

**MINUTES OF THE PLAN COMMISSION MEETING
CITY OF CHIPPEWA FALLS
MONDAY, JUNE 10, 2019– 6:30 PM**

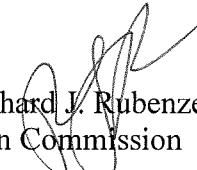
The Plan Commission met in City Hall on Monday, June 10, 2019 at 6:30 P.M. Present were Commissioners Dave Cihasky, Greg Misfeldt, Dennis Doughty, Mike Tzanakis, Dan Varga, Alderperson Chuck Hull, Secretary Rick Rubenzer, P.E., Vice-Chairperson Tom Hubbard and Mayor Greg Hoffman. Absent were Beth Arneberg and Jerry Smith. City Inspector Paul Lasiewicz was also in attendance.

1. **Motion** by Hubbard, seconded by Tzanakis to approve the minutes of the April 8, 2019 Plan Commission meeting. **All present voting aye. Motion carried.**

2. The Plan Commission considered the attached Certified Survey Map submitted on behalf of UFI, LLC by Cedar Corporation to combine lots 39 and 40 in 3rd Riverside Industrial Park. The lots are located at the southeast corner of STH #178 (Seymour Cray Sr. Boulevard) and Cashman Drive. Secretary Rubenzer noted that this combining of lots was consistent with Chippewa Falls Municipal Code Chapter 18, Subdivision and Platting.
Motion by Tzanakis, seconded by Hubbard to recommend the Common Council approve the attached Certified Survey Map submitted on behalf of UFI, LLC by Cedar Corporation to combine lots 39 and 40 in 3rd Riverside Industrial Park contingent on receipt of the \$100 Certified Survey Map review fee and submittal and approval of any required stormwater management plan. **All present voting aye. Motion carried.**

3. The Plan Commission considered the attached amendment to Chippewa Falls Municipal Code Chapter 27, Shoreland-Wetland Zoning Ordinance and the addition of Chapter 27A, Shoreland Zoning Regulation for Annexed Areas. City Inspector Lasiewicz explained that WDNR had mandated the amendment to Chapter 27 and the addition of Chapter 27A. He noted that the amendment and addition had been over a year in the process. The public hearing was properly published in the Chippewa Herald. Mayor Hoffman opened a public hearing to consider an amendment to Chippewa Falls Municipal Code Chapter 27, Shoreland-Wetland Zoning Ordinance and the addition of Chapter 27A, Shoreland Zoning Regulation for Annexed Areas.
No one spoke for or against the amendment to Chapter 27 and the addition of Chapter 27A. Mayor Hoffman closed the public hearing.
Motion by Varga, seconded by Hubbard to recommend the Common Council approve the attached amendment to Chippewa Falls Municipal Code Chapter 27, Shoreland-Wetland Zoning Ordinance and the addition of Chapter 27A, Shoreland Zoning Regulation for Annexed Areas. **All present voting aye. Motion carried**

4. **Motion** by Hubbard, seconded by Varga to adjourn. **All present voting aye. Motion carried.** The Plan Commission adjourned at 6:41 P.M.


Richard J. Rubenzer, P.E., Secretary
Plan Commission

Please note, these are draft minutes and may be amended until approved by the Common Council.

NOTICE OF PUBLIC MEETING

CITY OF CHIPPEWA FALLS, WISCONSIN

IN ACCORDANCE with the provisions of Chapter 19, Subchapter IV of the Statutes of the State of Wisconsin, notice is hereby given that a public meeting of the:

Plan Commission XXX

(Reasonable accommodations for participation by individuals with disabilities will be made upon request. Please call 726-2736)

Will be held on **Monday, May 13, 2019** at **6:30 P.M.** in the City Hall **Council Chambers**, Chippewa Falls, Wisconsin. Items of business to be discussed or acted upon at this meeting are shown on the attached Agenda or listed below:

NOTE: If unable to attend the meeting, please notify the Engineering Dept. by calling 726-2736.

NOTE:

THE PLAN COMMISSION MEETING

FOR

MONDAY, MAY 13, 2019

IS

CANCELLED

DUE TO A LACK OF AGENDA ITEMS.

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE CITY COUNCIL MAY BE PRESENT AT THIS MEETING TO GATHER INFORMATION ABOUT A SUBJECT OVER WHICH THEY HAVE DECISION MAKING RESPONSIBILITY.

Please note that attachments to this agenda may not be final and are subject to change.
This agenda may be amended as it is reviewed.

CERTIFICATION

I hereby certify that a copy of this agenda was placed in the Chippewa Herald mail box, 1st Floor, City Hall and also posted on the City Hall Bulletin Board on Wednesday, May 8, 2019 at 11:30 A.M. by Mary Bowe.

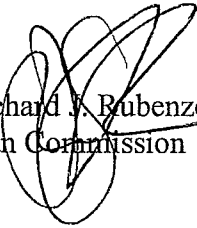
**MINUTES OF THE PLAN COMMISSION MEETING
CITY OF CHIPPEWA FALLS
MONDAY, APRIL 8, 2019– 6:30 PM**

The Plan Commission met in City Hall on Monday, April 8, 2019 at 6:30 P.M. Present were Commissioners Dave Cihasky, Greg Misfeldt, Dennis Doughty, Mike Tzanakis, Dan Varga, Beth Arneberg, Alderperson Chuck Hull, Secretary Rick Rubenzer, Vice-Chairperson Tom Hubbard and Mayor Greg Hoffman. Jerry Smith was absent. Houston Havenor, representing the Certified Survey Map for lots 332, 333, 334 and 335 in the 2nd replat of Wissota Green Subdivision also attended.

