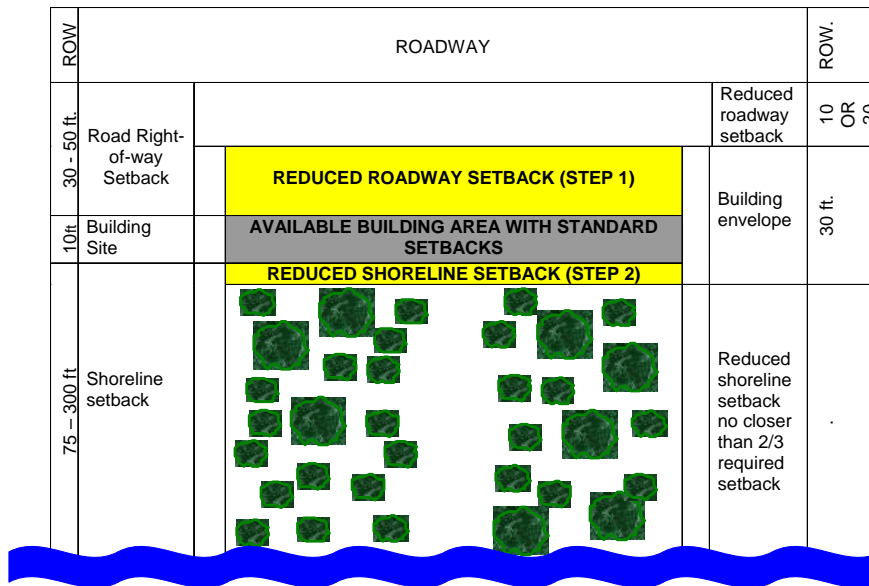


Figure 1- Setback Reduction Formula

5.42

If the roadway setback reduction in Section 5.41 above does not provide a 30 foot deep building site, the shoreline setback may then be reduced until a 30 foot deep building site is established provided the resulting shoreline setback is not less than 2/3 the required shoreline setback.

REDUCED ROADWAY SETBACK

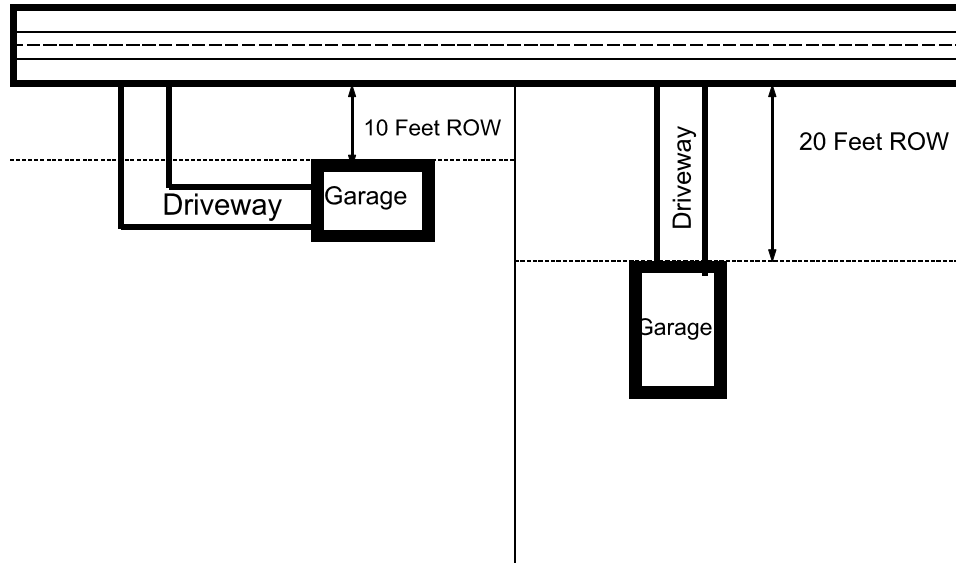


Figure 2 - Permissible garage locations with setback reduction.

5.43 Garage Exemptions

A roadway setback of less than what is required by Section 2.06 of the Waupaca County Zoning Ordinance may be permitted by the zoning administrator or his/her designee where lot depth, location of utilities or other significant site limitations do not allow compliance with roadway setback requirements, a garage not exceeding 600 square feet in area may be constructed provided construction complies with the following:

- 1) The resulting roadway setback is not less than 20 feet from the road right-of-way where a garage faces the roadway; and not less than 10 feet where a garage does not face the roadway;
- 2) No parking area may be located in the reduced roadway setback area;
- 3) State highways shall comply with the provisions of Trans 233, Wisconsin Administrative Code; and
- 4) All other standards of the ordinance are met.

5.44

Where shoreline setback has been reduced by application of the provisions of this section, the mitigation requirements of Section 8.32(4) relating to shoreline setback nonconformities shall apply. However, a structure built at such reduced shoreline setback shall be otherwise treated as a conforming structure.

5.45 Roadway Agreement

Any other setback reduction shall require prior written agreement of the agency responsible for maintenance of the roadway in question and a variance under Section 9.5.

5.5 VEGETATION PROTECTION AREA.

On each lot, in an area bounded by the ordinary high water mark and a line which is 25 feet less than the shoreline setback (see Section 7) or 35 feet from the ordinary high water mark, whichever is greater, land disturbing activities and vegetation removal are prohibited with these exceptions:

5.51 Pier and Wharf Construction

Pier and wharf construction confined to the view corridor described in Section 5.58.

5.52 Pedestrian Access

Pedestrian access to the shoreline confined to the view corridor described in Section 5.58. Access may include an elevated walkway if:

- 1) it is essential to access the shore because of steep slopes or wet soils;
- 2) it is the minimum construction necessary to provide access;
- 3) it is no more than 4 feet wide; and
- 4) it includes no additional construction other than railings essential for safety.

5.53 Shoreland Recreation Area

A shoreline recreation area of no more than 400 sq. ft. setback at least 15 ft. from the OHWM and confined to the view corridor described in Section 5.58. Such area may be clear cut but may not be filled, terraced or otherwise recontoured and shall be immediately stabilized with vegetative ground cover such as turf grass.

5.54 Drainage Around Buildings

Drainage activities within 10 feet of the foundation of a building, provided photos of the site have been submitted and a land use permit has been obtained from the Zoning Department.

5.55 Leveling Existing Brick Walkways or Patios

A landowner may level an existing brick or block walkway or patio within the vegetation protection area. However, the dimensions of the walkway or patio cannot be expanded. The property owner shall submit a photo of the site and inform the Zoning Department of the date of proposed reconstruction prior to commencing work.

5.56 Shoreline Protection

Shoreline protection activities authorized by a state permit and erosion control measures approved by the County Land Conservation Department which are designed to remedy significant, existing erosion problems.

5.57 Tree Removal

Removal of dead, diseased or dying trees which are a safety hazard or which threaten buildings and removal of nuisance exotic species provided they are replaced with native species as soon as practicable.

5.58 View Corridor

Establishment of a single view corridor on each lot containing a principal structure by selective pruning and removal of trees and shrubbery. Clear cutting, filling, grading and other land disturbing

activities are not permitted. Sufficient trees and shrubbery shall be retained to screen development from view from the water. The corridor shall be no more than 30 feet wide in the dimension paralleling the shore.

5.59 Public Access

Construction of facilities which provide public access to navigable waters provided the water quality, habitat and aesthetic objectives of this ordinance and its water classification policy are addressed by appropriate project location, design and mitigation measures approved by the Zoning and Land Conservation Departments. Such facilities may include fencing of open construction.

5.60 Forestry

Implementation of DNR approved Forest Stewardship Plans and management plans approved under the Managed Forest Law provided activities conform with the practices described in **Wisconsin's Forestry Best Management Practices for Water Quality Field Manual**. These practices include:

- 1) locating forest roads outside of the vegetation protection area;
- 2) locating landings outside of the vegetation protection area;
- 3) avoiding movement or piling of slash within the vegetation protection area;
- 4) minimizing soil exposure and compaction;
- 5) avoiding operation of wheeled or tracked harvesting equipment within 50 feet of the ordinary high water mark except on existing roads or permitted stream crossings;
- 6) using selective harvest to promote long-lived, large 12 inches or greater, diameter breast height (DBH) tree species appropriate to the site;
- 7) leaving unharvested at least 60 square feet of basal area per acre in evenly distributed trees 5 inches or larger DBH; and
- 8) harvesting at intervals no less than ten years apart.

The goals for the management of forest land within 50 feet of the ordinary high water mark of any lake, river or stream shall be primarily for aesthetics while providing for water quality, wildlife habitat, recreational opportunities and utilization of timber harvested.