1. **Motion** by Hubbard; seconded by Varga to approve the minutes of the March 11, 2019 Plan Commission meeting. **All present voting aye. Motion carried.**

2. Houston Havenor appeared to support the attached Certified Survey Map subdividing lots 332, 333, 334 and 335 of the 2nd replat of Wissota Green Subdivision. Secretary Rubenzer noted that the proposed subdivision of lots 332-335 had been presented at the March 11, 2019 Plan Commission meeting in conjunction with the revision of Planned Development Conditional Use Permit Resolution No. 2013-05 to allow twin homes on the said lots 332-335. Secretary Rubenzer noted that the revised storm water management plan approved with the second revision of the Wissota Green Plat would cover the twin home construction on lots 332-335.
Motion by Hubbard, seconded by Varga to recommend the Common Council approve the attached Certified Survey Map subdividing lots 332, 333, 334 and 335 of the 2nd replat of Wissota Green Subdivision contingent upon receipt of the \$100 Certified Survey Map review fee. **All present voting aye. Motion carried.**

3. **Motion** by Varga, seconded by Hubbard to adjourn. **All present voting aye. Motion carried.** The Plan Commission adjourned at 6:35 P.M.

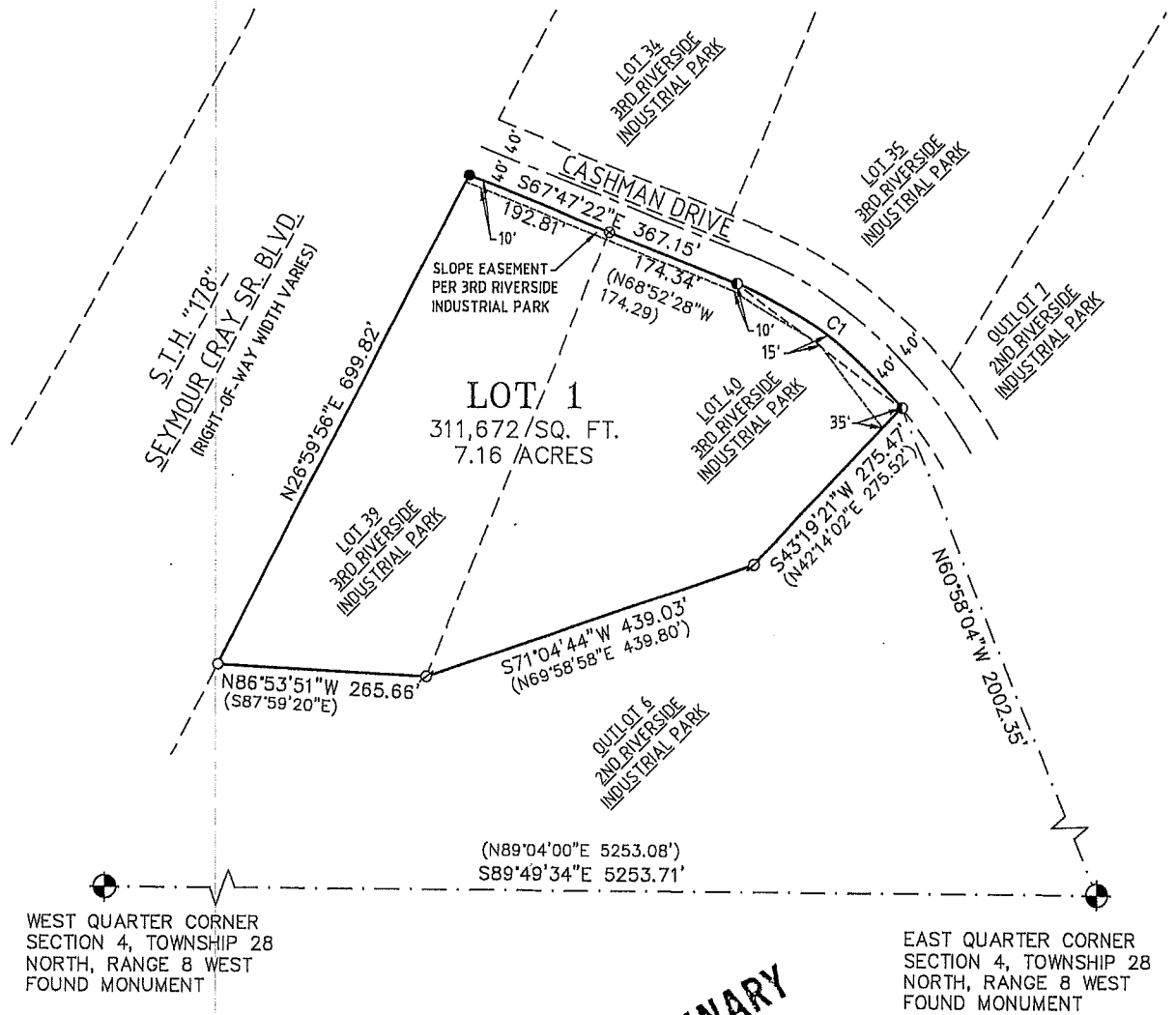

Richard V. Rubenzer, P.E., Secretary
Plan Commission

CHIPPEWA CO. CERTIFIED SURVEY

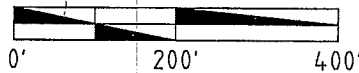
MAP NO. _____

RECORDED IN VOL. _____ OF THE
 CERTIFIED SURVEY MAPS PAGE _____
 REGISTER

PART OF THE SOUTHWEST QUARTER
 OF THE NORTHWEST QUARTER,
 SECTION 4, TOWNSHIP 28 NORTH,
 RANGE 8 WEST, CITY OF CHIPPEWA
 FALLS, CHIPPEWA COUNTY,
 WISCONSIN, INCLUDING PART OF LOT
 39 AND ALL OF LOT 40, 3RD
 RIVERSIDE INDUSTRIAL PARK.



SCALE: 1" = 200'



05/___/2019 COMPLETION DATE OF THE FIELDWORK

OWNER/PREPARED FOR:
 UFI, LLC
 600 CASHMAN DRIVE,
 CHIPPEWA FALLS, WISCONSIN 54729

DATE APPROVED _____
 CHIPPEWA COUNTY ZONING AGENCY
 BY _____

Dustin J. LaBlonde, PLS
 Cedar Corporation
 604 Wilson Avenue
 Menomonie, Wisconsin 54751

PRELIMINARY

LEGEND

- Government Corner (As Noted)
- Set 3/4" x 18" Iron Rebar Weighing 1.502 Pounds/Lineal Foot
- Found 3/4" Iron Rebar
- Found Iron 1" Iron Pipe
- ⊗ Found 1-1/4" Iron Pipe
- ∅ Found 2" Iron Pipe
- () Recorded Bearing/Distance



North is referenced to the South line of the Northeast 1/4, Section 4, -28-8 which bears S89°49'34"E (Chippewa County Grid System)

CHIPPEWA CO. CERTIFIED SURVEY

MAP NO. _____

RECORDED IN VOL. _____ OF THE

CERTIFIED SURVEY MAPS PAGE _____

REGISTER

PART OF THE SOUTHWEST QUARTER
OF THE NORTHWEST QUARTER,
SECTION 4, TOWNSHIP 28 NORTH,
RANGE 8 WEST, CITY OF CHIPPEWA
FALLS, CHIPPEWA COUNTY,
WISCONSIN, INCLUDING PART OF LOT
39 AND ALL OF LOT 40, 3RD
RIVERSIDE INDUSTRIAL PARK.

SURVEYOR'S CERTIFICATE

I, Dustin J. LaBlonde, Wisconsin Professional Land Surveyor, hereby certify that I have surveyed, divided, and mapped the part of the Southwest quarter of the Northwest quarter of Section 4, Township 28 North, Range 8 West, City of Chippewa Falls, Chippewa County, Wisconsin, more particularly described as follows:

Commencing at the East quarter corner of said Section 4;
Thence N60°58'04"W 2002.35 feet to the Southwesterly right-of-way of Cashman Drive and the Point of Beginning;
Thence S43°19'21"W 275.47 feet;
Thence S71°04'44"W 439.03 feet;
Thence N86°53'51"W 265.66 feet to the Southeasterly right-of-way of Seymour Cray Sr. Blvd. (S.T.H. "178");
Thence N26°59'56"E 699.82 feet along said Southeasterly right-of-way to said Southwesterly right-of-way of Cashman Drive;
Thence S67°47'22"E 367.15 feet along said Southwesterly right-of-way;
Thence Southeasterly 266.13 feet along said Southwesterly right-of-way and the arc of a 536.66 foot radius curve concave Southwesterly whose chord bears S53°34'59"E 263.41 feet to the Point of Beginning.

Said parcel contains 311,672 square feet (7.16 acres) more or less.

That I have made such survey, land division, and map at the direction of UFI, LLC, Owner, 600 Cashman Drive, Chippewa Falls, Wisconsin, 54729. That such map is a correct representation of the exterior boundaries of the land surveyed, and the subdivision thereof made. That I fully complied with the provisions of Chapter 236.34 of the Wisconsin State Statutes, A-E 7 of the Wisconsin Administrative Code and the subdivision regulations of the City of Chippewa Falls in surveying, dividing and mapping the same. Said survey is subject to easements of record and as shown.

Dated this 14th day of May, 2019.

Dustin J LaBlonde, P.L.S. #3096

PRELIMINARY

Curve Table							
Curve #	Length	Radius	Delta	Chord Bearing	Chord Length	1st Tangent	2nd Tangent
C1	266.13'	536.66'	28°24'46"	S53°34'59"E	263.41'	S67°47'22"E	S39°22'36"E

DATE APPROVED _____
CHIPPEWA COUNTY ZONING AGENCY
BY _____

Dustin J. LaBlonde, PLS
Cedar Corporation
604 Wilson Avenue
Menomonie, Wisconsin 54751

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
1155 Pilgrim Rd
Plymouth WI 53073

Scott Walker, Governor
Daniel L. Meyer, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



August 22, 2018

City of Chippewa Falls
Bridget Givens, City Clerk

Subject: Updates to Shoreland-Wetland and Shoreland Ordinance

Dear Ms. Givens:

Thank you for sharing the current version of your shoreland-wetland ordinance. We have reviewed the content with regard to NR 117 and to 2013 Wisconsin Act 80 pertaining to annexed properties in the City of Chippewa Falls. We did not find any shoreland zoning provisions for areas annexed to the City after May 1, 1982. We did not review your current floodplain ordinance so any comments below are limited to the shoreland-wetland and annexed area provisions.