5.61 Grazing and Cultivation

Grazing and cultivation of existing agricultural fields provided that best management practices recommended in a conservation plan approved by the County Land Conservation Department are followed. In addition, land disturbing activities, with the exception of permitted stream crossing, are prohibited within 50 feet of the ordinary high water mark of any lake, river or stream.

5.62 Roadways and Stream Crossings

Roadways and stream crossings which are essential to the reasonable use of property provided all federal, state and local regulations are complied with.

5.63 Sanitary

The installation of private on-site waste disposal systems shall be regulated by the County Sanitary Code.

5.64 Open or Screened Structures (add to permitted buffer activities)

Consistent with Wis. Stats. s. 59.692(1v), the construction or placement of certain structures within the shoreland setback area is permitted provided:

- 1) The part of a structure that is nearest to the water is located at least 35 feet landward from the ordinary high water mark.
- 2) The total floor area of all of the structures in the shoreland setback area of the property will not exceed 200 square feet. In calculating this square footage, boathouses shall be excluded.
- 3) The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
- 4) The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70 percent of the half of the shoreline setback area that is nearest to the water.

5.65 Fences

Fences may be installed within the shoreline setback area provided:

- 1) They do not exceed 4 feet in height;
- 2) They are of open construction (such as chain link or split rail);
- 3) They are located entirely on the owner's property and are maintained by the owner;
- 4) Only split rail fences may be placed within the vegetation protection area provided they are more or less perpendicular to the shoreline. However, open fences may be placed adjacent to public lands or by units of government to provide for public safety or security.
- 5) Fencing of agricultural and other open lands shall comply with Section 5.61 and the provisions of Wis. Stats. Ch. 90.

6.0 LAND DISTURBING ACTIVITIES LANDWARD OF THE VEGETATION PROTECTION AREA.

6.1 GENERAL STANDARDS.

Filling, grading, lagooning, dredging, ditching or excavating and other land disturbing activities which do not require a permit under Section 6.2 may be permitted in the shoreland area provided that:

6.11

They are done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.

6.12 *Land disturbing activities*

Land disturbing activities in a shoreland-wetland district meet the requirements of Sections 7.132 and 7.133 of this ordinance.

6.13 *Permits*

All applicable federal, state and local authority is obtained in addition to a permit under this ordinance.

6.14 *Fill*

Any fill placed in the shoreland area is protected against erosion by the use of rock rip-rap, vegetative cover or a bulkhead.

6.15 *No more than 50% Land Disturbing Activities*

No more than 50% of each shoreland lot may be disturbed for residential or commercial construction.

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.

6.17 *Construction or Dredging*

For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet landward of the ordinary high water mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

6.2 LAND DISTURBING ACTIVITIES LANDWARD OF THE VEGETATION PROTECTION AREA.

Land disturbing activities landward of the vegetation protection area shall be regulated as follows:

6.21 Slopes of Less Than 15 Percent and Areas of 1,000 sq. ft. and Less.

On slopes of less than 15 percent where land disturbing activities expose 1,000 sq. ft. or less, such activities shall be performed using appropriate best management practices specified in the manual for construction site erosion control published by the Wisconsin Department of Natural Resources. No permit shall be required for such activities provided appropriate best management practices are followed. However, should any sediment or deleterious substance be discharged to any waterway or wetland as a result of such activities, the County Zoning Department shall direct the responsible parties to perform such actions as are reasonably necessary to remove the discharge, restore the site to its former condition and fully repair any environmental damage.

6.22 Slopes of 15-45 Percent and Areas in Excess of 1,000 sq. ft.

On slopes of 15-45 percent and where land disturbing activities expose in excess of 1,000 sq. ft. cumulatively, a stormwater management and erosion control plan approved by the Zoning Department is required. A plan may be approved if appropriate best management practices specified in the manual for construction site erosion control published by the Wisconsin Department of Natural Resources are employed in addition to the following standards and such other requirements as the administrator judges to be necessary to serve the objectives of this ordinance:

- 1) the area of soil exposed and duration of exposure shall be minimized;
- 2) prior to site clearing the construction zone shall be fenced to confine heavy equipment operation and land disturbing activities;
- 3) prior to site clearing berms, swales or other appropriate techniques shall be employed to divert runoff away from exposed soils until they are stabilized by vegetation or other means;
- 4) excavated materials shall be confined by filter fabric fencing or other appropriate means until they are employed as backfill, final grading materials or are otherwise permanently stabilized;
- 5) fill shall not be deposited in any floodplain, wetland or outside the designated and fence construction without proper written authorization;
- 6) post construction runoff shall be infiltrated or stored to prevent erosion and sediment transport; and
- 7) upland slopes and artificial water courses shall be stabilized according to accepted engineering standards.

If the applicant and the Administrator cannot agree on an acceptable plan, the applicant may apply to the Planning and Zoning Committee for a conditional use permit (CUP). The standards listed above shall apply in addition to other requirements related to grant or denial of a CUP.

Notification of affected parties

The applicant shall provide the names and addressees of property owners within 300 ft. of the project site. The Zoning Department shall mail notice of the project to those owners advising that the project may be approved if no objection is received within 10 working days of mailing of the notice. Objections must be substantive and relate to the standards for erosion control and stormwater

management plan approval. If a timely objection is received, the matter shall be reviewed as a CUP application.

Pre-construction implementation

The applicant shall provide photographic evidence or certification by a registered professional engineer or landscape architect that the pre-site clearing erosion control measures specified in the plan have been installed before a conditional use permit may be issued by the County Zoning Department.

6.23 Slopes in Excess of 45 Percent

On slopes in excess of 45 percent land disturbing activities are prohibited on shoreland that drain to surface waters.

6.3 SOIL CONSERVATION PRACTICES AND AGRICULTURAL DRAINAGE MAINTENANCE.

6.31 Soil Conservation Practices

Soil conservation practices such as tiled terraces, runoff diversions and grassed waterways used for erosion control shall not require a permit under Section 6.2 when designed and constructed to Natural Resource Conservation Service technical standards.

6.32 Existing Agricultural Drainage Ditches

The maintenance of existing agricultural drainage systems shall be permitted in conformity with the following construction standards:

- 1) The maintenance dredging of farm drainage ditches is limited to reestablishing the original ditch cross section unless a conditional use permit under Section 6.22 is obtained.
- 2) Ditch banks shall be constructed at a slope of 2 horizontal to 1 vertical (50% grade) or flatter.
- 3) Ditch banks shall be maintained in a sod cover and free of woody vegetation.
- 4) A 10-foot wide buffer strip of untilled, ungrazed sod cover shall be maintained adjacent to the ditch bank.

SECTION 7. SHORELAND OVERLAY DISTRICTS

7.1 SHORELAND-WETLAND OVERLAY DISTRICT.

This district shall include all shorelands within the jurisdiction of this ordinance which are wetlands of 2 acres or more (excluding point symbols) and which are shown on the Wisconsin Wetland Inventory maps that are adopted and made a part of this ordinance. A portion of wetland which is less than 2 acres in size, and which is located in the unincorporated shoreland area within the county, shall be included in the shoreland-wetland district where the wetland as a whole is 2 acres or larger, but extends across the corporate limits of a municipality or across the county boundary so that the wetland is not regulated in its entirety by the county. This district shall also include wetlands delineated on Wisconsin Wetland Inventory Maps for Waupaca County which are at least partially within the shoreland area described in Sections 2.11 and 2.12. Such wetlands and adjacent contiguous wetlands shall be regulated as if they were entirely within the shoreland area.

7.11 Locating Shoreland-Wetland Boundaries.

Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory maps and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the Department to determine if the shoreland-wetland district boundary as mapped is in error. If Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. The Zoning Administrator shall initiate a map amendment to correct any mapping errors.

7.12 Purpose.

This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development must occur in a manner that minimizes adverse impacts upon the wetland.

7.13 Permitted Uses.

The following uses shall be allowed, subject to general and overlay district shoreland zoning regulations contained in this ordinance, the provisions of Wis. Stats. Chs. 30 and 31, and the provisions of other applicable local, state and federal laws:

7.131 Activities Not Requiring a Zoning Permit

Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, dredging, ditching, tiling or excavating except as allowed under Section 7.132 or 7.133:

- 1) Hiking, fishing, trapping, hunting, swimming, and boating;
- 2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
- 3) The pasturing of livestock (information regarding best management practices are available from the County Land Conservation Department);
- 4) The cultivation of agriculture crops;
- 5) The practice of silviculture, including the planting, thinning, and harvesting of timber; and
- 6) The construction or maintenance of duck blinds and deer stands. (Maximum size limited to 4' X 8').