There are a few changes needed to the ordinance due to statutory requirements. I did not see a separate shoreland zoning ordinance, and since the statutory authorizations for shoreland-wetlands zoning and for shoreland zoning for Act 80 annexed properties are different, we require that you make the Act 80 shoreland zoning provisions a separate chapter (ordinance) because shoreland zoning is authorized under Wisconsin Statute 62.233 and shoreland-wetland zoning is authorized under Wisconsin Statute 62.231. We have a few modifications that are needed for compliance with 2013 Wisconsin Act 80 and for NR 117.

Please see the changes below:

Section 27.01: Remove the reference to the following statutes: 87.30 and 144.26.

Section 27.05: Change "30.12(4)(a)" to **30.2022(1)**

Section 27.07: Replace "WWI stamped final on December 20, 1985" with this language:

The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer is made part of this ordinance. The maps can be viewed at <http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>.

Section 27.20(3): Change 144.26 to **281.31**

Create a new Chapter for Shoreland Zoning. This chapter should be "Shoreland Zoning Regulations for Annexed Areas". We require that you adopt the attached model (attached) as a separate ordinance. Act 80 requires a setback for all structures of 50' from the ordinary high water mark and allows for reduced setbacks through averaging for principal structures per 61.353, Wis. Stats. This ordinance applies to shorelands that were annexed by the City after May 7, 1982.

Here is an outline of the procedure to make these changes:

Standard Ordinance Adoption Procedure for Villages/Cities (steps and documentation):

- City/Village Committee drafts ordinance revisions, DNR reviews, comments incorporated.
- Committee sends out a public notice for a public hearing. (send us public notice, and an affidavit of publication of public hearing notice)
- At public hearing, Committee discusses draft ordinance and votes to present to the Village/City Board for adoption.
- Board votes to adopt at a board meeting (send us a Clerk certified copy of adopted ordinance, and ordinance or resolution number)
- City/Village publishes adoption (send us an affidavit for publication).

Please let me know if you have any questions on this information or if I can help with this process.

Sincerely,

Kathi Kramasz
Water Management Specialist

AN ORDINANCE AMENDING CHAPTER 27
OF THE CHIPPEWA FALLS MUNICIPAL CODE,
THE SHORELAND-WETLAND ZONING ORDINANCE

THE COMMON COUNCIL OF THE CITY OF CHIPPEWA FALLS, WISCONSIN, DO ORDAIN AS FOLLOWS:

1. That § 27.01 which presently provides as follows:

Statutory Authorization: This Ordinance is adopted pursuant to the authorization in Sections 62.23, 62.231, 87.30 and 144.26, Wis. Stats.

be amended to delete the references to 87.30 and 144.26 and provide as follows:

Statutory Authorization: This Ordinance is adopted pursuant to the authorization in Sections 62.23 and 62.231, Wis. Stats.

2. That § 27.05 which presently provides as follows:

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 if Section 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of all state highways and bridges by the Wisconsin Department of Transportation are exempt when Section 30.12(4)(1), Wis. Stats., applies.

be amended to change the reference to 30.12(4)(1) to 30.2022(1) and to provide as follows:

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 if Section 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of all state highways and bridges by the Wisconsin Department of Transportation are exempt when Section 30.2022(1), Wis. Stats., applies.

3. That § 27.07 which presently provides as follows:

Shoreland – Wetland Zoning Maps:

- (1) The following map is hereby adopted and made part of this Ordinance and is on file in the office of the Zoning Administrator of Chippewa Falls, Wisconsin.

- a. Wisconsin Wetland Inventory Maps stamped "Final" on December 20, 1985.
- b. Floodplain zoning maps titled "Official Flood Ordinance Map" and dated August 16, 1977.
- c. United States Geological Survey Maps dated 1972 or latest revision thereof.
- d. Zoning maps titled Zoning District Map and dated 1967 or latest revision thereof.

be amended to revise (1)a. and to provide as follows:

Shoreland – Wetland Zoning Maps:

- (1) The following map is hereby adopted and made part of this Ordinance and is on file in the office of the Zoning Administrator of Chippewa Falls, Wisconsin.
 - a. The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer is made a part of this Ordinance. For map viewing information contact the Zoning Administrator.
 - b. Floodplain zoning maps titled "Official Flood Ordinance Map" and dated August 16, 1977.
 - c. United States Geological Survey Maps dated 1972 or latest revision thereof.
 - d. Zoning maps titled Zoning District Map and dated 1967 or latest revision thereof.

4. That § 27.20(3) which presently provides as follows:

- (3) In order to ensure that this Ordinance will remain consistent with the shoreland protection objectives of Section 144.26, Wis. Stats., the City Council may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact on any of the following wetland functions:

• • •

be amended to change the reference to 144.26 to 281.31 and to provide as follows:

(3) In order to ensure that this Ordinance will remain consistent with the shoreland protection objectives of Section 281.31, Wis. Stats., the City Council may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact on any of the following wetland functions:

• • •

DATED this _____ day of _____, 2019.

COUNCIL PRESIDENT: _____
Rob Kiefer

FIRST READING: _____

SECOND READING: _____

APPROVED: _____
Gregory S. Hoffman, Mayor

ATTEST: _____
Bridget Givens, City Clerk

CHAPTER 27

SHORELAND-WETLAND ZONING ORDINANCE FOR THE CITY OF CHIPPEWA FALLS

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

- 27.01 Statutory Authorization: This Ordinance is adopted pursuant to the authorization in Sections 62.23, 62.231, 87.30 and 144.26, Wis. Stats.
- 27.02 Findings of Fact and Purpose:
- (1) Uncontrolled use of the shoreland-wetlands and the pollution of the navigable waters of Chippewa Falls would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:
- a. Promote the public health, safety, convenience and general welfare;
 - b. Maintain the storm and flood water storage capacity of wetlands;
 - c. Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - d. Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;
 - e. Prohibit certain uses detrimental to the shoreland-wetland area; and
 - f. Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth moving activities.
- 27.03 Title: Shoreland-Wetland Zoning Ordinance for Chippewa Falls, Wisconsin.

GENERAL PROVISIONS

- 27.04 Compliance: The use of wetlands and the alteration of wetlands within the shoreland area of Chippewa Falls shall be in full compliance with the terms of this Ordinance and other applicable local, state or federal regulations. (However, see Section 27.11 of this Ordinance for the standards applicable to nonconforming uses.) All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this Ordinance.
- 27.05 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 if Section 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of all state highways and bridges by the Wisconsin Department of Transportation are exempt when Section 30.12(4)(1), Wis. Stats., applies.

27.06 Abrogation and Greater Restrictions:

- (1) This Ordinance supersedes all the provisions of any municipal zoning ordinance enacted under Section 62.23 or 97.30, Wis. Stats., which relate to floodplains and shoreland-wetlands, except that where another municipal 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) 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.
- (3) 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 municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this Ordinance is required by a standard in Chapter NR 117, Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Chapter NR 117 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.
- (4) Severability: Should any portion of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

SHORELAND-WETLAND ZONING DISTRICT

27.07 Shoreland-Wetland Zoning Maps:

- (1) The following map is hereby adopted and made part of this Ordinance and is on file in the office of the Zoning Administrator of Chippewa Falls, Wisconsin.
 - a. Wisconsin Wetland Inventory Maps stamped "Final on December 20, 1985.
 - b. Floodplain zoning maps titled Official Flood Ordinance Map and dated August 16, 1977.
 - c. United States Geological Survey Maps dated 1972 or latest revision thereof.
 - d. Zoning maps titled Zoning District Map and dated 1967 or latest revision thereof.

27.08 District Boundaries:

- (1) The shoreland-wetland zoning district includes all wetlands in Chippewa Falls, Wisconsin which are five acres or more and are show in the final Wetland Inventory Map that has been adopted and made a part of this Ordinance and which are:
 - a. Within 1,000 feet of the ordinary high water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in Chippewa Falls shall be presumed to navigable if they are listed in the Department publication "Surface Water Resources of Chippewa County".
 - b. Within 300 feet of the ordinance high water mark of navigable rivers or streams, or to the landwards side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the Unites States Geological Survey

quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Ordinance. Floodplain zoning maps adopted in Section 27.07(1)(b) shall be used to determine the extent of floodplain areas.

- (2) 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.
- (3) When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning 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. In order to correct wetland mapping errors shown on the official shoreland-wetland zoning maps, the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period.

27.09 Permitted Uses: The following uses are permitted subject to the provisions of Chapters 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable:

- (1) Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs.
 - a. Hiking, fishing, trapping, hunting, swimming, snowmobiling, and boating;
 - b. 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;
 - c. The practice of silviculture, including the planting, thinning and harvesting of timber;
 - d. The pasturing of livestock;
 - e. The cultivation of agricultural crops; and
 - f. The construction and maintenance of duck blinds.
- (2) Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:
 - a. The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
 - b. The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;

- c. The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged soil is placed on existing spoil banks where possible;
- d. The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
- e. The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
- f. The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in Section 6.13 of this Ordinance; and
- g. The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling for such maintenance, repair, replacement or reconstruction.

(3) Uses which are allowed upon the issuance of a conditional use permit which may include wetland alterations only to the extent specifically provided below:

- a. The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under Section 27.09 of this Ordinance, provided that:
 - i. The road cannot, as a practical matter, be located outside the wetland;
 - ii. The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in Section 27.20(3) of this Ordinance;
 - iii. The road is designated and constructed with the minimum cross-sectional area practical to serve the intended use;
 - iv. Road construction activities are carried out in the immediate area of the roadbed only; and
 - v. Any wetland alteration must be necessary for the construction or maintenance of the road.
- b. The construction and maintenance of nonresidential buildings provided that:
 - i. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows, or other wetland or aquatic animals;
 - ii. The building cannot, as a practical matter, be located outside the wetland;
 - iii. The building does not exceed 500 square feet in floor area; and
 - iv. Only limited filling and excavating necessary to provide structural support for the building is allowed.