7.132 Uses Not Requiring a Zoning Permit

Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:

- 1) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
- 2) The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growth and harvesting of cranberries;
- 3) The maintenance and repair of existing agriculture drainage systems where permissible by Wis. Stats s. 30.20, including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agriculture use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that the filling is permissible by Wis. Stats. Ch. 30, and that dredged spoil is placed on existing spoil banks where possible;
- 4) The construction or maintenance of fences for the pasturing of livestock, including excavating and filling necessary for such construction or maintenance;
- 5) The construction or maintenance of piers, docks, or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
- 6) The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

7.133 Uses Requiring a Zoning Permit

Uses which require the issuance of a zoning permit under Section 9.2 and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating, but only to the extent specially provided below:

- 1) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
 - (a) The road cannot as a practical matter be located outside wetland;
 - (b) The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 7.152;

- (c) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use; and
 - (d) Road construction activities are carried out in the immediate area of the roadbed only.
 - (e) Applicable best management practices for forestry or those prescribed by the County Land Conservation Department shall be followed.
- 2) The construction or maintenance of nonresidential buildings, provided that:
- (a) The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
 - (b) The building cannot, as a practical matter, be located outside the wetland;
 - (c) Such building is not designed for human habitation and does not exceed 500 square feet in floor area; and
 - (d) Only limited filling or excavating necessary to provide structural support for the building is authorized.
- 3) The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries and public boat launching ramps and attendant access roads, provided that:
- (a) Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Wis. Stats. Ch. 29, where applicable;
 - (b) Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets criteria in Section 7.133(1), (a)-(e); and
 - (c) Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
- 4) The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power, or water to their members and the construction or maintenance of railroad lines provided that:
- (a) The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland; and
 - (b) Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 7.152.

7.14 Prohibited Uses

Any use not listed in Sections 7.131, 7.132, or 7.133 is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with Section 7.15 of this ordinance and Wis. Stats. s. 59.69(5)(e).

7.15 Rezoning of Lands in the Shoreland-Wetland District

7.151 Text and Map Amendment

For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, a designated office of the Department shall be provided with the following:

- 1) A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within 5 days of the filing of such petition with the County Clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;
- 2) Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;
- 3) A copy of the County Zoning Agency's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the County Board; and
- 4) Written notice of the County Board's decision on the proposed amendment within 10 days after it is issued.

7.152 Wetland Not Rezoned

A wetland, or portion thereof, in the shoreland-wetland district shall not be rezoned if:

- 1) a practicable alternative to the project exists
- 2) the proposed rezoning may result in a significant adverse impact upon any of the following:
 - a) Storm and flood water storage capacity;
 - b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
 - c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - d) Shoreline protection against soil erosion;
 - e) Fish spawning, breeding, nursery or feeding grounds;
 - f) Wildlife habitat; or
 - g) Areas of special recreation, scenic or scientific interest, including scarce wetland types.

7.153 Department Proposed Text or Map Amendment

If the Department notifies the County Zoning Committee that proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in Section 7.152 of this ordinance, that amendment, if approved by the County Board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed after written notice of the County Board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the county under Wis. Stats. s. 59.691(6). If the Department does so notify the County Board, the effect of this amendment shall be stayed until the Wis. Stats. s. 59.692(6) adoption procedure is completed or otherwise terminated."

7.2 GROUP 1 LAKE MANAGEMENT OVERLAY DISTRICT (Wild Lakes)

7.21 Designation and Intent:

The Group 1 Lake Overlay District includes Group 1 lakes listed in the Lake Shoreline Classification Study - Waupaca County (1997). The district regulations are intended to provide a high level of protection for shorelands and waters which are the most environmentally sensitive, with very limited natural carrying capacity and which have little or no existing development.

7.22 Permitted Uses:

Any principal or accessory use permitted in the underlying zoning district.

7.23 Conditional Uses:

Any conditional use authorized in the underlying district.

7.24 Minimum Lot Size:

5 acres.

7.25 Minimum Lot Width:

At the Ordinary High Water Mark: 400 feet.

At the Minimum Shoreline Setback: 400 feet.

7.26 Minimum Shoreline Frontage for Additional Dwelling Units:

400 feet per dwelling unit granted riparian or lake access rights. (See Section 3.2 for Planned Residential Unit Development alternative.)

7.27 Minimum Shoreline Setback:

300 feet from the ordinary high water mark (OHWM) for all structures except piers.

7.28 Vegetation Protection Area: Within 275 feet of the ordinary high water mark, vegetation removal and land disturbing activities are restricted as described in Section 5.5. Shoreline protection structures including rock rip-rap are prohibited on Group 1 lakes. However, bioengineered shore stabilization techniques approved by the County Land Conservation Department are permissible.

7.3 GROUP 2 LAKE MANAGEMENT OVERLAY DISTRICT (Moderate Development Lakes)

7.3 Designation and Intent:

The Group 2 Lake Overlay District includes Group 2 lakes listed in the Lake Shoreline Classification Study - Waupaca County (1997). The district regulations are intended to provide a moderate level of protection for shorelands and waters which are environmentally sensitive, with some limitations on natural carrying capacity and which have a moderate amount of existing development.

7.32 Permitted Uses: Any principal or accessory use permitted in the underlying zoning district.

7.33 Conditional Uses: Any conditional use authorized in the underlying district.

7.34 Minimum Lot Size: 2 acres.

7.35 Minimum Lot Width:

At the ordinary high water mark: 200 feet.

At the minimum shoreline setback: 200 feet.

7.36 Minimum Shoreline Frontage for Additional Dwelling Units:

200 feet per dwelling unit granted riparian or lake access rights. (See Section 3.2 for Planned Residential Unit Development alternative.)

7.37 Minimum Shoreline Setback:

100 feet from the ordinary high water mark (OHWM) for all structures except piers.

7.38 Vegetation Protection Area:

Within 75 feet of the ordinary high water mark, vegetation removal and land disturbing activities are restricted as described in Section 5.5.

7.4 GROUP 3 LAKE MANAGEMENT OVERLAY DISTRICT (General Development Lakes)

7.41 Designation and Intent:

The Group 3 Lake Overlay District includes Group 3 and 4 lakes and all impoundments and developed bayous and developed river shorelines listed in the Lake Shoreline Classification Study - Waupaca County (as amended March 2002) and all lakes in the County not identified in the report.

Developed river shorelines include:

- 1) at least 1,500 feet along a single bank;
- 2) at least 10 principal structures constructed prior to May 17, 1997 (date of original Classification study adoption); and
- 3) an average water frontage of 150 feet or less per lot.

The district regulations are intended to provide protection for shorelands and waters which have significant existing development or which were not specifically studied in the report.

7.42 Permitted Uses:

Any principal or accessory use permitted in the underlying zoning district.

7.43 Conditional Uses:

Any conditional use authorized in the underlying district.

7.44 Minimum Lot Size:

20,000 square feet.

7.45 Minimum Lot Width:

At the ordinary high water mark: 100 feet.

At the minimum shoreline setback: 100 feet.

7.46 Minimum Shoreline Frontage for Additional Dwelling Units:

100 feet per dwelling unit granted riparian or lake access rights. (See Section 3.2 for Planned Residential Unit Development alternative.)

7.47 Minimum Shoreline Setback:

75 feet from the ordinary high water mark (OHWM) for all structures except piers.

7.48 Vegetation Protection Area:

Within 50 feet of the ordinary high water mark, vegetation removal and land disturbing activities are restricted as described in Section 5.5.

7.5 RIVER AND STREAM OVERLAY DISTRICT

7.51 Designation and Intent:

The River and Stream Overlay District includes all rivers and streams in Waupaca County determined to be undeveloped in the Lake Shoreline Classification Study - Waupaca County (as amended March 2002) and is intended to provide protection for shorelands and waters of rivers and streams and a higher level of protection for identified high quality trout waters.

7.52 Permitted Uses:

Any principal or accessory use permitted in the underlying zoning district.

7.53 Conditional Uses:

Any conditional use authorized in the underlying district.

7.54 Minimum Lot Size:

40,000 square feet.

7.55 Minimum Lot Width:

At the ordinary high water mark: 200 feet.

At the minimum shoreline setback: 200 feet.

7.56 Minimum Shoreline Frontage for Additional Dwelling Units:

200 feet per dwelling unit granted riparian or water access rights. (See Section 3.2 for Planned Residential Unit Development alternative.)

7.57 Minimum Shoreline Setback:

100 feet from the ordinary high water mark (OHWM) for all structures except piers on unclassified rivers and streams and 125 feet for all structures on trout streams listed in the most current Wisconsin Department of Natural Resources Publication Wisconsin Trout Streams.