- c. The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animals farms, wildlife preserves and public boat launching ramps, provided that:
 - i. Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
 - ii. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;
 - iii. The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in Section 27.09(3)(a) of this Ordinance; and
 - iv. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animals farms, and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- d. The construction and maintenance of electric and telephone transmission liens, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines provided that:
 - i. The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 - ii. Only limited filling or excavating necessary for such construction or maintenance is allowed; and
 - iii. Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in Section 27.20(3) of this Ordinance.

27.10 Prohibited Uses:

- (1) Any use not listed in Section 27.09 of this Ordinance is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Ordinance in accordance with Section 27.20 of this Ordinance.
- (2) The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high water mark of any navigable waters are prohibited.

NONCONFORMING STRUCTURES AND USES

27.11 Nonconforming Structures and Uses:

- (1) 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 the ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:

- a. Notwithstanding Section 62.23(7)(h), Wis. Stats., the repair, reconstruction, renovation, remodeling or expansion of a legal nonconforming structure in existence at the time of adoption of subsequent amendment of this Ordinance adopted under Section 62.231, Wis. Stats., or of an environmental control facility in existence on May 7, 1982, related to that structure, is permitted under Section 62.231(5), Wis. Stats. Section 62.23(7)(h), Wis. Stats., applies to any environmental control facility that was not in existence on May 7, 1982, but was in existence on the effective date of this Ordinance or amendment.
- b. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this Ordinance.
- c. Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this Ordinance adopted under Sections 62.231 or 61.351, Wis. Stats., may be continued although such use does not conform to the provisions of the ordinance. However, such nonconforming use may not be extended.
- d. The maintenance and repair of nonconforming boathouses which are located below the ordinary high water mark of any navigable waters shall comply with the requirements of Section 30.121, Wis. Stats.
- e. Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

ADMINISTRATIVE PROVISIONS

27.12 Zoning Administrator: The Zoning Administrator shall have the following duties and powers:

- (1) Advise applicants as to the provisions of this Ordinance and assist them in preparing permit applications and appeal forms.
- (2) Issue permits and certificates of compliance and inspect properties for compliance with this Ordinance.
- (3) Keep records of all permits issued, inspections made, work approved and other official actions.
- (4) Have access to any structure or premises between the hours of 8:00 am and 6:00 pm for the purpose of performing these duties.
- (5) Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within ten (1) days after they are granted or denied, to the appropriate district office of the Department.
- (6) Investigate and report violations of this Ordinance to the Plan Commission and City Attorney.

27.13 Zoning Permits:

- (1) When Required: Unless another section of this Ordinance specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in Section 27.22(6) of this Ordinance, or any change in the use of an existing building or structure is initiated.

(2) Application: An application for a zoning permit shall be made to the Zoning Administrator upon forms furnished by the municipality and shall include, for the purpose of proper enforcement of these regulations, the following information:

a. General Information:

- i. Name, address, and telephone number of applicant, property owner and contractor, where applicable;
- ii. Legal description of the property and a general description of the proposed use or development; and
- iii. Whether or not a private water supply or sewage system is to be installed.

b. Site Development Plan: The site development plan shall be submitted as a part of the permit application and shall contain the following information drawn to scale:

- i. Dimensions and area of the lot;
- ii. Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways;
- iii. Description of any existing or proposed on-site sewage systems or private water supply systems;
- iv. Location of the ordinary high water mark of any abutting navigable waterways;
- v. Boundaries of all wetlands;
- vi. Existing and proposed topographic and drainage features and vegetative cover;
- vii. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps;
- viii. Location of existing or future access roads; and
- ix. Specifications and dimensions for areas of proposed wetland alteration.

(3) Expiration: All permits issued under the authority of this Ordinance shall expire two (2) years from the date of issuance if construction has not begun. In addition, all permits shall expire three (3) years from the date of issuance if construction is not completed. An extension of six (6) months may be granted by the Plan commission if good cause is shown.

27.14 Certificates of Compliance:

(1) Except where no zoning permit or conditional use permit is required, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Zoning Administrator subject to the following provisions:

- a. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this Ordinance.
- b. Application for such certificate shall be concurrent with the application for a zoning or conditional use permit.
- c. The certificate of compliance shall be issued within ten (10) days after notification of the completion of the work specified in the zoning or conditional use permit, providing the building or premises and proposed use thereof conform to all the provisions of this Ordinance.

- (2) The Zoning Administrator may issue a temporary certificate of compliance for a building, premises or part thereof for a period not exceeding six (6) months during the completion of alterations pending its permanent occupation. Such temporary permit shall not be issued except under such restrictions and provisions as will adequately ensure the safety of occupants. A temporary permit shall be voided if the building fails to conform to the provisions of this Chapter to such a degree as to render it unsafe for the occupancy proposed.
- (3) 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 ordinance adoption, 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.

27.15 Conditional Use Permits:

- (1) Application: 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 Plan Commission following the procedures in Section 27.19 of this Ordinance.
- (2) Conditions: Upon consideration of the permit application and the standards applicable to the permitted uses in Section 27.09(b) of this Ordinance, the Plan Commission shall attach such conditions to a conditional use permit, in addition to those required elsewhere in this Ordinance, as are necessary to further the purposes of this Ordinance as listed in Section 27.02. Such conditions may include specification for, without limitation because of specific enumeration: Type of shore cover; erosion controls; increased setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operation control; sureties; deed restrictions; location of piers, docs, parking areas and signs; and type of construction. To secure information upon which to base its determination, the Plan Commission may require the applicant to furnish, in addition to the information required for a zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this Ordinance.

27.16 Fees: All conditional use petitions shall be accompanied by the appropriate fee to defray the cost of giving notice, investigation and other administrative processing.

27.17 Recording: Where a zoning permit or conditional use permit is approved, an appropriate record shall be made by the Zoning Administrator of the land use and structures permitted.

27.18 Revocation: Where the conditions of a zoning permit or conditional use permit are violated, the permit shall be revoked by the Plan Commission.

27.19 Appeals: Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the city affected by any order, requirement, decision, or determination of the Zoning Administrator. The procedures for the disposition of the Zoning Administrator. The procedures for the disposition of an appeal shall be the same as those required in Chapter 17 of the Chippewa Falls Municipal Code under Board of Appeals.

27.20 Amending Shoreland-Wetland Zoning Regulations: The City Council may alter, supplement or change the district boundaries and the regulations contained in this Ordinance in accordance with the requirements of Section 62.23(7)(d)2, Wis. Stats., NR 117, Wisconsin Administrative Code, and the following:

- (1) A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within five (5) days of the submission of the proposed amendment to the Plan Commission.
- (2) All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the Plan commission, and a public hearing shall be held as required by Section 62.23(7)(d)2, Wis. Stats. The appropriate district office of the Department shall be provided with written notice of the public hearing at least ten (10) days prior to such hearing.
- (3) In order to ensure that this Ordinance will remain consistent with the shoreland protection objectives of Section 144.26, Wis. Stats., the City Council may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact on any of the following wetland functions:
 - a. Storm and flood water storage capacity.
 - b. Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or 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 erosion.
 - e. Fish spawning, breeding, nursery or feeding grounds.
 - f. Wildlife habitat.
 - g. Areas of special recreation, scenic, or scientific interest, including scarce wetland types and habitat or endangered species.
- (4) Where the district office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in Section (3) above of this Ordinance, the Department shall so notify the municipality of its determination either prior to or during the public hearing held on the proposed amendment.
- (5) The appropriate district office of the Department shall be provided with:
 - a. A copy of the recommendation and report, if any, of the Plan Commission on a proposed text or map amendment, within ten (10) days after the submission of those recommendations to the City Council.
 - b. Written notice of the action on the proposed text or map amendment within ten (10) days after the action is taken.
- (6) If the Department notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in Section (3) above of this Ordinance, that proposed amendment, if approved by the municipal governing body, shall not become effective until more than thirty (30) days have elapsed since written notice of the municipal approval was mailed to the Department, as required by Section 27.20(5)(b) of this Ordinance. If within the thirty (30) day period, the Department notifies the municipality that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the municipality as provided by Sections 62.231(6) and 61.351(6), Wis. Stats., the proposed amendment shall not become effective until the

ordinance adoption procedure under Section 62.231(6) or 61.351(6) Wis. Stats., is completed or otherwise terminated.

ENFORCEMENT AND PENALTIES

27.21 Enforcement and Penalties: Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced or any use or accessory use established after the effective date of this Ordinance in violation of the provisions of this Ordinance, by any persons, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Administrator shall refer violations to the Plan Commission and City Attorney who shall prosecute such violations. Any person who shall violate any provision of this Chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.

Every violation of this Ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to Section 87.30(2), Wis. Stats.

DEFINITIONS

27.22 Definitions: For the purpose of administering and enforcing this Ordinance, the terms or works used herein shall be interpreted as follows: Words used in the present tense include the future; words in singular number include the plural number; 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 following terms used in this Ordinance mean:

- (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 principle structure or use to which it is related and which is located on the same lot as that of the principle structure or use.
- (2) "BOATHOUSE" as defined in Section 30.121(1), Wis. Stats., means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.
- (3) "CLASS 2 PUBLIC NOTICE" means publication of a public hearing notice under Chapter 985, Wis. Stats., in a newspaper of circulation in the affected area. Publication is required on two (2) consecutive weeks, the last at least seven (7) days prior to the hearing.
- (4) "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 Plan Commission.
- (5) "DEPARTMENT" means the Wisconsin Department of Natural Resources.
- (6) "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 buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

- (7) "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.
- (8) "ENVIRONMENTAL CONTROL FACILITY" means any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.
- (9) "FIXED HOUSEBOAT" as defined in Section 30.121(1) Wis. Stats., means a structure not actually used for navigation which extends beyond the ordinary high water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.
- (10) "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 Section 144.26(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Sections 61.351 or 62.221, Wis. Stats., and Chapter NR 117, Wisconsin Administrative 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.

"Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench v. Public Service Commission, 261 Wis. 492 (1952) and DeGaynor and Co., Inc., v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]. For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable, in fact under the laws of this state, though it may be dry during other seasons."
- (11) "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 such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- (12) "PLAN COMMISSION" means the municipal plan commission created under Section 62.23(1) Wis. Stats.
- (13) "SHORELANDS" means lands 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.
- (14) "SHORELAND-WETLAND DISTRICT" means the zoning district, created in this shoreland-wetland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this Ordinance.
- (15) "UNNECESSARY HARDSHIP" means that circumstance where special conditions, which are 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.