7.58 Vegetation Protection Area:

Within 75 feet of the ordinary high water mark on unclassified rivers and streams and within 100 feet of the ordinary high water mark on trout streams, vegetation removal and land disturbing activities are restricted as described in Section 5.5. In addition, shoreline protection structures other than rock rip-rap and bioengineered techniques approved by the County Land Conservation Department are prohibited on trout streams.

7.6 Waterfront Camp or Institution

7.61 Purpose:

This section of the Waupaca County Shoreland Zoning Ordinance pertains to existing and potential future camps or institution land uses, and is intended to provide flexibility to these land uses, while limiting the potential adverse impacts of such uses on the shoreland environment. The intent is to permit multiple structures per parcel where the physical layout of the parcels will assure control of pollution and preservation of vegetative cover, and to regulate the impacts of the development on the entire shoreland environment of the camp or institution.

7.62 Maximum Density of Multiple Structures on a Single Parcel:

Multiple principal structures may be permitted on a single parcel in the Waterfront Camp or Institution Shoreland Zone provided that the density of the parcel is 20,000 square feet or greater per dwelling unit. If seasonal (including existing trailers or mobile homes) or year round principal structures are single family, they are limited to single family use for perpetuity.

7.63 New Camp or Institution Waterfront Standard:

Any newly constructed waterfront camp or institution must also provide at least 100 feet of waterfront per dwelling unit.

7.64 Site Plans:

The owner or operator of the camp or institution shall submit a site plan to the Waupaca County Zoning Department for review and approval at a scale acceptable to the Zoning Department. This site plan shall include an existing map or certified survey map that has the following information drawn to scale:

1. Exterior parcel lines.
2. Location and size of footprint of all existing structures and other impervious surfaces.
3. Location of the Ordinary High Water Mark (OHWM).
4. Interior parcel lines created by the camp or institution to divide the parcel into single-family or multiple-family land uses.
5. Identification of "deed restricted open space."
6. Other pertinent information as required by the zoning administrator or the zoning committee.
7. The information requested above (1-6) may be submitted on several different drawings to provide for greater readability. This site plan must also be submitted to the local town plan commission or committee if such a commission or committee exists.

7.65 Deed Restricted Open Space:

Vegetative cover shall comprise at least seventy five (75) percent of each parcel (whether there are single-family or multi-family structures located on the parcel) and shall be classified and noted on the original site plan as "deed restricted open space." A deed restriction for the property shall also be recorded with the Waupaca County Register of Deeds Office.

7.66 Shoreline Buffer (mitigation):

Prior to any structural alterations or additions to existing principal structures, or any new structures, mitigation shall include a 35-foot deep natural vegetation buffer measured landward from the OHWM on the parcel fronting the water. A pathway, no more than four (4) feet wide may be constructed per 100 feet of shoreline paralleling the shoreline within this 35 foot deep natural vegetation buffer.

7.67 Non-conforming Shoreland Structures:

All principal structures that are non-conforming with regard to waterfront setback (distance from the OHWM to the structure), or because the density of existing structures exceed the maximum density of 20,000 sq. ft. per dwelling unit, shall adhere to the same rules and regulations that apply to similar principal structures under Section 8.3 of the Waupaca County Shoreland Zoning Ordinance.

All accessory structures that are non-conforming with regard to waterfront setback (except those identified for camp or institution use and noted on the original site plan) shall be removed or relocated to make them conforming prior to any alterations or additions to existing principal structures or new structures on that parcel. (Refer to 8.31(3) of the Waupaca County Shoreland Zoning Ordinance).

7.68 New Parcels:

Any new parcel(s) established by a camp or institution after the date of original site plan submittal to the Waupaca County Zoning Office shall have a minimum of 20,000 square feet parcel per dwelling unit; and, if bordering the water, must have 100 feet of waterfront.

8.0 NONCONFORMING USES, STRUCTURES AND LOTS.

8.1 GENERAL PROVISION.

The lawful use of a building, structure or property which existed at the time this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions of this ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:

8.11

If the alteration, addition or repair of a building or structure with a nonconforming use or a nonconforming building or structure is prohibited because it is in excess of 50 percent of the structure's enclosed, habitable footprint, the property owner may still make the proposed alteration, addition or repair if:

- 1) A nonconforming use is permanently changed to a conforming use;
- 2) The property owner appeals the determination of the Zoning Administrator and either the County Board of Adjustment or the circuit court find in the property owner's favor under Wis. Stats. s. 59.694(4) or 59.694(10).
- 3) The property owner successfully petitions to have the property rezoned by amendment to this ordinance in accordance with Section 10.0 of this ordinance and Wis. Stats. s. 59.69(5)(e).

8.2 NONCONFORMING USES

8.21

A property owner claiming a nonconforming use and exemption from applicable regulations shall prove by a preponderance of the evidence that:

- 1) the use was legally established;
- 2) the use predated zoning provisions with which it does not comply;
- 3) the use was active and actual prior to adoption of such provisions and not merely casual and occasional or incidental to the principal use of the property in which case no vested right to continue the use shall have been acquired.

8.22

A nonconforming use of a structure or premises shall not be expanded or enlarged. No such use shall be expanded within a structure which, on the date the use became nonconforming, was only partially devoted to such use.

8.23 *Discontinuance.*

If a nonconforming use is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this ordinance.

8.24 Temporary Structures.

If the nonconforming use of a temporary structure is discontinued, such nonconforming use may not be recommenced.

8.25 Nuisances.

Uses which are nuisances shall not be permitted to continue as nonconforming uses.

8.3 NONCONFORMING STRUCTURES

It is the intent of these provisions to balance the public objectives of this ordinance with the interests of owners of nonconforming structures by:

- 1) treating structures which are most nonconforming and therefore offensive to the objectives of this ordinance more restrictively than structures which are more nearly in compliance with ordinance provisions; and by
- 2) allowing for the improvement or expansion of principal structures essential to the reasonable use of a property provided the adverse effects of such improvement or expansion are adequately mitigated.

8.31 General Provisions.

- 1) Nonconforming accessory structures are limited to ordinary maintenance and repair and such alteration as shall bring them into greater compliance with the terms and objectives of this ordinance. Such structures shall not be improved or expanded.
- 2) Nonconforming principal structures (buildings) may be improved internally or expanded provided that:
 - a) modification or replacement involves no more than 25 percent of the perimeter of the structure or one wall, whichever is greater and
 - b) the lifetime total of all expansions is limited to 50 percent of the structure's enclosed footprint which existed at the time the structure became nonconforming except where Section 8.32 allows a lesser degree of expansion.
 - c) the associated sanitary system is brought up to current standards for new construction [justified by increased loading of the system and authorized by COMM 83.03 & 83.25;
 - d) the existing structure (prior to modification or replacement) is constructed on a full foundation that extends at least 4 ft. below ground or one that is certified by a registered engineer or architect to be adequate for the proposed construction;
- 3) A structure that is nonconforming as to structural or dimensional standards may not be expanded or enlarged so as to increase its dimensional nonconformity.

8.32 Shoreline Setback Nonconformities.

1) Principal Structure Between OHWM and 50 Feet

A principal structure which is nonconforming as to shoreline setback and which is located within 50 feet of the ordinary high water mark may be improved internally subject to the limitation of Section 8.31(2)(a) but may not be expanded. Such improvement shall be confined to enclosed portions of the building envelope which existed at the time the structure became nonconforming and shall not include new basements or additional stories. However the following modifications are permitted:

- (a) Replacement of siding and upgrading of insulation;
- (b) Replacement of roofing and modification of roof pitch provided modification does not exceed a 6:12 (rise to run) roof pitch; and
- (c) Replacement and modification of windows provided no more than 50% of the waterward façade is converted to glass.

Modifications to roof pitch and window placement permitted in Sections 8.32(1b&c) shall require 2 points of mitigation consistent with the provisions of Section 8.32(4).

(d) Expansion of Existing Commercial Structures provided:

- (1) The structure is limited to the permitted and conditional uses listed for the C-S (Service Commercial) zone;
- (2) Such expansion shall be located on the landward side of the existing structure;
- (3) There shall be no increase in the area of impervious surfaces;
- (4) The area of the expansion may not exceed 1500 square feet;
- (5) No more than 50% of the lot may be occupied by buildings; and
- (6) A mitigation plan under Section 8.23(4) shall be submitted to the Zoning Administrator for approval prior to issuances of a zoning permit. The plan shall be implemented concurrent with expansion of the building.

2) Principal Structure Between 50 Feet and Required Setback

A principal structure which is nonconforming as to shoreline setback and which is located between 50 feet from the ordinary high water mark and the required setback may be expanded provided:

- a) No expansion is permitted within 50 feet of the OHWM;
- b) All expansion is located on the landward side of the existing structure, wherever practicable;
- c) The overall footprint of the enclosed nonconforming principal structure (living space) after expansion does not exceed 1700 square feet;
- d) Impervious surface standards of Section 6.16 are complied with;
- e) Only one expansion over the life of the structure is permitted;
- f) Expansion shall not include a new basement under an existing structure or conversion of a crawlspace to a basement but a basement may be constructed under a new addition and;
- g) Expansion must comply with all other ordinance provisions including mitigation requirements.
- h) As an alternative to expansion under Section 8.32(2)a-g above, an additional story no larger than the footprint of the original structure and not exceeding 28 feet in height may be permitted. Height shall be measured from the lowest exposed point of the structure to the peak of the roof.

3)

In the application of Sections 8.32 (1) & (2), a structure shall be regulated by the requirements of the most restrictive zone (0-50 or 50- required setback) in which it is located.

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.

8.33 Replacement of Damaged Structures.

- 1) No reconstruction or repair to any substantially damaged building or structure with a nonconforming use or any nonconforming building or structure, over the life of the building or structure, shall exceed 50 percent of its current estimated fair market value unless it is permanently changed to conform to the requirements of this ordinance. It must comply to extent feasible if the lot is nonconforming.
- 2) (See also the provisions of Section 6.15 & 6.16 regarding reconstruction of damaged commercial structures and relaxation of standards limiting land disturbing activities and impervious surfaces.
- 3) Nonconforming Structures Damaged or Destroyed by Violent Wind, Fire, Flood or Vandalism. As required by Wis. Stats. s. 59.692(1s), if a landowner can establish that a nonconforming structure has been destroyed or damaged after October 14, 1997 by violent wind, fire, flood or vandalism, the structure may be reconstructed or repaired to the size, location and use it had immediately before the damage occurred, subject to the following conditions:
 - a) 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.
 - b) Except as provided in Wis. Stats. s. 87.30(1d), nonconforming buildings that are subject to regulation under a Floodplain Zoning Ordinance may not be reconstructed or repaired except in compliance with the Floodplain Zoning Ordinance.
 - c) The landowner shall bear the burden of proof as to the size, location or use a destroyed or damaged nonconforming structure had immediately before the destruction or damage occurred.
 - d) Repairs are authorized under this provision only to the extent that they are necessary to repair the specific damage caused by violent wind, vandalism, fire or flood, and only that portion of the nonconforming structure that has been destroyed may be reconstructed.
 - e) In conformity with provisions of Sec. 8.32(4).

8.34 Boathouses.

The maintenance and repair of nonconforming boathouses that extend waterward beyond the ordinary high water mark of any navigable waters shall comply with the requirements of Wis. Stats. s. 30.121.

8.4 NONCONFORMING LOTS

8.41 Substandard Lots Served by a Public Sanitary Sewer.

A substandard lot served by a public sanitary sewer which is at least 7,500 square feet in area 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 following requirements:

- 1) Such use is permitted in the zoning district.

- 2) The lot was on record in the County Register of Deeds office prior to the effective date of this ordinance.
- 3) The lot was in separate ownership from abutting lands prior to the effective date of this ordinance. If abutting lands and the substandard lot were owned by the same owner as of the effective date of this ordinance, the substandard lot shall not be sold or used without full compliance with the terms of this ordinance, including minimum area and width requirements found in the Section 7 District Standards.
- 4) All other dimensional requirements of this ordinance will be complied with.

8.42 Substandard Lots Not Served by a Public Sanitary Sewer.

A substandard lot not served by public sanitary sewer which is at least 10,000 square feet in area 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 Section 8.41 (1)-(4) of this ordinance except that lots which are at least 20,000 square feet in area and 100 feet wide at the ordinary high water mark are exempted from Section 8.41(3) regarding separate ownership.

8.43 Other Substandard Lots.

Except for lots which meet the requirements of Sections 8.41 or 8.42, a building permit for the improvement of a lot having lesser dimensions than those stated in the Section 7 District Standards shall be issued only after granting of a variance by the Board of Adjustment.

9.0 ADMINISTRATIVE PROVISIONS.

9.1 ZONING ADMINISTRATOR.

The Zoning Administrator shall have the following duties and powers:

9.11

Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications and appeal forms.

9.12

Issue permits and certificates of compliance and inspect properties for compliance with this ordinance.

9.13

Keep records of all permits issued, inspections made, work approved and other official actions.

9.14

Provide copies of variances, conditional uses and decisions on appeals for map or text interpretations and map or text amendments within 10 days after they are granted or denied to the appropriate district office of the Department.

9.15

Investigate and report violations of this ordinance to the appropriate County Zoning Committee and the district attorney or corporation counsel.

9.2 ZONING PERMITS.

9.21 *When Required.*

Except where another section of this ordinance specifically exempts certain types of development from this requirement (as in Sections 7.131 and 7.132), a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in Section 12.1(7), or any change in the use, external improvement in excess of \$1,000 or expansion of an existing building or structure, is initiated.

9.22 *Application.*

An application for a zoning permit shall be made to the Zoning Administrator upon forms furnished by the county and shall include for the purpose of proper enforcement of these regulations, the following data:

- 1) Name and address of applicant and property owner.
- 2) Legal description of the property and type of proposed use.
- 3) A sketch of the dimensions of the lot and location of buildings relative to the lot lines, centerline of abutting highways and the ordinary high water mark of any abutting watercourses and water level on a date specified.
- 4) Location and description of any existing private water supply or sewage system or notification of plans for any such installation.

9.23 *Expiration of Permit.*

Zoning permits shall expire 12 months from date issued if no substantial work has commenced.

9.3 CERTIFICATES OF COMPLIANCE

9.31

No land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied, until a certificate of compliance is issued by the Zoning Administrator.

- 1) The certificate of compliance shall certify that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this ordinance.
- 2) Application for such certificate shall be concurrent with the application for a zoning permit.
- 3) The certificate of compliance shall be issued within 10 days after notification of the completion of the work specified in the zoning permit, if the building or premises or proposed use thereof conforms with all the provisions of this ordinance.

9.32

The Zoning Administrator may issue a temporary certificate of compliance for part of a building, pursuant to rules and regulations established by the County Board.

9.33

Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this ordinance, certifying after inspection the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this ordinance.

9.4 CONDITIONAL USE PERMITS.

9.41 *Application For a Conditional Use Permit.*

Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted to the Zoning Administrator and a conditional use permit has been granted by the Zoning Committee.

9.42 *Standards Applicable To All Conditional Uses.*

In passing upon a conditional use permit, the Zoning Committee shall evaluate the effect of the proposed use upon:

- 1) The maintenance of safe and healthful conditions.
- 2) The prevention and control of water pollution including sedimentation.
- 3) Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.
- 4) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- 5) The location of the site with respect to existing or future access roads.
- 6) The need of the proposed use for a shoreland location.
- 7) Its compatibility with uses on adjacent land.
- 8) The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
- 9) Location factors under which:
 - (a) Domestic uses shall be generally preferred;
 - (b) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source;
 - (c) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.

9.43 Conditions Attached To Conditional Uses.

Upon consideration of the factors listed above, the Zoning Committee shall attach such conditions, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking and signs; and type of construction. To secure information upon which to base its determination, the Zoning Committee may require the applicant to furnish, in addition to the information required for a zoning permit, the following information:

- 1) A plan of the area showing surface contours, soil types, ordinary high water marks, ground water conditions, subsurface geology and vegetative cover.
- 2) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
- 3) Plans of buildings, sewage disposal facilities, water supply systems and arrangement of operations.
- 4) Specifications for areas of proposed filling, grading, lagooning or dredging.
- 5) Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.

9.44 Notice, Public Hearing and Decision.

Before passing upon an application for a conditional use permit, the Zoning Committee shall hold a public hearing. Notice of such public hearing, specifying the time, place and matters to come before the board, shall be given as a Class 2 notice under Wis. Stats. ch. 985. Such notice shall be provided to the appropriate district office of the Department at least 10 days prior to the hearing. The Board shall state in writing the grounds for granting or refusing a conditional use permit.

9.45 Recording.

When a conditional use permit is approved, an appropriate record shall be made of the land use and structures permitted and such permit shall be applicable solely to the structures, use and property so described. A copy of any decision on a conditional use permit shall be provided to the appropriate district office of the Department within 10 days after it is granted or denied.

9.46 Revocation.

Where the conditions of a conditional use permit are violated, the conditional use permit shall be revoked by the Zoning Committee.

9.5 VARIANCES.

The Board of Adjustment may grant upon appeal a variance from the dimensional standards of this ordinance where an applicant convincingly demonstrates that:

- 1) literal enforcement of the provisions of the ordinance will result in unnecessary hardship for the applicant;
- 2) the hardship is due to special conditions unique to the property;
- 3) such variance is not contrary to the public interest; and
- 4) such variance does not exceed the minimum relaxation of a standard which provides reasonable use of the property.

9.51 No Use Variance.

A variance shall not grant or increase any use of property which is prohibited in the zoning district.

9.52 Relaxation Of Standards For Persons With Disabilities.

The Zoning Department may issue a building permit to relax dimensional standards of this ordinance in order to provide reasonable accommodation of persons with disabilities as required by provisions Federal and state law. Such relaxation shall be consistent with federal guidelines for accommodation of persons with disabilities and shall, where practicable, be terminated when the facility is no longer in use by a disabled person. A person applying for a permit for construction under this section shall establish the nature and extent of the disability and that the relaxation requested is the minimum necessary to provide reasonable use of the facility.

9.53 Notice, Hearing And Decision.

Before passing on an application for a variance, the Board of Adjustment shall hold a public hearing. Notice of such hearing specifying the time, place and matters of concern, shall be given a Class 2 notice under Wis. Stats. ch. 985. Such notice shall be provided to the appropriate district office of the Department at least 10 days prior to the hearing. The Board shall state in writing the reasons for granting or refusing a variance and shall provide a copy of such decision to the appropriate Department district office within 10 days of the decision.

9.6 BOARD OF ADJUSTMENT.

The Chairman of the County Board shall appoint a Board of Adjustment consisting of 5 members under Wis. Stats. s. 59.694. The County Board shall adopt such rules for the conduct of the business of the Board of Adjustment as required by Wis. Stats. s. 59.694(3).

9.61 Powers And Duties.

- 1) The Board of Adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by Wis. Stats. s. 59.694.
- 2) It shall hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
- 3) It may grant a variance from the dimensional standards of this ordinance pursuant to Section 9.5.

9.62 Appeals To The Board.

Appeals to the Board of Adjustment may be made by any person aggrieved or by an officer, department, board or bureau of the county affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be made within a reasonable time, as provided by the rules of the Board, by filing with the officer whose decision is in question, and with the Board of Adjustment, a notice of appeal specifying the reasons for the appeal. The Zoning Administrator or other officer whose decision is in question shall promptly transmit to the board all the papers constituting the record concerning the matter appealed.

9.63 Hearing Appeals And Applications For Variances And Conditional Use Permits.

- 1) The Board of Adjustment or Zoning Committee shall fix a reasonable time for a hearing on the appeal or application. The Board or Committee shall give public notice thereof by publishing a Class 2 notice under Wis. Stats. ch. 985, specifying the date, time and place of the hearing and the matters to come before the board or committee. Notice shall be mailed to the parties in interest. Written notice shall be given to the appropriate district office of the Department at least 10 days prior to hearings on proposed shoreland variances, conditional uses, and appeals for map or text interpretations.
- 2) A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on shoreland variances, conditional uses, and appeals for map or text interpretations shall be submitted to the appropriate district office of the Department within 10 days after they are granted or denied.
- 3) The final disposition of an appeal or application to the Board of Adjustment shall be in the form of a written resolution or order signed by its chairman and secretary. Such resolution shall state the specific facts which are the basis of the determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.
- 4) At the public hearing, any party may appear in person or by agent or by attorney.
- 5) A variance or appeal shall not be reconsidered by the Board unless:
 - (a) reconsideration is directed by a court of competent jurisdiction;
 - (b) the project proposal is significantly altered from the original;
 - (c) new information relating to applicable decision standards is presented; or
 - (d) error in the original decision is discovered.

9.7 FEES.

General. The County Board may, by resolution, adopt fees for the following:

- 1) Land use permits.
- 2) Building permits.
- 3) Certificates of compliance.
- 4) Planned Residential Unit Development reviews.
- 5) Public hearings.
- 6) Legal notice publications.
- 7) Conditional use permits.
- 8) Shoreland permits.

10.0 CHANGES AND AMENDMENTS.

The County Board may from time to time, alter, supplement or change the boundaries of use districts and the regulations contained in this ordinance in accordance with the requirements of Wis. Stats. s. 59.69(5)(e), ch. NR 115, Wis. Adm. Code and Section 7.151 of this ordinance where applicable.

10.1 AMENDMENTS

Amendments to this ordinance may be made on petition of any interested party as provided in Wis. Stats. s. 59.69(5)(e).

10.2 PETITION FOR TEXT OR MAP AMENDMENT

Every petition for a text or map amendment filed with the County Clerk shall be referred to the County Zoning Agency. A copy of each petition shall be mailed to the appropriate district office of the Department within 5 days of the filing of the petition with the County Clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate district office of the Department at least 10 days prior to the hearing.

10.3 COUNTY BOARD DECISION

A copy of the County Board's decision on each proposed amendment shall be forwarded to the appropriate district office of the Department within 10 days after the decision is issued.

11.0 ENFORCEMENT AND PENALTIES.

11.1 GENERAL PROVISIONS.

Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Administrator or the County Zoning Agency shall refer violations to the corporation counsel who shall expeditiously prosecute violations. Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars per offense, together with the taxable costs of action. Each day in which the violation exists shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to Wis. Stats. s. 59.69(11). In all cases the County shall pursue full compliance with the terms of this ordinance and remediation of any environmental damage.

11.2 STATUTE OF LIMITATIONS.

Under Wis. Stats. s. 59.692(1t), where a building or structure violates the dimensional or use standards of this ordinance and such building or structure has been in place for more than 10 years before an enforcement action is commenced, the building or structure shall be treated as a legal nonconforming structure subject to the provisions of Section 8 of this ordinance. A property owner claiming immunity from an enforcement action under this provision shall establish:

- 1) that the noncompliant features or use of the building or structure have been in place for more than 10 years before commencement of an enforcement action; and
- 2) that use of such building or structure has been active and continuous for the 10 years prior to commencement of an enforcement action. If use of the structure was discontinued for more than 12 months, such use shall be deemed abandoned and this exemption from enforcement forfeit.

12.0 DEFINITIONS.

12.1 For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally. The definitions of the Comprehensive, Floodplain, and Subdivision Ordinances also apply to this Shoreland Ordinance, except where they conflict with the definitions below.

- 1) "**Accessory structure or use**" means a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use.
- 2) "**Boathouse**" means any permanent structure designed solely for the purpose of protecting or storing boats and related equipment for noncommercial purposes.
- 3) "**Boat shelter**" means a structure in navigable waters designed and constructed for the purpose of providing cover for a berth place for watercraft, which may have a roof but may not have walls or sides. Such a structure may include a boat hoist [Wis. Stats. s. 30.01(1c)].
- 4) "**Camp or Institution**" means legally existing public or private premises, including buildings, owned and controlled by a profit, non-profit, benevolent, fraternal, or religious organization that are used for the temporary or permanent accommodations of the organization or its members or lessees.
- 5) "**Conditional use**" means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Board of Adjustment or, where appropriate, the Planning and Zoning Committee or County Board.
- 6) "**County Zoning Agency**" means that committee or commission created or designated by the County Board under Wis. Stats. s. 59.69(2)(a), to act in all matters pertaining to County Planning and Zoning.
- 7) "**Density**" means square feet of land per dwelling unit.
- 8) "**Department**" means the Department of Natural Resources.
- 9) "**Development**" means any man-made change to improved or unimproved real estate, including, but not limited to the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations, and the deposition or extraction of earthen materials.

- 10) "**Drainage System**" means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
- 11) "**Drainageway or nonnavigable stream**" means an area where the presence and action of water is evident by erosion or other easily recognized characteristics during the period when the ground is not covered with snow.
- 12) "**Dwelling Unit**" A group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended to use exclusively as living quarters for one family and not more than an aggregate of two roomers, and which include complete kitchen facilities permanently installed.
- 13) "**Floodplain**" means the land in which has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in ch. NR 116, Wis. Adm. Code.
- 14) "**Footprint**" ("building or structure footprint") means the area within the exterior walls of a structure on its main floor.
- 15) "**Garage**" An accessory structure or portion of a principal structure utilized for the storage of motor vehicles. A detached garage may not be used as sleeping quarters.
- 16) "**Human Habitation**" The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.
- 17) "**Impervious surface**" means the footprint of structures or land areas where precipitation is essentially unable to infiltrate into the soil. Such surfaces include but are not limited to roadways and pathways in which are paved, graveled or compacted, roofs, patios, decks and similar areas.
- 18) "**Line of navigation**" means the 3 foot depth contour or a greater depth contour if required for boats appropriate for use at a particular site on the waterway, based on the normal summertime navigation season low levels on the waterway or minimum levels for that season where established by DNR order.
- 19) "**Lot**" means a described parcel of real estate which has a unique property tax number assigned by Waupaca County.
- 20) "**Navigable waters**" means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under Wis. Stats. s. 281.31(2)(m), notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Wis. Stats. s. 59.692, and ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:

- (a) Such lands are not adjacent to a natural navigable stream or river.
 - (b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - (c) Such lands are maintained in nonstructural agricultural use.
- 21) "**Ordinary high water mark**" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics [Diana Shooting Club v. Husting, 156 Wis. 261 (1914)].
 - 22) "**Parcel**" means an existing or newly created ownership parcel delineated for tax or other purposes.
 - 23) "**Pier**" means any structure extending into navigable waters from the shore with water on both sides, built or maintained for the purpose of providing a berthing or mooring place for watercraft or for loading or unloading cargo or passengers onto or from watercraft and may include a temporary boat hoist without roof or walls. Such a structure may include a boat shelter which is removed seasonally. [Wis. Stats. s. 30.01(5)].
 - 24) "**Pierhead line**" means a surveyed line established by municipal ordinance and DNR approval which limits the waterward extent of piers in a waterbody [s. 30.13, Stats.].
 - 25) "**Principal Structure**" The structure or structures on a lot, essential to permitted or conditional uses allowed by the regulations of the zoning district.
 - 26) "**Regional Flood**" means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.
 - 27) "**Seasonal Residence**" or "**Seasonal Residential Structure**" means a structure which is not capable of supporting continuous year around human habitation without auxiliary sources of heat, power or sanitation.
 - 28) "**Shoreland**" means land within the following distances from the ordinary High Water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
 - 29) "**Shoreland-wetland district**" means the zoning district, created as a part of this shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made a part of this ordinance.
 - 27) "**Structure**" means anything constructed, erected or placed on a property that has shape, form and utility and which is temporarily or permanently attached to or resting on or in the ground, riverbed or lakebed. The term "structure" includes, but is not limited to buildings, outdoor heating units, mobile homes, vehicles and trailers not in use for transportation purposes, buried and above ground storage tanks, patios, decks, gazebos, above and below ground swimming pools, hot tubs and spas, satellite dishes larger than one meter in diameter, retaining walls, solid fences, towers, poles and signs. The term does not include filling or grading.

- 28) "**Swimming raft**" means a floating platform without railings, roof or walls that is adequately anchored to the bed of navigable waters and is designed for swimming, diving and related activities [s. 30.01(6e), Stats.].
- 29) "**Unnecessary hardship**" means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance. Under the terms of Wisconsin case law [Snyder v. Waukesha County, 74 Wis. 2d 468 (1976)] hardship is present where, in the absence of a variance, no reasonable use can be made of the property.
- 30) "**Variance**" means an authorization granted by the Board of Adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.
- 31) "**Vegetative Cover**" means trees, shrubs, groundcovers, lawns, planting beds, etc.; but does not include areas covered by structures such as decks and similar structures, or paving blocks with inserted vegetation.
- 32) "**Wetlands**" means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
- 33) "**Wharf**" means any structure in navigable waters extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft [Wis. Stats. s. 30.01(8)].

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WAUPACA COUNTY SHORELAND ZONING REQUIREMENTS

SUMMARY OF MAJOR PROVISIONS

(see attached list of lake, river & stream classes)

ATTACHMENT #1

Standard	Location	Group 1 Lakes	Group 2 Lakes	Group 3 Lakes & Developed areas on Rivers and Bayous	Rivers, Streams & Bayous	Trout Streams
Min. lot size	7.2-5 p. 24-27	5 acres	2 acres	20,000 sq. ft.	40,000 sq. ft.	40,000 sq. ft.
Min. lot width & water frontage	7.2-5 p. 24-27	400 ft.	200 ft.	100 ft.	200 ft.	200 ft.
Shore setback ¹	7.2-5 p. 24-27	300 ft.	100 ft.	75 ft.	100 ft.	125 ft.
Roadway setback	4.23, p. 10	Roadway setback shall be measured from the road right of way. Town 30 ft County 42 ft State 50 ft				
Roadway setback Reduction	5.41 p. 12	<p>If a reasonable building site is not provided, the roadway setback may be reduced to:</p> <ul style="list-style-type: none"> no less than 20 feet from the road right-of-way where the garage faces the road; and no less than 10 feet where the garage does not face the road. All residences must have a 10-foot minimum setback. 				
Building Site	5.42 p. 13	<p>If the roadway setback and the shoreland setback - together - do not provide for a 30 foot deep building site:</p> <ul style="list-style-type: none"> first, the roadway setback can be reduced as indicated in 5.41 above (Roadway setback reduction); followed by a shoreland setback reduction of not less than 2/3 the required shoreland setback. 				
Average Setback	5.22 p.11	If the proposed main dwelling may be reduced to the average of the shoreline setbacks of existing main dwellings within 200 feet on each side of the proposed main dwelling or 75 feet whichever is greater. If there is an existing main dwelling on only one side, the setback shall be the average of the existing dwelling's setback and the required setback.				
Wetland & drainageway setback	5.3 p. 12	<ul style="list-style-type: none"> 25 foot setback on all non-navigable wetlands and drainageways Navigable wetland setbacks reflect that of group 3 lakes Navigable drainageway setbacks reflect that of the adjacent river/stream classification 				
Side & rear yards	4.22 p. 10	<p>Lots > 100 ft. wide = min. 10 ft. & total of 30 ft. Rear yard setback = 20 feet Lots < 100 ft. wide = min. 7.5 ft. & total of 20 ft. Rear yard setback = 20 feet</p>				
Fences	5.65 p. 16	Fences within the shoreline setback provided: They do not exceed 4 ft. in height; They are of open construction (Chain link, split rail); Only split rail may be placed within the vegetation protection area provided they are more or less perpendicular to the shoreline.				
Open & Screened Structures	5.64 p. 16	Open structure located at least 35 Ft. landward from OHWM. Total floor area of all structures in Shoreland setback area of property not to exceed 200 sq ft. Structure has no sides or has open or screened sides. Vegetative buffer zone that covers at least 70% of the half of the Shoreland setback area.				
Structures	4.3 & 4 p. 10	No more than 1 dwelling may occupy a lot in single-family residential district. A principal structure must be constructed prior to or concurrent with any accessory structure.				
Vegetation protection area ²	7.2-5 p. 24-27	Within 275 ft. from shore (OHWM)	Within 75 ft. from shore	Within 50 ft. from shore	Within 75 ft. from shore	Within 100 ft. from shore
Land disturbing activities	6.15 p. 17	Limited to 50% of lot.				
Impervious surfaces³	6.16, p. 17	At least 75% of each shoreland lot must be maintained in Vegetative Cover- trees, shrubs, groundcovers, lawns, planting beds, etc.				

Shore protection structures (seawalls, riprap, etc)	7.2-5 p. 24-27	All except bioengineered are prohibited.	All with state permit are allowed.	All except riprap & bioengineered are prohibited.
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Boathouses	8.34 p. 32	New boathouses are prohibited. Existing boathouses (as of 6/5/97) are limited to ordinary maintenance & repair.
Wetland protection	7.1 p. 20-24	In mapped shoreland and contiguous wetlands of 2 acres or more the following uses are permitted: open space uses, forestry, agricultural drainage maintenance, fencing, piers & walkways, public highway maintenance, limited private road construction, limited development of natural & recreation areas, habitat improvement projects & limited utility & railroad construction. Other development requires a demonstration that listed significant public interest values do not exist in the wetland & that an alternative project site is not available. Map amendment process is required.
Nonconforming uses⁴	8.2 p. 28	No expansion is permitted. If discontinued for 12 months, future use must conform. Nuisances not permitted to continue.
Nonconforming structures⁴	8.3 p. 29-32	<p>Accessory structures are limited to ordinary maintenance & repair.</p> <p>Principal structures:</p> <ol style="list-style-type: none"> a) 0-50 ft. from shore = internal improvements only b) 50 ft to the required setback <ol style="list-style-type: none"> 1) The overall footprint of the enclosed nonconforming principal structure (living space) after expansion does not exceed 1700 square feet. 2) Must meet the impervious surface limitation. 3) Only one expansion is allowed over the life of the structure is permitted. 4) Additional stories no larger than footprint of original structure. 5) Maximum height of 28 feet. c) Mitigation required on all structural expansions <ul style="list-style-type: none"> Mandatory Measures <ul style="list-style-type: none"> • Evaluate and upgrade septic • Implement erosion and runoff control measures Owner Determined Measures - (must obtain 4 points) <ul style="list-style-type: none"> • Restore and/or maintain native vegetation 1-4 points • Remove nonconforming accessory structures 1-3 points • Earthtone building colors 0.5 points • Other approved measures (?) d) Structures damaged in excess of 50% of fair market value must comply if rebuilt.
Nonconforming lots⁴	8.4 p. 33	<p>Lots served by sanitary sewer - Single family dwelling permitted if:</p> <ol style="list-style-type: none"> a) at least 7,500 sq. ft. in area b) residential use permitted c) lot recorded prior to ordinance d) ownership separate from abutting lands e) compliance with all other requirements <p>Lots not served by sanitary sewer - Single family dwelling permitted if:</p> <ol style="list-style-type: none"> a) at least 10,000 sq. ft. in area & b-e above, or b) at least 20,000 sq. ft. in area & 100 ft. water frontage & b, c & e above.

¹ Measured from the ordinary high water mark (OHWM) to the nearest point of a building or structure.

² No vegetation removal or land disturbance except for pier or wharf construction, a walkway to access the shore, approved shoreline protection activities, removal of dead, diseased or dying trees which are a hazard & establishment of a 30 ft. wide view corridor by selective pruning and removal. Forest, cultivation and grazing practices require special regulations - refer to 5.57 & 5.58.

³ Footprints of structures or land areas where precipitation is essentially unable to infiltrate into the soil.

⁴ Nonconforming uses, structures or lots are those which predate current regulations, were legal when constructed but do not comply with current requirements.

Waupaca County Lake, River & Stream Classes

Group 1 Lakes

Chapin Lake	Mud Lake (T22NR11E S. 21)
Flynn Lake	Mud Lake (T22NR12E S. 10)
Foster Lake	Mud Lake (T22NR12E S. 17)
Fox Lake	Mud Lake (T25NR12E S. 18)
Holman Lake	Myklebust Lake
Jacklin Lake	Mynyard Lake
Jenson Lake	Newsome Pond
Johnson Lake	Norby Lake
Jones Lake	Preuss Lake
Knutson (Eickner) Lake	Sand Bar Lake, East
Krause (Lutz) Lake	Sand Bar Lake, West
Little Lake	Skunk Lake
Long Lake (T25NR13E S. 21, 22)	Spring Lake
Marl Lake (T23NR11E S. 32,33)	Spring Pond
Meed Lake	Twin Lake, North (Big)
Michael Lake	Twin Lake, South (Little)
Mountain Lake	Vesey lake
Mud Lake (T21NR11E S. 21)	Woodnorth Lake

Group 2 Lakes

Big Lake	Kating Lake
Black (Knudsen) Lake	Kinney Lake
Buck Lake	Lembke (Little Long) Lake
Campbell Lake	Long Lake (T24NR11E S. 11, 12)
Casey Lake	McAllister Lake
Cedar Lake	McLean Lake
Crystal Lake	Moon (Goodhal) Lake
Driscoll Lake	Mud Lake (T24NR13E S. 1)
Duck Lake	North Lake
Emmons Lake, North	Pfeiffer (Brady) Lake
Emmons Lake, South	Price Lake
Gooseneck Lake	Rasmussen's Lake
Graham lake	Rich Lake
Grass Lake	Rolands (Bestul) Lake
Gregerson Lake	Round Lake (T21NR11E S. 29)
Grenlie Lake	Round Lake (T24NR11E S. 12, 13)
Gurholt Lake	Sand (Jensen) Lake
Herman Lake	School Section Lake
Jackson Lake	Shambeau Lake
Jaquith Lake	Silver Lake (T23NR11E S. 14, 15)
Junction Lake	Sturm (Storm) Lake

Group 3 Lakes

All other unlisted or unnamed lakes

Lakes - Unsewered

Bailey (Bayley) Lake	Lake Charles
Bass Lake (T21N R11E S. 13, 24)	Old Taylor Lake
Bear Lake	Partridge Lake (unsewered portion)
Bestul (Brekke) Lake	Partridge Crop Lake
Blue Mountain (Goerke) Lake	Rollofson Lake
Cincoe Lake	Selmer (Siemer) Lake
Fremont Pond	Silver (Anderson) Lake
Hatch Lake	Spencer Lake
Lake Solitude	Stratton (Storm) Lake

Lakes - Sewered

Bass Lake (Chain-O-Lakes)	Mirror Lake
Beasley Lake (Chain-O-Lakes)	Nessling Lake (Chain-O-Lakes)
Birchwood Lake (½ sewerred, ½ not)	Orlando Lake (Chain-O-Lakes)
Columbian Lake (Chain-O-Lakes)	Otter Lake (Chain-O-Lakes)
Dake Lake(Chain-O-Lakes)	Ottman Lake (Chain-O-Lakes)
George Lake (Chain-O-Lakes)	Partridge Lake (sewered portion)
Knight Lake (Chain-O-Lakes)	Pope Lake (Chain-O-Lakes)
Limekiln Lake (Chain-O-Lakes)	Rainbow Lake (Chain-O-Lakes)
Long Lake (Chain-O-Lakes)	Round Lake (Chain-O-Lakes)
Manomin Lake (Chain-O-Lakes)	Shadow Lake
Marl Lake (Chain-O-Lakes)	Sunset Lake (Chain-O-Lakes)
McCrossen Lake (Chain-O-Lakes)	Taylor Lake (Chain-O-Lakes)
Miner Lake (Chain-O-Lakes)	Young's Lake (Chain-O-Lakes)

Impoundments - Unsewered

Allen (Hartman) Lake	Ogdensburg Millpond
Big Falls Pond	Peterson Creek Millpond
Iola Millpond (unsewered portion)	Pigeon (Clintonville) Lake (unsewered portion)
Keller Lake	Weyauwega Lake (unsewered portion)
Little Hope Millpond	White Lake
Manawa Millpond (unsewered portion)	
Marion Lake (unsewered portion)	

Impoundments - Sewered

Cary Pond	Pigeon (Clintonville) Lake (sewered portion)
Iola Millpond (sewered portion)	Scandinavia Millpond
Manawa Millpond (sewered portion)	Waupaca Mill pond
Marion Lake (sewered portion)	Weyauwega Lake (sewered portion)

Developed Areas on Waupaca County River and Streams

(Exact locations of these Developed Areas are located in the Waupaca County Zoning Office)

Cty Hwy X (Area near New London)	Red Oak
Cutoff	Subdivision near Red Banks
Driftwood	Shaws Landing
North side Grahm Lake (stream to north)	Templeton Bayou Plat
Hahn Subdivision	Welch Rd
	Wohlt's Plat

Bayous are under the Rivers and Streams classification with the exception of the ones listed above.

.Trout Streams

Listed in the Wisconsin Department of Natural Resources publication Wisconsin Trout Streams

WAUPACA COUNTY TROUT STREAMS

MAP	STREAM NAME	TROUT WATER	MAP	STREAM NAME	TROUT WATER
1	ALLEN CR.	ALL	21	LITTLE WOLF R. (N BR.)	TO NE ¼ S28, T25N, R12E
2	AUSTIN CR.	ALL	22	LITTLE WOLF R. (S BR.)	TO NE ¼ S5, T22N, R12E
3	BAILEY (BRADLEY) CR.	ALL	23	LITTLE WOLF R. (N FK S BR.)	TO TOWN RD BISECTING S14 & S23, T23N, R12E
4	BASTEEN CR.	TO OUTLET OGDENSBURG POND	24	MACK (BROWN) CR.	ALL
5	BESTUL CR.	ALL	25	MCLEANS CR.	ALL
6	BLAKE BR. (MAIN CR.)	TO HWY 161	26	MURRAY CR.	ALL
7	BLAKE BR. (N BR.)	ALL	27	NAYLOR CR.	ALL
8	BLAKE BR. (S BR.)	ALL	28	OLSON CR.	ALL
9	COMET CR.	ALL	29	PETERSON CR.	ALL
10	CRYSTAL R.	TO CTH E	30	PIGEON R. N BR.	TO JCT WITH PIGEON R. S. BR.
11	DOTY CR.	ALL	31	PIGEON R. S BR	TO NW ¼ S20, T25N, R13E
12	EMMONS CR.	ALL	32	RADLEY CR.	TO JCT WITH CRYSTAL R.
13	FLUME CR.	ALL	33	SANNES CR.	ALL
14	GESKE CR.	ALL	34	SPAULDING CR.	ALL
15	GRIFFIN CR.	ALL	35	STENSON (ENGBRETSON) CR.	ALL
16	HARTMAN CR.	ALL	36	TROUT (NACE) CR.	TO HWY 161
17	HYDE CR.	ALL	37	WALLA WALLA CR.	TO CTH X
18	JACKSON CR.	ALL	38	WAUPACA R.	TO HWY 54
19	JONES CR.	ALL	39	WHITCOMB CR.	ALL
20	LEERS CR.	ALL			