-
- (16) "VARIANCE" means an authorization granted by the Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this Ordinance.
 - (17) "WETLANDS" means those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
 - (18) "WETLAND ALTERATION" means any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

CHAPTER 27A

SHORELAND ZONING REGULATION FOR ANNEXED AREAS

27A.01	Statutory Authorization
27A.02	Findings of Fact and Purpose
27A.03	Compliance
27A.04	Municipalities and State Agencies Regulated
27A.05	Abrogation and Greater Restrictions
27A.06	Interpretation
27A.07	Severability
27A.08	Applicability of Shoreland Regulations
27A.09	Determination of Ordinary Highwater Mark
27A.10	Effect of Existing Land Division, Sanitary, Zoning and Other Regulations
27A.11	Setbacks from the Water
27A.12	Nonconforming Structures
27A.13	Definitions

27A.01 STATUTORY AUTHORIZATION.

This ordinance is adopted pursuant to the authorization in Wis. Stat. sec. 61.35 and 61.353 or 62.23 and 62.233.

27A.02 FINDING OF FACT AND PURPOSE.

Uncontrolled use of shorelands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:

- A. Promote the public health, safety, convenience and general welfare;
- B. Limit certain land use activities detrimental to shorelands; and
- C. Preserve shore cover and natural beauty by controlling the location of structures in shoreland areas.

27A.03 COMPLIANCE.

The use of shorelands within the shoreland area of the municipality shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this ordinance.

27A.04 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 if Wis. Stat. sec. 13.48(13) applies.

27A.05 ABROGATION AND GREATER RESTRICTIONS.

(1) This ordinance supersedes all the provisions of any other applicable municipal ordinance except that where another municipal 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) 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.

27A.06 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 municipality and shall

not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes or Wisconsin Constitution.

27A.07 SEVERABILITY.

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

27A.08 APPLICABILITY OF SHORELAND REGULATIONS.

These Shoreland Zoning regulations apply only to a shoreland that was annexed by the City of Chippewa Falls after May 7, 1982, and that prior to annexation was subject to a Chippewa County Shoreland Zoning Ordinance under Wis. Stat. sec. 59.692.

27A.09 DETERMINATION OF ORDINARY HIGHWATER MARK.

Determinations of the ordinary highwater mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Wisconsin Department of Natural Resources for a final determination of ordinary highwater mark.

27A.10 EFFECT OF EXISTING LAND DIVISION, SANITARY, ZONING AND OTHER REGULATIONS.

The lands regulated by this ordinance are subject to all applicable provisions of the City of Chippewa Falls Municipal Code. Where the provisions of this ordinance are more restrictive than other regulations in the Municipal Code, the provisions of this ordinance shall apply.

27A.11 SETBACKS FROM THE WATER.

(1) Building and Structure Setbacks

- A. All buildings and structures shall be set back at least 50 feet from the ordinary high-water mark.
- B. Reduced Principal building setback: A setback less than 50' setback required from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows:
 - 1. Where there are existing principal buildings on each adjacent lot, the setback shall equal the average of the distances the two existing principal buildings are setback from the ordinary high water mark or 35' from the ordinary high water mark, whichever distance is greater.

(2) Exempt Structures Within Setback Area

- A. Stairways, Walkways, and Lifts. A stairway, walkway, or lift is permitted in the shoreland setback area only when it is essential to provide pedestrian access to

the pier because of steep slopes or rocky, wet, or unstable soils, and when the following conditions are met:

1. There are no other locations or facilities on the property which allow adequate access to a pier. Only one (1) stairway or one (1) lift is allowed, not both, except where there is an existing stairway and the lift will be mounted to or is immediately adjacent to the existing stairway.
2. Such structures shall be placed on the most visually inconspicuous route to the shoreline and shall avoid environmentally sensitive areas.
3. Vegetation, which stabilizes slopes or screens structural development from view, shall not be removed.
4. Structures shall be colored and screened by vegetation so as to be inconspicuous when viewed against the shoreline.
5. Canopies, roofs, and sides are prohibited. Open railings may be provided where required for safety.
6. A maximum width of five feet (5') (outside dimension) is allowed for stairways, walkways, and lifts.
7. Landings are allowed when required for safety purposes and shall not exceed forty (40) square feet. Attached benches, seats, tables, etc., are prohibited.
8. Stairways, walkways, and lifts shall be supported on piles or footings. Any filling, grading, or excavation that is proposed must be done in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat.

B. Boathouses

1. Boathouses shall be designed and constructed solely for the storage of boats and related equipment and shall not be used for human habitation.
2. Boathouses shall not be placed waterward beyond the ordinary high water mark.
3. One (1) boathouse is permitted on a lot as an accessory structure.
4. Boathouses shall be set back a minimum of five feet (5') from the ordinary high water mark and shall be constructed in conformity with local floodplain zoning standards.
5. Boathouses shall not exceed one (1) story and 400 square feet in floor area.

27A.12 NONCONFORMING STRUCTURES.

- (1) Maintenance, Repair, Replacement or Vertical Expansion of Nonconforming Structures.

An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Municipalities may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

- (2) Maintenance, Repair, Replacement or Vertical Expansion of Structures That Were Authorized by Variance (Wis. Stats. secs. 59.692(1k)(a)2. and (a)4.)

A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Municipalities may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

27A.13 DEFINITIONS.

In this Ordinance:

- (1) "Principal building" means the main building or structure on a single lot or parcel of land and includes any attached garage or attached porch.
- (2) "Shorelands" means lands within the following distances from the ordinary highwater 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.
- (3) "Shoreland setback area" means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited.