

VILAS COUNTY

**SHORELAND ZONING ORDINANCE**



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*History: (Amendment #85-250, Table Contents addition of Appendix A, effective 02-01-17)*

**ARTICLE I:**

**STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE**

**1.1 Statutory Authorization.**

This Ordinance is adopted pursuant to the authorization in Section 59.692, Wis. Stats., to implement sections 59.69, 59.692, 59.694, 87.30, 236.45, and 281.31, Wisconsin Statutes.

**1.2 Findings of Fact.**

- A.** Vilas County has over 1,300 lakes and other water bodies within its boundaries, nearly ten percent of the lakes contained within the State of Wisconsin. Further, it has one of the highest concentrations of inland freshwater lakes in the world.
- B.** Uncontrolled use of the shorelands and pollution of the navigable waters of Vilas County would adversely affect the public health, safety, convenience, general welfare and economic base of Vilas County.
- C.** The Legislature of Wisconsin has required that counties zone by ordinance all shorelands in its unincorporated area. This responsibility is hereby recognized by Vilas County, Wisconsin.
- D.** Given high levels of existing development on some water bodies, increased pressure for development of shorelands on many others, and varied sensitivity of lakes, rivers and streams in Vilas County. Impacts from such development and density issues it is necessary classes of water bodies meet certain requirements addressing issues not covered by standards required by state law in order to fully achieve the purposes of this ordinance.

*History: (Amendment #85-250, Section 1.2., D, effective 02-01-17)*

**1.3 Purpose and Intent.**

- A.** For the purpose of promoting public health, safety, convenience and welfare, and protect the public trust in navigable waters this Shoreland Zoning Ordinance is established to:
  - 1. Further the maintenance of safe and healthful conditions;
  - 2. Protect spawning grounds, fish and aquatic life,
  - 3. Preserve and restore shoreland vegetation and natural scenic beauty;
  - 4. Prevent and control water pollution;
  - 5. Prevent erosion of the soil;
  - 6. Preserve the compatibility of proposed development with existing land and water usage;
  - 7. Control building sites, development, placement of structures and land uses;
  - 8. Promote sound forestry;

*History: (Amendment #85-250, Section 1.3 A. 3., 7., 8., effective 02-01-17)*

- B.** In order to achieve these purposes, it is the intent of this ordinance to include, but not be limited to, the following methods and strategies:
  - 1. To control the density of shoreland and backlot development by:
    - a. Establishing minimum lot areas
    - b. Establishing minimum buildable lot areas
  - 2. Establishing minimum setbacks from the Ordinary High Water Mark, side yard lot lines and back yard or road lot lines;
  - 3. Controlling filling, grading, excavating and the extent of other land disturbing activities to prevent soil erosion;
  - 4. Protecting and enhancing vegetative buffer zones and natural shoreland cover, including the use of mitigation (restoration);

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5. Minimizing pollution of ground and surface waters from sewage disposal systems or other pollution sources, requiring minimum buildable lot area requirements to provide adequate area for private on-site waste treatment systems;
6. Minimizing runoff causing nutrient and sediment transport to surface water, including controlling the amount of impervious surfaces allowed;
7. Protecting bank stability and controlling shoreline alterations, dredging and lagooning;
8. Preserving wetlands and other fish and aquatic habitat;
9. Separating conflicting land uses;
10. Prohibiting certain uses detrimental to the shoreland area;
11. Preventing shoreline encroachment by structures;
12. Regulating the use, placement and size of boathouses and other structures; and
13. Limiting water access lots to navigable waters.
14. Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
15. Setting the maximum height for near shore structures.

*History: (Amendment #85-250, Section 1.3., B., 1. a. & b., 3., 5.,14., 15., effective 02-01-17)*

- C.** It is the intent of this ordinance to allow reasonable use of shoreland areas by individuals and businesses while providing long-term safeguards for the water resources of Vilas County and achieving the purposes of this ordinance.

*History: (Amendment #85-250, Section 1.3. removal of D. & E., effective 02-01-17)*

## **1.4 Title.**

This ordinance shall be known as the Vilas County Shoreland Zoning Ordinance.

**ARTICLE II:**

**GENERAL PROVISIONS**

**2.1 Regulated Shoreland Areas.**

**A. Applicability.**

The provisions of this Ordinance apply to the shorelands of all navigable waters, in the unincorporated areas of Vilas County, which are:

1. Within one thousand (1,000) feet of the ordinary high water mark of navigable lakes, ponds or flowages.
2. 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.

*History: (Amendment #85-250, Section 2.1. B. removed, effective 02-01-17)*

**2.2 Incorporated Shoreland Zoning Maps and Reports.**

**A. Maps.**

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

1. United States Geological Survey Quadrangle maps for Vilas County (revised 1970, 1971, 1981, and 1982 and any subsequent revisions).
2. Wisconsin Wetland Inventory maps stamped "FINAL" on September 28, 1983 and any subsequent revisions. 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>**
3. Vilas County Wisconsin, Flood Insurance Rate Maps, under Federal Emergency Management Agency (FEMA) Dated June 5, 2012.
4. Many of these maps excluding the Wetland maps may be found at:  
**<http://vcgis.co.vilas.wi.us/vcom/>**

*History: (Amendment #85-250, Section 2.2 A. 3., 4., effective 02-01-17)*

**B. Reports.**

The Vilas County Lake and River Classification Study dated February 1999 is hereby adopted and incorporated by reference.

**2.3 Compliance with this Ordinance.**

**A. General.**

The use of any shoreland area or water body; the size and shape of shoreland lots; the use, size, type and location of structures on shoreland lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, lagooning, dredging of any shorelands; the cutting of shoreland vegetation; and the division of lots in shoreland areas, shall be in full compliance with the terms of this Ordinance.

**B. Violations and Penalties.**

1. Any violation of the terms of this Ordinance not corrected on the written order of the Zoning Department within the time specified shall be referred to the Zoning & Planning Administrator who shall determine the further action to be taken.
2. The violation of any condition attached by the Zoning & Planning Department to a Zoning Permit approval shall constitute a violation of this Ordinance.

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## 3. Penalties:

- a. **Penalty:** Any person, firm or corporation, including those doing work for others, who violates any of provisions of this Ordinance shall be subject to a forfeiture of \$100.00 for the first violation, \$250.00 for the second violation, and \$500.00 for all subsequent violations of this Ordinance, plus cost of prosecution. Each day a violation exists shall constitute a distinct and separate violation of this Ordinance and as such, forfeitures shall apply accordingly. Zoning Administrator or Deputy Administrator shall refer violations to the Corporation Counsel who shall prosecute violations.
- b. **Injunction:** As a substitute for or in addition to forfeiture actions, the Corporation Counsel may, on behalf of the County, seek enforcement of any or all parts of this Ordinance by a court action seeking injunctive relief.

*History: (Amendment #85-250, Section 2.3 B. effective 02-01-17)*

## C. **Property Owners and Agents.**

It shall be the responsibility of the property owners and their agents or other persons acting on their behalf including builders and contractors to comply with the terms of this ordinance. Any person failing to comply with this Ordinance is subject to enforcement under Article IX of the Vilas County General Zoning Ordinance, which is hereby incorporated by reference.

## D. **Governmental Bodies.**

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Ordinance and obtain all necessary permits. Unless specifically exempted by law, state agencies are required to comply if Wis. Stats. 13.48(13) applies. Unless specifically exempted by law, federal agencies are required to comply with this ordinance.

*Note: The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt where Wis. Stats. 30.2022, applies*

## E. **Annexed and Newly Incorporated Areas**

The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas. Unless specifically exempted by law, all cities, villages, towns, counties and, when Wis. Stats. 13.48 (13), Stats, applies, state agencies are required to comply with, and obtain all necessary permits under local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland zoning ordinances if Wis. Stats. 30.2022 applies. (NR 115.02) Shoreland zoning requirements in annexed or incorporated areas are provided

*History: (Amendment #85-250, Section 2.3 E., effective 02-01-17)*

## 2.4

### **Relationship to Other Zoning and Property Restrictions.**

#### **A. Vilas County General Zoning Ordinance, Subdivision and Private Sewage System Ordinance**

All provisions of the Vilas County General Zoning Ordinance, Subdivision and Private Sewage System Ordinance are hereby incorporated by reference. Except as otherwise provided in this ordinance, the general zoning ordinance provisions shall only apply to shoreland areas where they impose greater restrictions than this Ordinance otherwise imposes.

Naming a few provisions from the General Ordinance, Subdivision and Private Sewage System Ordinance for reference:

1. Variance Procedure - Article X Vilas County General Ordinance
2. Conditional Use Procedure - Article IX Vilas County General Ordinance
3. Rezone Procedure - Article IX Vilas County General Ordinance
4. Height - Article III Vilas County General Ordinance
5. Administrative Provisions - Article IX Vilas County General Ordinance

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6. Vilas County Subdivision Ordinance 81
  - a. Cluster or Conservation Subdivisions Section 9
7. Vilas County Private Sewage System Ordinance Chapter 15

*History: (Amendment #85-250, Section 2.4 A., 1. – 7., effective 02-01-17)*

## **B. Town Regulation.**

Pursuant to Wis. Stats. 59.692(2) (a), this Ordinance shall not require approval or be subject to disapproval by any town or town board. 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. (Wis. Stats. 59.692(2) (b))

*History: (Amendment #85-250, Section 2.4 B., effective 02-01-17)*

- C. (Wis. Stats. 59.692(5)) The provisions of this ordinance supersede any provisions in county zoning ordinance that solely relate to shorelands. In other words, if a zoning standard only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this ordinance supersedes those provisions. However, where an ordinance adopted under a statute other than Wis. Stats. 59.692 does not solely relate to shorelands and is more restrictive than this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions.

*History: (Amendment #85-250, Section 2.4 C., effective 02-01-17)*

## **D. Other Property Restrictions.**

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.

## **E. Greater Restrictions**

1. (Wis. Stats. 59.692(1d) (b)) This ordinance may establish standards to regulate matters that are not regulated in NR 115, but that further the purposes of shoreland zoning as described in section 1.3 of this ordinance,
2. (Wis. Stats. 59.692(1k) (a)1) Counties may not establish shoreland zoning standards in a shoreland zoning ordinance that requires any of the following:
  - a. Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.
  - b. Requires any inspection or upgrade of a structure before the sale or other transfer of the structure.
3. (Wis. Stats. 59.692(7)) Construction and maintenance of a facility is considered to satisfy the requirements of a Shoreland Zoning Ordinance if:
  - a. The department has issued all required permits or approvals authorizing the construction or maintenance under Ch. 30, 31, 281, or 283.

Note: A "facility" means any property or equipment of a public utility, as defined in Wis. Stats. 196.01 (5), or a cooperative association organized under Ch. 185 for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

*History: (Amendment #85-250, Section 2.4 E., 1. – 3., & Note, effective 02-01-17)*

## **2.5 Administration and Enforcement.**

This Ordinance shall be administered and enforced pursuant to the terms of the Vilas County General Zoning Ordinance, which is incorporated by reference.



## **2.6 Relaxation of Standards for Persons with Disabilities.**

A permit may be issued to relax the standards of this ordinance in order to provide reasonable accommodations as required by provisions of federal and state law. Such relaxation shall be the minimum necessary to be consistent with federal guidelines for accommodation of persons with disabilities and shall where practical, be terminated when no longer used by the disabled person. A person applying for the permit for the 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 structure. An affidavit for the reasonable accommodation shall be filed with the Register of Deeds.

*History: (Amendment #85-250, Section 2.6., effective 02-01-17)*

## **2.7 Interpretation.**

The provisions of this Ordinance is interpreted 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 the Wisconsin Statutes. Where a provision of this Ordinance is required by a statute and a standard in Chapter NR115, Wisconsin Administrative Code, and where the Ordinance provision is unclear, the provision is to be interpreted in accordance with the statute and Chapter NR115 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.

*History: (Amendment #85-250, Section 2.7., effective 02-01-17)*

## **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.

## **2.9 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 or designee. When questions arise, contact the appropriate office of the Department of Natural Resources for a final determination of navigability or Ordinary high-water mark determination. The county may work with surveyors with regard to Wis. Stats. 59.692(1h).

*History: (Amendment #85-250, Section 2.9., effective 02-01-17)*

## **2.10 Lands Adjacent to Artificially Created Ditches and Ponds.**

Under Wis. Stats. 281.31(2m), notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:

- A.** Lands adjacent to farm drainage ditches if:
  - 1. Such lands are not adjacent to a natural navigable stream or river;
  - 2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching
  
- B.** Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

*History: (Amendment #85-250, Section 2.10., effective 02-01-17)*

**ARTICLE III:**

**DEFINITIONS**

**3.1 Incorporated Definitions.**

Except as set forth in this Article, all terms shall have the meaning contained in Vilas County General Zoning Ordinance Article XI & Subdivision Control Ordinance, which are incorporated by reference.

*History: (Amendment #85-250, Section 3.1, effective 02-01-17)*

**3.2 Shoreland Zoning Definitions.**

For the purposes of this Ordinance, the following terms shall have the meaning set forth below:

1. **Access and Viewing Corridor:** A strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

*History: (Amendment #85-250, Section 3.2, effective 02-01-17)*

2. **Accessory Structure:** Anything constructed or erected, the use of which requires permanent or temporary location on the ground, or attached to something having a permanent or temporary location on the ground, including but not limited to any structure, driveways, fences, or other improvements or any part of such structure. An accessory structure includes any permanent or temporary appurtenance attached thereto; a subordinate detached structure which is clearly incidental to, and customarily associated with, the principal structure to which it is related, and which is located on the same lot as the principal structure; including but not limited to Non-Rental Guest House, Decks, Garage etc.

*History: (Amendment #85-250, Section 3.2, effective 02-01-17)*

3. **Backlot(s):** Lots which do not front on a navigable body of water, or which do not have 50 percent or more of their total area within 200 feet of a navigable body of water.

4. **Backland:** Any land located greater than 200 feet back from the ordinary high water mark of a navigable body of water.

*History: (Amendment #85-216, Section 3.2, effective 6-27-07)*

5. **Basal Area:** The cross-sectional area 4-1/2 feet above ground expressed in square feet per acre of all trees with a diameter of 5 inches and larger.

6. **Boathouse:** (NR 115.03(1d)) 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 these structural parts.

*History: (Amendment #85-250, Section 3.2, effective 02-01-17)*

7. **Buffer zone:** An area of natural shoreland vegetation.

8. **Buildable Lot Area:** The specified portion of a lot which meets lot width, lot area, yard and setback requirements of this Ordinance and all other applicable Ordinances and regulations. Minimum buildable lot area for new lots is 16,500 square feet of contiguous area.

*History: (Amendment #85-250, Section 3.2, effective 02-01-17)*

9. **Building Envelope:** The three dimensional space within which a structure is built.

*History: (Amendment #85-231, Section 3.2, effective 11-25-09)*

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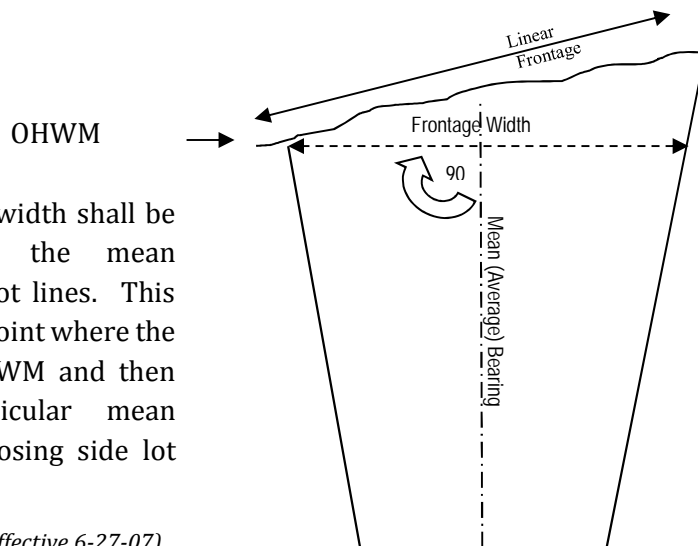
10. **Bulkhead Lines:** An officially setline along a shoreline, usually outside of the dry land, to demark a territory allowable to be treated as dry land. Bulkhead lines are covered under Wis. Stats. 30.11 Establishment of Bulkhead Lines.  
*History: (Amendment #85-250, Section 3.2, effective 02-01-17)*
11. **County Zoning Agency:** (NR 115.03(2) a committee created or designated by county board under Wis. Stats. 59.69(2)(a), to act in all matters pertaining to county Planning & Zoning.  
*History: (Amendment #85-250, Section 3.2, effective 02-01-17)*
12. **Department:** (NR 115.03(3) means the Department of Natural Resources.  
*History: (Amendment #85-250, Section 3.2, effective 02-01-17)*
13. **DBH:** Diameter at breast height; the average diameter (outside the bark) of a tree 4.5 feet above mean ground level.
14. **Driving Access Road:** A privately owned roadway or driveway for use by registered motor vehicles to access a water body.
15. **Dry Boathouse:** A boathouse located in its entirety landward of the OHWM.
16. **Exempt Structures:** Listed under NR115.05 (1) 4.(b)1.1m.a.-f. Structures that are exempt from the shoreland Setback of 75 feet that satisfy the requirements in Wis. Stats. 59.692(1v), Boathouses, walkways, stairways, or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width.  
*History: (Amendment #85-250, Section 3.2, effective 02-01-17)*
17. **Existing Pattern of Development:** Existing development pattern means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline,  
*History: (Amendment #85-250, Section 3.2, effective 02-01-17)*
18. **Fire Pit:** A structure used to contain an outdoor fire and constructed to have a permanent location on the landscape such as a depression surrounded by pavers, gravel or other impervious surfaces. Metal fire rings or other movable vessels intended to contain an outdoor fire are not considered fire pits for regulatory purposes.  
*History: (Amendment #85-250, Section 3.2, effective 02-01-17)*
19. **Floodplain:** The land which has been or may be covered by floodwater during the regional flood. The flood plain includes the floodway and the flood fringe and may include other designated floodplain areas for regulatory purposes. The floodplain of navigable rivers or streams in Vilas County shall be presumed to be that shown on Flood Hazard Boundary Maps or Flood Insurance Rate Maps.  
*Note: The floodplain definition is included in Wisconsin Administrative Code NR115.03 (4) and NR 116.*  
*History: (Amendment #85-250, Section 3.2, effective 02-01-17)*
20. **Footprint:** The exact perimeter outline of existing structure on the ground surface.  
*History: (Amendment #85-250, Section 3.2, effective 02-01-17)*
21. **Forest Law Programs:** Wisconsin managed forest tax programs including Forest Crop Law, Woodlands Tax Law, and Managed Forest Law.

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22. Forestry Best Management Practices (BMPs): Practices set forth in the manual titled, A Wisconsin's Forestry Best Management Practices for Water Quality. BMPs are considered minimum standards in forest management in Vilas County.

23. Frontage Width

Frontage Width: The frontage width shall be measured perpendicular to the mean (average) bearing of the side lot lines. This measurement shall start at the point where the side lot line intersects the OHWM and then measured on the perpendicular mean (average) to intersect the opposing side lot



**History:** (Amendment #85-216, Section 3.2, effective 6-27-07)

24. Habitable Living Area: The three-dimensional space enclosed floor area arranged for living or sleeping. The area can include multiple levels of an existing structure. The area does not include decks, open porches, garages, or overhangs.

**History:** (Amendment #85-250, Section 3.2, effective 02-01-17)

25. Habitable Structure: Any three-dimensional space enclosed structure arranged for living or sleeping purposes.

**History:** (Amendment #85-250, Section 3.2, effective 02-01-17)

26. Island Access Lot: Any lot abutting a navigable water body that provides a deeded access for one or more island lots.

27. Impervious Surface Areas: An area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surface includes, but is not limited to rooftops, sidewalks, structures, decks, walkways, driveways and parking areas, (including graveled areas) unless specifically designed, constructed, and maintained to be pervious. "Impervious surface" excludes frozen soil, streets and Roadways as defined in Wis. Stats. 340.01(54), Wis. Adm. Code, or sidewalks as defined in Wis. Stats. 340.01(58), Wis. Adm. Code, are not considered impervious surfaces.

**Note:** Gravel -- Typical gravel materials used for roads and parking lots are engineered and compacted to withstand heavy loads. These compacted gravel materials form a seal through which water will not readily infiltrate. Runoff from gravel is similar to paved surfaces with only a slight reduction in runoff. Gravel driveways are therefore considered impervious.

**History:** (Amendment #85-250, Section 3.2, effective 02-01-17)

28. Land Disturbance Activities: Construction, grading, filling, excavating or any other activities which result in the temporary or permanent removal of vegetative cover, increased potential for soil erosion, increased stormwater runoff volumes or velocities, or increased total area of impervious surfaces; or activities which include but are not limited to construction on steep slopes, development of private boat landings or access roads to the-water body, development of paths to the shoreline requiring disturbance of the land.

**History:** (Amendment #85-250, Section 3.2, effective 02-01-17)

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29. **Logging:** Harvesting forestry products on parcels of land, ten acres or greater for profit.
30. **Minimum Lot Width:** The minimum lot width shall be measured at the 75 feet setback line for waterfront lot(s).  
*History: (Amendment #85-216, Section 3.2, effective 6-27-07)*  
*History: (Amendment #85-250, Section 3.2 Minor Repairs removed, effective 02-01-17)*
31. **Mitigation:** (NR115.03 (4r)) Balancing measures designed implemented to restore natural functions and values that are otherwise lost through development and human activities.  
*History: (Amendment #85-231, Section 3.2, effective 11-25-09)*
32. **Navigable Water:** (NR115.03(5) 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. 281.31(2)(d), notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Wis. Stats. 59.692, and Ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to:
- Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
  - Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body
- History: (Amendment #85-250, Section 3.2, effective 02-01-17)*
33. **Non-conforming Structure:** Can be a principal or an accessory structure. An existing structure that was lawfully placed when constructed but that does not comply with the required building setback under NR115.05(1) (b) 1, (75 feet from OHWM).  
*History: (Amendment #85-250, Section 3.2, effective 02-01-17)*
34. **Ordinary High Water Mark (OHWM):** 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.
35. **Previously Developed Land:** Land that is or was occupied by a structure.  
*History: (Amendment #85-250, Section 3.2, effective 02-01-17)*
36. **Principal Structures:** Anything constructed or erected the use of which requires a permanent or temporary location on the ground, including but not limited to any structure, in which the principal use of the lot is being conducted. Principal structures do not include boathouses or accessory structures such as decks, gazebos, storage structures (used for personal storage), or non-rental guesthouses.  
*History: (Amendment #85-250, Section 3.2, effective 02-01-17)*
37. **Private Club:** A private business which may be licensed by the Wisconsin Department of Health and Family Services which includes dwelling units for short term rental in one or more permanent structures utilized principally for the accommodation of employees or club members.  
*History: (Amendment #85-250, Section 3.2, effective 02-01-17)*
38. **Regional Flood:** A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year.

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**Note:** The regional flood is based upon a statistical analysis of stream flow records available for watershed and/or an analysis of rainfall and runoff characteristics in the general watershed region. The flood frequency of the regional flood is once in every 100 years. In any given year, there is a 1% chance that the regional flood may occur. During a typical 30-year mortgage period, the regional flood has a 26% chance of occurring.

**History:** (Amendment #85-250, Section 3.2, effective 02-01-17)

39. **Resort:** A private business licensed by the Wisconsin Department of Health and Family Services which includes dwelling units for short term transient rental, (less than 30 days), in one or more permanent structures utilized principally for the accommodation of the public for recreation.

**History:** (Amendment #85-250, Section 3.2, effective 02-01-17)

40. **Routine Maintenance of Vegetation:** Normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

**History:** (Amendment #85-250, Section 3.2, effective 02-01-17)

41. **Select Cutting:** Timber harvest which leaves a minimum of 60 square feet of basal area per acre in trees five inches' diameter at breast height (DBH) and larger, evenly distributed. Trees smaller than 5" in diameter shall be preserved to maintain underbrush growth and to protect the quality of the shoreland buffer area.

42. **Shoreland:** Has the meaning set forth in 2.1 A.

43. **Shoreland Lot:** A lot within a shoreland area. Shoreland lots can be waterfront lots or back lots.

44. **Shoreland setback:** Also known as the "Shoreland setback area" in Wis. Stats. 59.692(1) (bn), 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 under an ordinance enacted under Wis. Stats. 59.692.

**History:** (Amendment #85-250, Section 3.2, effective 02-01-17)

45. **Shoreland-Wetland Zoning District:** A zoning district, created as a part of a county shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the department.

**History:** (Amendment #85-250, Section 3.2, effective 02-01-17)

46. **Shoreline Recreational Area:** An area paralleling the shoreline where trees, shrubbery, or undergrowth have been selectively cut to provide an access and viewing corridor and to provide for recreation.

47. **Slash:** Any treetops, limbs, bark, abandoned forest products, windfalls or other debris left on the land after timber or other forest products have been cut.

48. **Structure:** A principal structure or any accessory structure including a garage shed, boathouse, sidewalk, stairway, walkway, patio, deck, retaining wall, and a porch or a fire pit.

**History:** (Amendment #85-250, Section 3.2, effective 02-01-17)

49. **Structure Envelope:** The three dimensional space within which a structure is built. (Also known as a building envelope)

**History:** (Amendment #85-250, Section 3.2, effective 02-01-17)

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50. Unnecessary Hardship: That circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the zoning ordinance.

*History: (Amendment #85-250, Section 3.2, effective 02-01-17)*

51. Wharf: 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, seaplane or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat hoist or boat lift, and the hoist or lift may be permanent or may be removed seasonally.

*History: (Amendment #85-250, Section 3.2, effective 02-01-17)*

52. Water Access Lot: Any lot abutting a navigable water body providing deeded access for lots that do not abut a navigable water body.

53. Waterbody: A navigable water.

54. Waterfront Access Lots: Lots that provide waterfront access to other lots. Waterfront access lots include water access lots and island access lots.

55. Waterfront Lot: Any lot which abuts navigable water.

56. Wet Boathouses: A boathouse extending in whole or in part water forward of the OHWM.

*History: (Amendment #85-177, Section 3.2, effective 11-12-02)*

57. Wetlands: 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.

*History: (Amendment #85-250, Section 3.2, effective 02-01-17)*

*History: (Amendment #85-250, Section 3.3 removed, effective 02-01-17)*

**NOTE:** Section 3.4 & 3.5 - Lake and River Classification Was Removed and Placed at the end of the Ordinance as an Appendix.

**ARTICLE IV:**

**MINIMUM LOT SIZE FOR SHORELAND LOTS AND WATERFRONT ACCESS LOTS**

**4.1 Applicability.**

**A. New Waterfront Lots.**

All lots recorded, approved, or filed after enactment of this ordinance shall meet minimum requirements in this Article.

**B. Existing Waterfront Lots.**

1. Existing lots are defined as follows:
  - a. All lots recorded or filed with the Vilas County Register of Deeds office prior to enactment of this ordinance.
  - b. All lots created prior to the Vilas County Subdivision Control Ordinance and on file in the Vilas County Surveyor's Office which meet the minimum lot size requirements of NR115 prior to enactment of this ordinance.
  - c. All lots created under the Vilas County Subdivision Control Ordinance and on file in the Vilas County Surveyor's Office which meet the minimum lot size requirements of NR115 prior to enactment of this ordinance.
  - d. All single lots and splits created where Vilas County Planning & Zoning approval was not required, but lots meet the minimum standards set forth in NR115 and the Vilas County Subdivision Ordinance at the date on which they were created, and the map is filed in the Vilas County Surveyor's Office prior to enactment of this ordinance.
2. Existing lots are subject to the requirements in Section 4.2.

*History: (Amendment #85-250, Section 4.1, B., 1., b. - d., effective 02-01-17)*

**C. Shoreland Back Lots.**

1. Base minimum lot sizes are in Article IV: Zoning District Regulations General Zoning Ordinance.

*History: (Amendment #85-250, Section 4.1, C., 1., effective 02-01-17)*

**4.2 Standards for Existing Lots and Resorts.**

**A. Existing Lots.**

Existing lots may be used as a structure site, upon issuance of a zoning permit by the Zoning Administrator or designee provided the following conditions are satisfied in addition to any other applicable requirements for a zoning permit:

1. The lot, when recorded, met the minimum dimensional standards in effect on that date;
2. Lots within the Shoreland Wetland District must comply with Article X of this Ordinance;
3. Substandard Lots:
  - a. The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel;
  - b. Once combined the parcel(s) cannot be split into previous substandard parcel(s);
  - c. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel;
  - d. Substandard lot or parcel is developed to comply with all ordinance requirements.
4. Except for lots which meet the requirements of section 4.3 a Zoning Permit for the improvement of a lot having lesser dimensions than those stated in sections 4.1, 4.2, 4.3 and 4.4 shall be issued only if a variance is granted by the Board of Adjustment.

*History: (Amendment #85-250, Section 4.2, A., 3. & 4., remove 5., 6., & 7., effective 02-01-17)*

**B. Minimum Lot Size Requirements for Existing Resorts.**

1. Maintenance of Existing Density.



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All resorts existing on the date this ordinance is adopted shall be allowed to continue in operation at their existing density.

2. Expansion of Resort Rental Structures on Existing Property.  
Resorts existing on the date this ordinance is enacted may construct additional structures on existing property as long as the cumulative minimum frontage and minimum lot area requirements for all structures as set forth below are not exceeded.
  - a. Single Unit Resort Rental Structures:
    1. Within 200 feet from the OHWM:
      - (a) 100 feet of frontage width; and (b) 20,000 square feet of lot area
    2. Greater than 200 feet from the OHWM:
      - (a) 65,340 square feet of lot area
  - b. Duplex Unit Resort Rental Structures:
    1. Within 200 feet from the OHWM:
      - (a) 100 feet of frontage width for initial single unit, plus 50 feet for an additional contiguous unit; for an initial duplex structure. Plus 150 feet for each additional duplex structure; and
      - (b) 20,000 square feet of lot area for initial single unit, plus 10,000 square feet of lot area for an additional contiguous unit plus 30,000 square feet of lot area for each additional duplex structure
    2. Greater than 200 feet from the OHWM:
      - (a) 87,120 square feet, (2 acres), of lot area plus 87,120 square feet, (2 acres), of lot area for each additional duplex structure
  - c. Multiple Unit Resort Rental Structures:
    1. Within 200 feet from the OHWM:
      - (a) 100 feet of frontage width plus 50 feet for each additional contiguous unit;
      - (b) 20,000 square feet of lot area plus 10,000 square feet of lot area for each additional contiguous unit
    2. Greater than 200 feet from the OHWM:
      - (a) 65,340 square feet of lot area plus 20,000 square feet of lot area for each additional contiguous unit
  - d. Lodges and Non-Rental Residences:
    1. Within 200 feet from the OHWM:
      - (a) 100 feet of frontage width; and (b) 20,000 square feet of lot area
    2. Greater than 200 feet from the OHWM:
      - (a) 65,340 square feet lot area
3. Expansion of Resort Rental Structures on Additional Property
  - a. Existing resorts may expand with additional units by purchase of contiguous property provided corresponding zoning district allows for expansion of the resort.
  - b. Expansion of existing resorts on contiguous property shall meet the requirements in 4.2. B.2.
4. Replacement of Resort Rental Structures
  - a. Existing Resorts exceeding Maximum Resort Density Requirements.  
Rental structures may be replaced if the number of dwelling units is not increased.
  - b. Existing Resorts complying with Maximum Resort Density Requirements.
    1. The new resort rental structure complies with the OHWM setback, and
    2. The density of new structures does not exceed maximum density requirements as described in 4.2. B.2.
  - c. Replacement of any resort rental structures shall comply with other provisions of this ordinance including, but not limited to, obtaining proper sanitary permits, zoning permits, Department of Health requirements and rental license, and adhering to impervious surface and land disturbance requirements of Article IX.

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*History: (Amendment #85-250, Section 4.2, B., 1., 2., & 4., effective 02-01-17)*

**C. Minimum Lot Size Requirements for Existing Condominium Expansion Areas.**

When a condominium plat has been filed and recorded with the Register of Deeds prior to the date of enactment of this ordinance and the plat shows an expansion area for new structures, additional structures may be constructed in expansion area(s) provided they meet the same requirements as existing resorts set forth in 4.2. B.2

**4.3 Minimum Area and Width Requirements for New Waterfront Lots.**

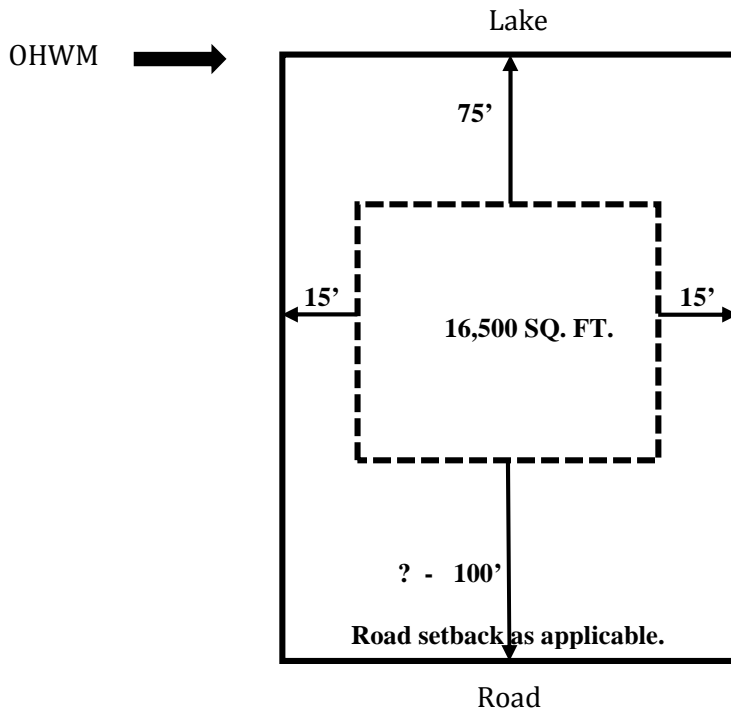
**A. Sewered Lots. Minimum Area for Each Lot.** The minimum lot area shall be 10,000 sq. ft.

1. Sewered lots minimum buildable area is 4,500 square feet of contiguous area.
  - a. Buildable area is a contiguous specific area on a lot that meets lot width, lot area, yard and setback requirements for a principal structure.

*Note: For annexed or incorporated shoreland lots refer to Wis. Stats. 61.353.*

**B. Unsewered Lots. Minimum Area for Each Lot.**

1. The minimum lot area shall be 20,000 sq. ft.
2. The minimum buildable area is 16,500 square feet of contiguous area.
  - a. Buildable area is a contiguous specific area on a lot which meets lot width, lot area, yard and setback requirements for a principal structure.



**C. Minimum Width for Each Lot.**

1. The minimum average lot width for:
  - a. Sewered lots shall be 65 feet with 65 feet of frontage width.
  - b. Unsewered lots shall be 100 feet with a 100 feet of frontage width.
2. The width shall be calculated by averaging measurements at the following 3 locations:
  - a. Frontage width measured as defined in Article III, 3.2, 24.
  - b. The building setback line (75 feet).
  - c. 300 feet from the OHWM unless rear lot line is closer than 300 feet.

*History: (Amendment #85-250, Section 4.3, A, B., & C., added, Table 3 speaking to lot size by lakes class removed., effective 02-01-17)*

**4.4 Minimum Lot Size Requirements for Specified Uses.**

- A. Single residential lots** shall comply with base minimum lot size requirements.
- B. Multi-family developments with one residential unit** per structure shall comply with base minimum requirement for each single residential unit.
- C. Duplexes and Multi-family developments with multiple residential units** per structure(s) shall include base minimum requirements for each residential structure plus an additional 50 percent of the base minimums for each additional contiguous dwelling unit.
- D. Hotels/Motels** shall include the base minimum requirements for each motel and/or hotel structure plus as an additional two (2) percent of base minimums for each additional contiguous bedroom unit. A single motel/hotel room shall be considered a single bedroom.
- E. All resorts** established after effective date of this ordinance shall conform to minimums of lot area, frontage width, and lot width requirements of multi-family developments.
- F. Commercial lots** shall comply with base minimum requirements.
- G. Multi-Commercial developments**, (non-residential), with multiple Commercial units per structure(s) shall include base minimum requirements for each Commercial structure plus an additional 50 percent of base minimums for each additional contiguous Commercial unit.
- H. Lots, which include a combination** of the development categories in 4.3. B shall comply with all of the requirements for each applicable category.

*History: (Amendment #85-250, Section 4.4, A, C., D., & G., effective 02-01-17)*

**4.5 Waterfront Access Lots.**

**A. Water Access Lots.**

- 1. General Restrictions.
  - a. Water access lots are not allowed on lakes less than 100 acres or Class I rivers and streams.
  - b. Water access lots shall not be allowed in Single-Family Residential (R-1) Zoning Districts unless they provide access to a single backlot unit.

**Note:** Zoning Districts are located in General Zoning Ordinance.

- c. Three lots (contiguous or non-contiguous) are permitted access per each water access lot.
- 2. Minimum Lot Size.
  - a. A water access lot shall meet base minimum lot and width requirements under Section 4.3 and district requirements in the Vilas County General Zoning Ordinance Article IV.
- 3. Buffer Area.

Each water access lot shall include a vegetative buffer area along each side lot boundary.

  - a. 0-35 feet from the OHWM no removal of trees, shrubs, or undergrowth is permitted
  - b. 35-300 feet from the OHWM select cut and a select cut viewing corridor is permitted.
  - c. Water access lot buffers may include wetlands.
  - d. The remaining lot width between the buffers shall not include any wetlands.
- 4. Improvements on a water access lot are limited to the following:
  - a. A driveway onto the access lot is allowable. The driveway shall not be closer than 100 feet from the OHWM. The driveway shall not be greater than 20 feet in width. In addition to the width of the driveway, parking spaces are allowed on an access lot, but only limited to equal the number of units plus one additional space.

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- b. A single (1) shoreline recreational area is permitted at the water's edge subject to the requirements in 8.3E.
- c. A path is allowed to the shoreline recreational area. The path shall not exceed five feet in width.
- d. One privy is allowed on the access lot provided the privy complies with all other federal, state and local regulations.

## **B. Island Access Lots.**

1. General Restrictions.
  - a. An island access lot is not allowed in a Single-Family Residential (R-1) Zoning Districts unless it provides access to a single island dwelling unit.

**Note:** Zoning Districts located in General Zoning Ordinance.

- b. A maximum of six island lots (contiguous or non-contiguous) shall be permitted for each island access lot.
2. Minimum Lot Size.
  - a. Each island access lot shall meet the applicable base minimum size and width requirements under Section 4.3 above and the district requirements in the Vilas County General Zoning Ordinance Article IV.
  - b. An island access lot shall meet the minimum frontage width and area requirements.
3. Buffer Area.

Each island access lot shall include a vegetative buffer area along each side lot boundary.

  - a. 0-35 feet from the OHWM no removal of trees, shrubs, or undergrowth is permitted
  - b. 35-300 feet from the OHWM select cutting with a select cut viewing corridor is permitted.
  - c. Each buffer width beyond 75 ft. shall be a minimum of 25 ft.
  - d. Island access lot buffers may include wetlands.
  - e. The remaining lot width between the buffers shall not include any wetlands.
4. Structures.

No structures shall be permitted on island access lots unless only one island dwelling unit has access via this access lot.

## **C. Waterfront Access Easements.**

1. Except as specifically authorized by Wis. Stats. 30.131, no easements may be conveyed to a non-riparian landowner to allow access to water bodies or for any other purpose.
2. Existing easements are authorized to the extent allowed by state law.
3. Wis. Stats. 30.133 Prohibition against conveyance of riparian rights.

Wis. Stats. 30.133(1) Beginning on April 9, 1994, and except as provided in Wis. Stats. 30.1335, no owner of riparian land that abuts a navigable water may grant by an easement or by a similar conveyance any riparian right in the land to another person, except for the right to cross the land in order to have access to the navigable water. This right to cross the land may not include the right to place any structure or material, including a boat docking facility, as defined in Wis. Stats. 30.1335 (1) (a), in the navigable water.

**History:** (Amendment #85-231, Section 4.5, effective 11-25-09) Removed note.

## **D. "Dockominiums" Prohibition.**

The sale of mooring sites and berths as a condominium or non-condominium unit separate from a dwelling unit on the same shoreland lot is prohibited.

**History:** (Amendment #85-250, Section 4.4, A, B, & C, effective 02-01-17)

**ARTICLE V:**

**SETBACKS**

**5.1 Ordinary High Water Mark Setback.**

**A. Applicability**

1. The provisions of this article shall apply to all new structures except those listed in 5.1 C below.
2. Structures in place when this Ordinance was adopted are considered conforming structures and not required to meet the provisions of this article.
3. Non-conforming structures located closer than 75 feet to the OHWM are subject to the provisions of Article VI of this Ordinance.

**B. Building Setback**

A seventy-five (75) foot setback from the OHWM is required for all new structures unless specifically exempted by 5.1 C below.

**C. Exemptions**

1. Exempt structures such as porches, gazebos, etc. which meet the requirements of Article XII of this Ordinance.
2. Exempt structures such as boathouses, stairways, and access paths that meet the requirements of Article VII of this Ordinance.
3. Fences and roadways which meet the requirements of Article VII of this Ordinance.
4. Private on-site wastewater treatment systems that comply with Wisconsin Administrative Code SPS 383.
5. Devices or systems used to treat runoff from impervious surfaces.
6. Broadcast signal receivers, including satellite dishes or antennas that are 3.5 feet or less in diameter.
7. Utility transmission and distribution lines, poles, and towers, water towers, pumping stations, and well pump house covers.
8. Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt, and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Expansion may be allowed beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

*History: (Amendment #85-250, Section 5.1, A., B., & C., effective 02-01-17)*

**5.2 Reduced Ordinary High Water Mark Setbacks.**

**A. Reduced Principal Structure Setback.**

A setback less than the 75 feet required setback from the ordinary high water mark shall be permitted for a proposed principal structure, (with no attached/detached accessory structures within 75 feet), and shall be determined as follows:

1. Where there is an existing pattern of development, the setback shall equal the average setback from the ordinary high water mark of the two existing principal structures on each side provided all of the following are met:
  - a. Both of existing principal structures are located on adjacent lots to the proposed principal structure.
  - b. Both of the existing principal structures are located within 250 feet of the proposed principal structure and they are the closest structure.
  - c. Both of the existing principal structures are located less than 75 feet from the ordinary high water mark.

- d. The average setback shall not be reduced to less than 35 feet from the ordinary high water mark of any navigable water.

**B. Reduced Public Right-of-Way Setback Line for a Principal or Accessory Structure.**

- 1. Finding.  
Where the required public right-of-way setback line on an existing waterfront lot do not allow for a 30-foot deep structure envelope for a principal or accessory structure, an unnecessary hardship usually exists which warrants a reasonable reduction in setback requirements.
- 2. Applicability.  
Reduced public right-of-way setback line provisions shall only be applicable where the following conditions are satisfied:
  - a. The lot is, existing, as defined in 4.1B.
  - b. The construction of a principal or accessory structure or the relocation of a principal or accessory structure farther from OHWM than its previous location is proposed.
  - c. A reduced setback is necessary to create a 30 feet deep structure envelope including overhangs and appurtenances.
- 3. Reduction in the Public Right-of-Way Setback Line.
  - a. The public right-of-way setback line may be reduced until a 30 feet deep structure envelope is established, provided the resulting setback is not less than 15 feet for a principal structure and not less than 5 feet for a detached accessory structure from the public right-of-way.
  - b. A reduction to a public road setback line may require prior approval from the municipality or jurisdictional authority responsible for public road setbacks.
- 4. Mitigation is required pursuant to Article XI.

**History:** (Amendment #85-177, Section 5.2B., 5.2B.1, 2., 3., 4., & 5. & 5.2B.2., a. thru d. & 5.2B.3. a. & b., effective 11-12-02.)

**History:** (Amendment #85-250, Section 5.2, A., & B., effective 02-01-17)

**5.3 Side Yard Setbacks**  
**All New Structures**

- A. The minimum side yard setback for all new principal structures shall be fifteen feet (15'), except in the Community Business District where side yard setbacks shall comply with the Community Business District standards in in the General Zoning Ordinance.
- B. Except in a Community Business District an accessory structure attached or built less than 18 inches from a principal structure shall be 15 feet or greater from any side property boundary or property line.
- C. All other structures are subject to setback provisions set forth in the General Zoning Ordinance.

**History:** (Amendment #85-250, Section 5.3, A., & B., effective 02-01-17)

**ARTICLE VI**

**REGULATION OF NONCONFORMING STRUCTURES LOCATED CLOSER THAN 75' FROM THE OHWM**

**6.1 Applicability.**

This Article applies to nonconforming structures located less than seventy-five feet (75') from the OHWM and works in conjunction with provisions in the Vilas County General Zoning Ordinance. Lawful existing uses of a structure, which existed at the time this ordinance took effect, may be continued subject to the conditions in Article VIII and IX of the Vilas County General Zoning Ordinance.

*History: (Amendment #85-250, Section 6.1, A., effective 02-01-17)*

**6.2 Intent.**

It is the intent of this Article to balance the public objectives of this ordinance with the interests of owners of nonconforming structures located closer than seventy-five feet from the OHWM by:

- A.** Treating smaller, more readily moveable structures more restrictively than larger, more permanent principal structures;
- B.** Treating structures located closer to navigable waterways within seventy-five feet of the OHWM more restrictively than structures which are more nearly in compliance with the seventy-five feet minimum setback;
- C.** Allowing for limited expansion of a principal structure provided the adverse effects of such improvement or expansion are mitigated;
- D.** Limiting the extent of expansion of principal structures vertically and laterally to minimize adverse water quality, shoreland buffer zone, aesthetic and other impacts from such expansion. Providing incentive for property owners seeking major expansions to consider relocation of the principal structure beyond seventy-five feet from the OHWM
- E.** Encouraging removal of accessory structures from the 75 ft. setback area to promote buffer areas and decrease runoff to the water body.

*History: (Amendment #85-250, Section 6.2, E., & F., effective 02-01-17)*

**6.3 NONCONFORMING USES AND NONCONFORMING STRUCTURES.**

**A. Discontinued Nonconforming Use.** (NR 115.05(1)(g)(3) If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance.

**B. Applicable to All Nonconforming Structures.**

- 1. Side yard and rear yard setbacks.
  - a. Alterations or additions shall not encroach into any required side or rear yard setbacks beyond existing wall or eave encroachment. Any existing wall or eave encroachment may be continued in expansions.

*History: (Amendment #85-250, Section 6.3, A., & B., effective 02-01-17)*

**6.4 External Alterations, Maintenance, Additions, Relocation and Replacement of Nonconforming Principal Structures**

**A.** For all nonconforming structures, alterations or additions shall not encroach into any required side or rear yard setback beyond any existing encroachment. Any existing side or rear yard encroachment may be continued in expansions.

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- B. A nonconforming principal structure located 0-35 feet from the OHWM:
  - 1. May be maintained, repaired, and replaced within its existing footprint, notwithstanding any side yard setback regulations in the Vilas County General Zoning Ordinance.
  - 2. May be expanded vertically to a mean height of no more than 35 feet;
  - 3. May not be expanded laterally.
  
- C. A nonconforming principal structure located 35-75 feet from the OHWM:
  - 1. May be maintained, repaired, and replaced within its existing footprint, notwithstanding any side yard setback regulations in the Vilas County General Zoning Ordinance.
  - 2. May be expanded vertically to a mean height of no more than 35 feet;
  - 3. May be expanded laterally subject to the following limitations:
    - a. No more than 200 square feet of lateral expansions is permitted over the life of the structure;
    - b. No portion of the expansion may be any closer to the OHWM than the closest part of the nonconforming principal structure.
    - c. If any portion of the nonconforming principal structure is located within 35 feet of the OHWM no lateral expansion is allowed.
    - d. An approved Vegetative Mitigation plan implemented by the property owner by a date specified in the mitigation plan. The mitigation plan shall meet the standards found in Article XII.
  
- D. Expansion shall be unlimited beyond 75 feet from the OHWM provided all other Ordinance requirements are met.
  
- E. Relocation of a nonconforming principal structure may occur within 35 feet – 75 feet, if the county determines a principal structure cannot be placed 75 feet or greater from the OHWM and is subject to the following:
  - 1. The structure cannot be placed closer to the OHWM than existing structure, but greater than 35 feet from the OHWM
  - 2. Use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
  - 3. The proposed principal structure footprint shall not exceed more than 50 square feet of the existing structure’s footprint area.
    - a. Additional Requirements:
    - b. The County shall issue a permit requiring an approved mitigation plan meeting the standards in Article XI, implemented by the property owner by a date specified in the permit.
    - c. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted.
    - d. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.
    - e. All other provisions of the shoreland ordinance shall be met.

*History: (Amendment #85-250, Section 6.4, effective 02-01-17)*

## **6.5 Maintenance, Repair and Replacement of Nonconforming Accessory Structures.**

- A. Nonconforming accessory structures located 0-75 feet from the OHWM:
  - 1. May be maintained or repaired;
  - 2. Replaced in the same footprint with similar structures of the same three-dimensional size (example: replace a deck with deck or patio)
  - 3. Vertically expanded provided all other Ordinance requirements are met.



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- B.** Section 6.5A above does not apply to nonconforming accessory structures that were not lawfully placed when, constructed.

*History: (Amendment #85-250, Section 6.5, effective 02-01-17)*

## **6.6 Maintenance, Repair, Replacement or Vertical Expansion of Structures Authorized by Variance.**

A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 15, 2015:

- A.** May be maintained, repaired, replaced, restored, rebuilt or remodeled within its existing footprint;

- B.** May be expanded vertically to a mean height of no more than 35 feet above grade level;

- C.** May be expanded beyond the existing footprint if the County determines the expansion is necessary to comply with applicable state or federal requirements.

**Note:** Section 59.692(1k) (a)2. Prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 6.6. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

*History: (Amendment #85-250, Section 6.6, added effective 02-01-17)*

**ARTICLE VII:**

**REGULATION OF BOATHOUSES, FENCES, STAIRWAYS, ACCESS PATHS AND ROADS**

**7.1 Boathouses.**

**A. Applicability.**

This Section applies to boathouses located within the OHWM setback. Boathouses located beyond the OHWM Setback are considered accessory structures and shall conform to all other applicable local, state and federal laws.

**B. Requirements for New Construction.**

1. General Requirements.

A boathouse may be constructed by a property owner only if a Zoning Permit and a Shoreland Alteration Permit and an Erosion Control Plan have been issued

*Note: All three permits are required to be filled out and filed with the Zoning Office.*

2. New Construction Requirements.

a. Setbacks.

- i. For all lakes and rivers, new boathouses may be placed within the area located between five (5) feet inland from the OHWM and the OHWM setback,
- ii. New boathouses shall be located within the viewing corridor, no closer than fifteen (15) feet from any side property boundary.

b. Size, Number, Configuration and Placement.

- i. For lakes less than 100 acres, new boathouses shall not exceed a maximum footprint (excluding overhangs) of 100 square feet except at licensed resorts;
  - ii. For lakes of 100 acres or more, new boathouses shall not exceed a maximum footprint (excluding overhangs) of 300 square feet;
  - iii. New boathouses size requirements 11.3, D. of this Ordinance by Lake Name.
  - iv. Maximum width of the boathouses parallel to the OHWM shall not exceed 15 feet
  - v. New boathouses at licensed resorts are permitted if the cumulative footprint (excluding eaves) new and existing boathouses does not exceed 300 square feet.
  - vi. New boathouses can only be one story.
  - vii. The footprint of a boathouse shall be of rectangular or square configuration.
  - viii. Boathouses shall be constructed with solid walls, not opaque, glass or screened sidewalls or doors.
  - ix. Vegetation removal shall be minimized when locating any new boathouse.
  - x. Retaining walls are not exempt structures and cannot be authorized within 75 feet of the OHWM.
  - xi. The structure shall be designed and constructed solely for the storage of boats and related equipment. Other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.
  - xii. Boathouses shall be constructed in accordance with the Vilas County Floodplain Ordinance.
- c. Height and Roof Requirements.
- i. Maximum side wall height for new boat houses shall be ten (10) feet.
  - ii. Minimum side wall height for new boat houses shall be six (6) feet
  - iii. Overhangs for roofs shall not exceed 18 inches.
  - iv. Flat roofs on new boathouses are permitted.
  - v. The roof of a boathouse may be used as a deck provided that:
    - a) The roof has a railing meeting State of Wisconsin Uniform Dwelling Code.
    - b) The roof has no sidewalls or screens.

**History:** (Amendment #85-177, Section 7.1B, 7.1B3. b.1.,6. & 7., 7. 1B.3. c. Note, effective 11-12-02)

**C. Boathouse Use, Restrictions and Prohibitions.**

1. The use of any new or existing boathouse for any purposes other than storage of watercraft and water related equipment is prohibited.
2. Boathouses shall not be used in any way for human habitation.
3. Boathouses shall not contain any plumbing or kitchen facilities.
4. Boathouses shall not support any type, shape or form of antenna or other appurtenance unless specifically allowed by Wis. Stats. 59.69(4d) and NR115.05(1)(b) d.

**History:** (Amendment #85-177, Section 7.1C.1., effective 11-12-02)

**D. Boathouse Limitations**

Only one (1) boathouse is permitted per lot with the exception of resort developments. Up to three boathouses are permitted in resort developments, if the total footprint area of all boathouses does not exceed the maximum footprint area allowed for resorts as specified in 7. 1B.2.b(2) and are built within the viewing corridor(s).

**E. Maintenance or Repair of Existing Boathouses.**

1. Existing Wet Boathouses.

Repair and maintenance of a wet boathouse must comply with Wis. Stats. 30.121.

**Note:** Vilas County does not regulate wet boathouses. Owners should contact the Wisconsin D.N.R.

**History:** (Amendment #85-177, Section 7.1E.1., effective 11-12-02)

2. Existing Dry Boathouses.

Existing Exempt Structures. (Wis. Stats. 59.692(1k) (a)2m, Stats) Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure.

Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

**History:** (Amendment #85-250, Section 7.1, B., C., D., & E., effective 02-01-17)

**7.2 Fences.**

- A. (Fences are not allowed within the shoreland setback area since they are not identified as an exempt structure.) No fences can be placed within 75 feet of the OHWM.

- B. Fences greater than 75 feet from OHWM shall conform to the provisions of Section 5.12 of the Vilas County General Zoning Ordinance.

**History:** (Amendment #85-250, Section 7.2, A., effective 02-01-17)

**7.3 Paths, Boat Landings and Access Roads.**

**A. Pedestrian Access Path.**

1. General Provisions.

One pedestrian access path to the shoreline or within seventy-five (75) feet of the ordinary high water mark (OHWM) of a lake, river or stream that is necessary to provide pedestrian access to the shoreline may be permitted on a lot provided:

- a. It is located, constructed and surfaced so as to effectively control erosion; and
- b. It is located within the shoreline recreational area; and
- c. It is located and constructed to minimize removal of trees and shrubbery; and
- d. It is constructed of materials which blend with the natural ground cover in the vicinity of the path; and
- e. The cutting of vegetation complies with Forestry BMPs.; and
- f. It has a maximum width of five feet; and
- g. If the path is to be paved and is paved with materials such as concrete, asphalt, pavers or bricks, a shoreland alteration permit is required, as set forth in Article IX.

**History:** (Amendment #85-177, Section 7.3A.1., 7.3A.1. a. thru g., effective 11-12-02)

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2. The pedestrian access path may be, an elevated stairway, above ground walkway or powered lift if:
  - a. It is essential to access the shore because of steep slopes or wet soils; and
  - b. It is the minimum construction necessary to provide access; and
  - c. It is no more than five feet (5') wide; and
  - d. It includes no additional construction other than railings essential for safety; and

**History:** (Amendment #85-177, Section 7.3A.2. a. thru d. effective 11-12-02)

- e. Landings are allowable for safety purposes and not exceed 50 square feet. Benches, seats, tables, etc. are prohibited except where required to provide reasonable accommodation of persons with disabilities as required by federal and state law;
  - f. Stairways, walkways and lifts shall be supported on piles or footings. Any land disturbing activities must meet the requirements of Article IX of this Ordinance; and
  - g. Construction plans are approved by, the Zoning Office.
3. Resorts, hotels or motels may provide one pedestrian access path for each one hundred feet of shoreline frontage width.

## **B. Private Boat Landings and Roadway Access to Water.**

### 1. General Limitation.

New private boat landings and roadway access are not permitted except on a water body where there is no public accessible boat landing in existence.

### 2. Specific Limitations.

On water bodies without public accessible boat landing, a private roadway access and boat landing may be permitted subject to the following provisions:

- a. No roadway access or boat landing are permitted on slopes of 20% (1 rise:5 run) or greater.
- b. No private access road may exceed twelve feet (12') in width.
- c. No private boat landing is permitted on a waterbody where a letter from the owner of a boat landing is on file with the zoning office granting all property owners of the waterbody use. Letters shall only be revocable on January 1 of the succeeding year after notification to the zoning office.
- d. A shoreland alteration permit is obtained and an erosion control plan is submitted.
- e. Wisconsin Department of Natural Resources Individual Permit approval shall be required for placement of any structures or other activities water ward of OHWM. Applicable statutes and codes include Section 30.12, Wis. Stats. and Chapter NR 329,
- f. U.S. Army Corps of Engineers regulations may also apply.

**History:** (Amendment #85-177, Section 7.3B.1. & 7.3B.2. effective 11-12-02)

## **C. Public Boat Landings and Roadway Access.**

1. Boat landings and roadway access to navigable water bodies for the purpose of providing public access, and which are located on publicly-owned lands, are subject to approval from the Local, County, State or Federal management agency with jurisdiction over the riparian property the public access is located on.
2. A public agency with management jurisdiction over riparian property, builder or any contractors may be held responsible for compliance with these provisions for development of the public boat landing and roadway access.
  - a. Wisconsin Department of Natural Resources General permits are available for boat ramps open to the public and are required for structures or other activities water ward of the OHWM. Statutes and codes include Section 30.12, Wis. Stats. and Chapter NR 329,
  - b. Local permits and U.S. Army Corps of Engineers regulations may also apply.
3. A shoreland alteration permit and an erosion control plan shall be submitted.

**History:** (Amendment #85-250, Section 7.3, A., B., & C., effective 02-01-17)

**ARTICLE VIII**

**REMOVAL OF TREES AND SHORE COVER**

**8.1 Applicability.**

This Article applies to the removal of trees and vegetation on shoreland properties.

*Note: General Restrictions on Tree Removal are in Section 5.13 of the Vilas County General Zoning Ordinances.*

**8.2 Permitting Requirements.**

**A. General.**

1. All tree cutting exceeding the limitations of Section 8.3 requires a Shoreland Alteration Permit from the Vilas County Zoning Office.
2. Tree cutting on more than 10 acres in a shoreland area also requires that the owner provide notice to the Vilas County Clerk's Office.

**B. Exceptions.**

1. Shoreland Alteration and Zoning Permits are not required when logging is performed on public lands (State, Federal, County and Town) or managed lands in compliance with a Forest Law Program, or where governmental bodies or public utilities perform cutting.
2. This Article shall not apply to removal of dead, dying, diseased trees, shrubbery, or vegetation creating an imminent safety hazard, if vegetation of this type removed in excess may need to be replaced by replanting. The Zoning Office shall be notified if removal of two (2) or more trees is taking place for verification.
3. Removal of exotic or invasive species does not require a permit, but does require proof through photos of lot and location of invasive existence for record keeping, and need to be replaced with species native to the area.

*Note: Information on invasive or exotic species is available at the Land and Water Conservation Office.*

*History: (Amendment #85-250, Section 8.2, B., effective 02-01-17)*

**8.3 Limitations on Removal of Trees and Shore Cover.**

**A. Preservation of Trees and Vegetation.**

Except as set forth in this section, natural shrubbery, trees, and undergrowth shall be preserved as far as practicable on all shoreland properties, and if allowed to be removed, it shall be replaced with vegetation that is equally effective in meeting the objectives of this Ordinance. The County may allow routine maintenance of vegetation.

**B. Prohibition of Clear Cutting.**

Clear cutting of trees shall be prohibited within 300 feet of a lake or within 150 feet of a river or stream other than for the following areas and purposes:

1. Placement and maintenance of a principal structure within thirty feet (30') of each exterior wall.
2. Installation of a private septic system.
3. Construction of a twenty feet (20') wide roadway from a public road or easement to the principal structure. Such roadway may not encroach on any setback.

*History: (Amendment #85-177, Section 8.3B.4. effective 11-12-02.)*

**C. No Cut Zone.**

1. Land extending from the ordinary high water mark to 35 feet inland is a vegetative buffer zone.
2. Except as set forth in other Articles of this ordinance, no removal of trees, shrubs or undergrowth is permitted within the vegetative buffer zone except as follows:
  - a. Creation of a shoreline recreational area, (viewing corridor).

**D. Select Cut Zone.**

Select cutting of trees between 35 and 300 feet from the OHWM of a lake or between 35 and 150 feet of the OHWM of a stream is permitted under the following conditions:

1. A basal area of 60 square feet per acre, DBH, evenly distributed shall be maintained.
2. Natural shrubbery, trees, and undergrowth shall be preserved as far as practicable within the select cutting area.
3. The maximum slash height permitted shall be 24 inches.

**E. Creation of a Shoreline Recreational Area, (Viewing Corridor).**

A shoreline recreational area, (viewing corridor), may be at least 35 feet wide for every 100 feet of shoreline frontage. The viewing corridor may run contiguously for the entire maximum width of shoreline frontage owned. Extending from the OHWM. Select cutting of trees and shrubbery in this area is permitted to create a shoreline recreational area, (viewing corridor), if one does not exist naturally.

*History: (Amendment #85-250, Section 8.3, A, B, C, D, & E, effective 02-01-17)*

**8.4 Alternative Tree Removal and Shore Cover Limitations.**

**A. General.**

A special cutting plan allowing cutting greater than that set in 8.3, except for section 8.3 C., may be permitted by the Zoning Committee by issuance of a Shoreland Alteration Permit.

**B. Application Requirements.**

In applying for such a permit, the Committee shall require the parcel owner to submit a plan, which includes the following information:

1. Name;
2. Address;
3. Legal Description;
4. Directions to Site;
5. Location of Parking/Landing Areas;
6. Topography of the Land;
7. Existing Vegetation, OHWM, wetlands and structures;
8. Proposed Cutting; and
9. Proposed Replanting. Improve the plant community by replanting in the same area,
10. Detailed plans designed to control erosion by limiting sedimentation into the waterbody,
11. Maintain and monitor the newly restored area.
12. Restriction to preserve the newly restored area.

**C. The Committee may grant a permit with limitations if it finds that such special cutting plans;**

1. Will not cause undue erosion or destruction of scenic beauty;
2. Will provide substantial screening from the water of dwellings, accessory structures and parking areas;
3. Will not exceed the cutting restrictions in 8.3.E.; and
4. Will comply with Forestry BMPs.

**D. The Committee may require replacement plantings and the submission of a bond, which guarantees the establishment and maintenance of the planned tree or shrubbery planting by the parcel owner.**

*History: (Amendment #85-250, Section 8.4, A, B, effective 02-01-17)*

**ARTICLE IX:**

**LAND DISTURBANCE ACTIVITIES**

**9.1 General Standards.**

- A.** Filling, grading, excavating, creation of impervious areas and other land disturbance activities shall be done in a manner to minimize erosion, sedimentation, and runoff.
  
- B.** No land disturbance is allowed within 35 feet of the OHWM except as specifically authorized by Wisconsin Statutes.

*History: (Amendment #85-250, Section 9.1, B., effective 02-01-17)*

**9.2 Shoreland Alteration Permits.**

**A. Activities Requiring a Shoreland Alteration Permit.**

A Shoreland Alteration Permit as described in Section 9.7 is required for the following activities:

- 1. Land Disturbance Activities as specified in Section 9.3. A and B, e.g. Filling or grading
- 2. Constructing, dredging or commencing work on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway where the purpose is the ultimate connection with a navigable body of water.
- 3. Construction of a boathouse or other structures within the OHWM setback.
- 4. Any activity in a shoreland wetland area listed in 10.3. C.
- 5. Maintenance of existing beaches as specified in Section 9.4.
- 6. Construction of walkout lower levels as specified in Section 9.5.
- 7. Paths and Access roads as specified in Section 7.3.
- 8. Any activity, which requires an erosion control plan, a stormwater mitigation plan, or a cutting plan.
- 9. Deposit and spreading of materials on-site.

**B. Activities which requiring an Erosion Control Plan. (Within 300 feet of OHWM)**

An erosion control plan is required in conjunction with a Shoreland Alteration Permit for the following conditions:

- 1. Land Disturbance Activities in 9.3. B.
- 2. Construction involving a boat landing or roadway access to a waterbody as specified under Section 7.3.3.
- 3. Construction on Slopes - Construction on waterfront lots involving slopes where the proposed construction is located within 300 feet of the OHWM of a waterbody, and where the construction involves disturbance of an area with a vertical height difference greater than six feet over the length or width of the structure; and
- 4. Any activity within 75 feet of OHWM, which involves removal of, or placing of fill, soil, or structures for the purpose of erosion control or run off into a waterbody shall use environmentally friendly products and bio-engineered practices accepted by the Vilas County Zoning Office. Accompanying the site plan shall be a complete list of all products, and species of trees, shrubs and ground cover.
- 5. Certification of Completion.

Within one year of issuance of the Erosion Control /Shoreland Alteration Permit, the property owner shall complete the erosion control practices and shall certify in writing to the Zoning Office that the project has been completed. As part of the certification, the property owner shall submit photos documenting the erosion control measures.

**C. Activities, which require a Stormwater Mitigation Plan.**

A stormwater mitigation plan is required for impervious surfaces set forth in 9.6. A.

**D. Activities, which require a Cutting Plan.**

A cutting plan is required in conjunction with a Shoreland Alteration Permit for exceedance of tree cutting and shore cover removal standards within 300 feet of the OHWM as set forth in Article VIII.

**E. Exceptions.**

1. Soil conservation practices such as terraces, runoff diversions and grassed waterways that are used for sediment control shall not require a Shoreland Alteration Permit when designed and constructed to Natural Resource Conservation Service (NRCS) technical standards.
2. Land disturbing activities related to forestry and agriculture shall not require a Shoreland Alteration Permit if:
  - a. Such activities comply with the best management practices guidelines published by the Wisconsin Department of Natural Resources and State of Wisconsin Department of Agriculture; and
  - b. Such activities comply with the applicable provision of Section 9.1 of this ordinance.
3. Land disturbing activities by governmental bodies related to the maintenance, reconstruction, or repair of roadbeds or rights-of way and public landings.

*History: (Amendment #85-250, Section 9.2, A, B, & C, effective 02-01-17)*

**9.3 General Land Disturbance Activities.**

**A. Activities Requiring a Shoreland Alteration Permit.**

A shoreland alteration permit is required for any land disturbance activity occurring within a 12-month period which exceeds 750 square feet between 75 and 300 feet of the OHWM or 400 square feet between 35 and 75 feet of the OHWM except where the activity requires a zoning or sanitary permit.

**B. Activities Requiring an Erosion Control Plan.**

An erosion control plan is required where total land disturbance activities exceed 10,000 square feet in a single-family residential waterfront lot, or exceed 20,000 square feet on a non-single family residential waterfront lot.

*Note: A permit under Wis. Stats. Chapter 30 is also required for grading more than 10,000 square feet on the bank of a navigable water.*

**9.4. Beaches.**

**A. Prohibition on New Artificial Beaches.**

No placement of sand or other material to create a new beach, other than beaches formed entirely through natural processes, shall be permitted on shorelines in Vilas County.

**B. Existing Beaches.**

Existing beaches may be maintained. A shoreland alteration permit must be submitted and approved prior to placing additional sand fill onto the existing beach.

*Note: Placement of sand or other material below the OHWM is regulated by the Department of Natural Resources.*



**9.5. Walk-out Lower Levels.**

All proposed structures less than 300 feet from the OHWM involving a walk-out lower level where the base of the water-facing side of the home will be located below the elevation of natural grade, shall comply with the following:

- A. The maximum width (measured parallel with the OHWM) of soil removal to expose the water facing wall shall be limited to a maximum length of 15 feet measured at the base of the level with three (horizontal) to one (vertical) slope from the base of the walkout.
- B. The maximum length of soil removal to allow for exposing the water facing wall of an exposed walk out shall be limited to 30 feet measured from the foundation towards the OHWM.
- C. The maximum depth of soil removal for exposure shall not exceed 6 feet in depth.

**9.6 Impervious Surface Limitations.**

**A. General Requirements**

Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any nonriparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

**B. Activities Requiring a Shoreland Alteration Permit and Stormwater Mitigation Plan.**

A stormwater mitigation plan is required in conjunction with a Shoreland Alteration Permit for land disturbance activities on any waterfront lot which results in a maximum cumulative amount of impervious surfaces exceeding fifteen percent (15%) of the surface area of the lot within 300 feet of the OHWM,

**C. Maximum Limits.**

The maximum cumulative amount of impervious surfaces on a lot shall not exceed 30%.

**D. Existing Impervious Surfaces Located Greater Than 75 Feet from OHWM.**

For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the standards in 9.6B the property owner may do any of the following:

1. Maintenance and repair of all impervious surfaces;
2. Replacement of existing impervious surfaces with similar surfaces within the existing structure envelope;
3. Relocation or modification of existing impervious surfaces; with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and meets the applicable setback requirements in NR 115.05 (1)(b).

*Note:* For example, this provision would allow an existing at-grade patio to be removed and replaced with a new structure, if the new structure meets the shoreland setback requirements.

*Note:* Nothing in this subsection shall be construed to supersede other provisions in shoreland ordinance.

**E. Nonconforming Structures within the Structure Setback**

Nonconforming Structures located within 75 feet of the OHWM shall be subject to the requirements of Sections 6.4 and 6.5 of this Ordinance.

**F. Calculation of Impervious Surface.**

Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that lot or parcel, and multiplied by 100.

Example: Lot Size is: 210 ft. of Frontage by 200 ft. Deep = 42,000 sq. ft. Lot Area.  
210ft. X 200ft. =42,000sq. ft. 4,696 is the Total sq. ft. of Impervious Surface Area

2,000 sq. ft. Drive Way -Existing

1,800 sq. ft. Cabin - Existing

676 sq. ft. Garage – Proposed

120 sq. ft. Deck -Existing

100 sq. ft. Side Walk -Existing

4,696 sq. ft. divided by 42,000 sq. ft. = .1118 X100 = 11.18 % Impervious Surface Area  
Within 300 ft. of OHWM

**G. Impervious Calculations do not Include:**

1. Areas that do not drain directly to waterbody;
2. Areas treated by an engineered stormwater detention system;
  - a. Stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
3. Areas internally drained;
  - a. An internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

**H. To Qualify for Impervious Exemptions:** Property owners shall submit a complete permit application that is reviewed and approved by Vilas County. The application shall include the following.

1. Calculations showing how much runoff is coming from the impervious surface area.
2. Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device or internally drained area.
3. An implementation schedule enforcing an obligation on the property owner to establish and maintain a treatment system, treatment devices or an internally drained area.
  - a. The enforceable obligations shall be evidenced by an instrument recorded in the Office of the Register of Deeds prior to the issuance of the permit.

**I. Out Lot:**

1. If an out lot lies between the OHWM and the developed lot or parcel and both are in common ownership, then the lot or parcel should be considered one property for the purposes of calculating the percentage of impervious surfaces.
2. If there is an out lot, parcel or road that is owned by some other entity, for example a hydroelectric facility or a town or county, then the county should determine what level of control the property owner has over that portion of the lot. If a property, owner has no or little say over construction on that portion of the lot, then impervious surfaces on that portion of the lot is calculated separately.

**J. Condominiums:** For properties that have been “condominiumized” the impervious surface calculations apply to the entire property. The property is still under one legal description and the proposed expansion to a unit is not the only impervious surface calculated since the regulation states lot or parcel and not a unit. Mitigation applies to the property as a whole and not just to the portion of the frontage that might be in front of the unit impacted.

- K. Mitigation Plan:** The obligations of the property owner under the mitigation plan shall be evidenced by recording a Stormwater Mitigation Plan in the office of the County Register of Deeds.

*History: (Amendment #85-250, Section 9.6, A., - K., effective 02-01-17)*

**9.7 Shoreland Alteration Permit Procedure.**

**A. Application.**

An application for a Shoreland Alteration Permit, Erosion Control Plans, Stormwater Mitigation Plans, and Cutting Plans shall be on forms from the Vilas County Zoning Office and accompanied by the required fee.

**B. Evaluation of Applications.**

1. Site development plans may be reviewed by, the County Land Conservation Department and Natural Resources Conservation Service in addition to the Zoning Administrator or designee.
2. A site inspection shall be conducted by the Zoning Administrator or designee to evaluate the request within ten working days from receipt of a completed application and inspection fee, provided seasonal and weather conditions allow for adequate inspection. Seasonal and weather conditions may require inspections to be made when the site is visible and/or accessible.

**C. Inspection.**

Upon completion of the permitted alterations the property owner shall notify the Zoning Administrator or designee so that a follow-up inspection can be conducted to confirm compliance with the permit conditions.

**D. Conditions for Granting Shoreland Alteration Permits.**

A Shoreland Alteration Permit shall contain the following conditions where applicable:

1. The smallest amount of bare ground shall be exposed for as short a time as feasible.
2. Temporary ground cover shall be used and permanent cover shall be established and maintained.
3. Diversion, silting basin, terraces and other methods shall be used to minimize runoff and erosion.
4. Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions.
5. Fill shall be stabilized according to accepted engineering standards as described in Minimizing Erosion in Urbanizing Areas: Guidelines, Standards and Specifications. (USDA, N.R.C.S., Madison, Wisconsin, 1973) or recommended by the Natural Resources Conservation Service
6. Fill shall not restrict a flood way or destroy the storage capacity of a flood plain.
7. Sides of channels, artificial watercourses or banks shall be constructed to a stable side slope according to the soil material present; loamy sand and lighter textures 33%(1 rise:3 run) or flatter and sandy loam or heavier textures 50% (1 rise:2 run) unless bulkheads or rip-rap are approved.
8. Approval of the erosion control plan or stormwater mitigation plans will be conditioned upon appropriate best management practices specified in the manual for construction site erosion control published by the Wisconsin Department of Natural Resources and Natural Resources Conservation Service guidelines.
9. Compliance with all applicable federal, state and local permits is required.

**ARTICLE X:**

**SHORELAND-WETLAND DISTRICT**

**10.1 Designation.**

This district includes shore lands in Vilas County, designated as wetlands on the most recent version of the Wisconsin Wetlands Inventory maps as depicted on the Department of Natural Resources Surface Water Data Viewer. These maps are adopted as district boundaries for the Shoreland-Wetland District. Where an apparent discrepancy exists between the Shoreland-Wetland District shown on the Wisconsin Wetland Inventory maps and actual field conditions, the Zoning Administrator shall contact the appropriate field office of the Department of Natural Resource to determine if the Shoreland-Wetland District is mapped in error. If the DNR staff concur with the Zoning Administrator a particular area is incorrectly mapped as a wetland or non-wetland, the Zoning Administrator shall have the authority to issue a Zoning Permit in accordance with the requirements of the applicable regulations. To correct wetland mapping shown on the official zoning map, the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period of time.

*History: (Amendment #85-250, Section 10.1, effective 02-01-17)*

**10.2 Purpose.**

The purpose of the Shoreland-Wetland District is to maintain safe and healthful conditions, prevent water pollution, protect fish spawning grounds and aquatic life and preserve shore cover and natural beauty. Development in wetlands is limited and when permitted, it should occur in a manner that minimizes the adverse impacts.

**10.3 Permitted Uses.**

The following uses are allowed, subject to shoreland zoning regulations contained in this Ordinance, provisions of Chapters 30 and 31, and 281.36 Wisconsin Statutes, and other applicable local, state and federal laws.

- A.** Activities and uses which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating do not require the issuance of a Shoreland Alterations Permit, but which except as allowed under 10.3 (B) and 10.3 (C) below.
1. Hiking, fishing, trapping, hunting, swimming, and boating;
  2. Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner not injurious to the natural reproduction of such crops;
  3. The Pasturing of livestock;
  4. The cultivation of agricultural crops;
  5. Practice of silvicultural, including the planting, thinning, and harvesting of timber; and
  6. The construction or maintenance of duck blinds.
- B.** Uses not requiring a Shoreland Alteration Permit may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating, to the extent specifically provided below:
1. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions having 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 growing and harvesting of cranberries.
  3. The maintenance and repair of existing agricultural drainage systems including ditching, tiling, and dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system if dredged spoil is placed on existing spoil banks where possible.

## VILAS COUNTY SHORELAND ZONING ORDINANCE

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4. The construction or maintenance of fences for the pasturing of livestock, including limited 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.
- C. Uses which require the issuance of a Shoreland Alterations Permit which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically 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 the wetland;
    - b. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in 10.5. B.;
    - c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
    - d. Road construction activities take place in the immediate area of the roadbed only.
  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 sq. ft. 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 a permitted use and the applicant received a permit or license under Chapter 29, Wisconsin Statutes, 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 the criteria in section 10.3C1. (a)-(d) and;
    - c. Ditching, excavating, dredging, or dike and dam construction in 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, 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;
    - b. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in 10.5B.

*History: (Amendment #85-250, Section 10.3, A., B., & C., effective 02-01-17)*

## 10.4 Prohibited Uses.

Any use not listed in Section 10.3, Permitted Uses, is prohibited, unless the wetland or a portion of the wetland is rezoned by an amendment of this Ordinance in accordance with the requirements of Wis. Stats. 59.69(5)(e), Chapter NR 115, Wisconsin Administrative Code, and Section 10.5.

## 10.5 Rezoning of Land in the Shoreland-Wetland District.

- A.** For proposed text and map amendments to the Shoreland-Wetland District, the appropriate district office of the Department of Natural Resources shall be provided with the following:
1. A copy of the petition for a text or map amendment to the Shoreland-Wetland District within 5 days of the filing of such petition with the County Clerk;
  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 Zoning Committee's findings and recommendation 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.
- B.** A wetland, or a portion thereof, in the Shoreland-Wetland District shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
1. Storm and flood water storage capacity;
  2. 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;
  3. Filtering of storage or sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
  4. Shoreland protection against soil erosion;
  5. Fish spawning, breeding, nursery or feeding grounds;
  6. Wildlife habitat, and
  7. Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04, Wis. Adm. Code, which can be accessed at the following web site:  
<http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.
- C.** If the Department of Natural Resources has notified the Zoning Administrator that a proposed amendment to the Shoreland-Wetland District may have a significant adverse impact upon any of the criteria listed in section 10.5 B., 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 since written notice of the County Board's approval of this amendment was 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. 59.692(6). If the Department does so notify the County Board, the effect of this amendment shall be stayed until the adoption procedure under section 59.692(6) is completed or otherwise terminated."
- D.** The petitioners who request the rezoning of a wetland shall send certified written notice to the adjacent property owners with proof of notice given to the Zoning Administrator, of the proposed rezoning no less than 30 days prior to the rezoning public hearing.

*History: (Amendment #85-250, Section 10.5, B., effective 02-01-17)*

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**ARTICLE XI:**

**MITIGATION**

**11.1 Applicability.**

Mitigation is required whenever a property owner requests a zoning permit for the following:

- A. 200 sq. ft. of lateral expansion of a nonconforming principal structure.
- B. Relocation of nonconforming principal structure.
- C. Greater than 15% impervious surface area but less than 30%.
- D. Open sided structures that qualify in the setback area have a vegetative buffer requirement.

An additional permit fee may be required by, the Zoning Office for administration of the mitigation requirements.

*History: (Amendment #85-250, Section 11.1, A., B., C., & D., effective 02-01-17)*

**11.2 Mitigation Points Required.**

**A. Lakes Greater Than 50 Acres.**

The number of mitigation points required depends on lake classification and is set forth below in Table 4. **(Lakes Class See Appendix A)**

**Table 4**

<b>MITIGATION POINTS, FOR LAKES GREATER THAN 50 ACRES</b>			
<b>Sensitivity to Development</b>	<b>Current Level of Development</b>		
	<b>Low Development Level</b>	<b>Medium Development Level</b>	<b>High Development Level</b>
<b>High Sensitivity</b>	Five Mitigation Points	Six Mitigation Points	Six Mitigation Points
<b>Medium Sensitivity</b>	Four Mitigation Points	Five Mitigation Points	Five Mitigation Points
<b>Low Sensitivity</b>	Four Mitigation Points	Four Mitigation Points	Four Mitigation Points

**B. For Lakes 50 Acres and Less Six Mitigation Points Are Required.**

**C. For Class II Rivers and Streams Four Mitigation Points Are Required.**

**D. For Class I Rivers and Streams Six Mitigation Points Are Required.**

**E. Additional Points for Certain Structures.**

Additional mitigation points shall be required on properties with principal structures located closer than seventy-five feet (75') from the ordinary high water mark as follows:

- 1. Expansion of principal structures with any part located closer than forty feet (40') from the ordinary high water mark require two (2) additional mitigation points.
- 2. Expansion of principal structures with any part located closer than seventy-five feet (75') but more than forty feet (40') from the ordinary high water mark require one (1) additional mitigation point. This point is not added to the two mitigation points required if a structure is located closer than forty feet (40').

**11.3 Mitigation Practices.**

Property owners may choose among the following mitigation practices to achieve the number mitigation points required.

**A. Buffer Zones.**

- 1. Points may be obtained for maintaining existing buffer zones or for creating and maintaining new buffer zones as set forth below.

## VILAS COUNTY SHORELAND ZONING ORDINANCE

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2. Buffer Zone Options.
  - a. Primary Active Buffer Zone: Shore buffer zone within thirty-five feet (35') of the OHWM, including trees, shrubbery, underbrush and other natural vegetation, and subject to the conditions in A.3. (3) Three points. A shoreline recreational area as defined in Article VIII is allowed.
  - b. Secondary Active Buffer Zone: An additional fifteen feet (15') of buffer zone depth inland from the OHWM beyond the thirty-five feet (35') of buffer zone already established, providing a total of fifty feet (50') of buffer zone depth, subject to the conditions in A.3. (2) Two points.
  - c. Recreational Area Buffer Zone: Shore buffer zone along the entire shoreline, including within the space that may otherwise have been occupied by the recreational area, except that a foot path of no more than five feet (5') in width may be maintained, subject to the conditions in A.3. (2) Two points.
  - d. Passive Buffer Zone: Shoreland vegetation buffer area within thirty-five feet (35') of the OHWM, including un-mowed, grass or other under story vegetation, but without the tree and shrub layers required to meet the three-point mitigation standard. A shoreline recreational area as defined in Article VIII is allowed. (2) Two points.
  - e. Side lot Buffer Zone: A ten feet (10') wide side lot buffer zone including trees, shrubbery, underbrush and other natural vegetation extending along a side lot line for a depth of at least one hundred feet (100') from the OHWM. (1) One point. The side lot buffer area is subject to the conditions in A.3. Points for side lot line buffers may be additive, for a maximum of two (2) points, if buffer areas exist and are maintained along both side lot lines.
3. Conditions.
  - a. No mowing is permitted in the buffer zone.
  - b. The establishment of buffer zones except under A.2.d. are subject to a density of at least two (2) tree stems and four (4) shrub stems per one hundred square feet (100 sq. ft.) of buffer zone area is required. This density must be maintained through the maturity of the species.

### **B. Removal of Structures**

Points may be obtained for the removal of structures as set forth below.

1. Removal of a principal structure located within seventy-five feet (75') of the OHWM to a site that meets the OHWM set back requirements for new development on that water body. (3) Three points.
2. Removal of all accessory structures located within thirty-five feet (35') of the OHWM, with the result that all such structures, including boathouses, are set back at least thirty-five feet (35') from the ordinary high water mark. (2) Two points.
3. Removal of all accessory structures located between thirty-five feet (35') and seventy-five feet (75') from the ordinary high water mark, with the result that all such structures, including boathouses, are set back at least seventy-five feet (75') from the ordinary high water mark. (1) One point.
4. No accessory structures are located less than seventy-five feet (75') from the ordinary high water mark. This point is not added to points awarded for removal of structures from B.1. and B.2. above. (1) One point.

### **C. Other Practices.**

1. At the discretion of the Zoning Administrator, three (3) additional mitigation points may be approved for restoration or protection to provide benefits to meet the objectives of this ordinance. Examples may include construction of a stormwater detention basin or implementation of other stormwater mitigation plan activities, replacement of seawalls with bio-engineered structures, or removal of artificial sand beaches.



## VILAS COUNTY SHORELAND ZONING ORDINANCE

2. Factors to be considered in making the determination of number of points and approval of alternative mitigation practices include, but are not limited to:
  - a. Cost of implementation;
  - b. Runoff diversion and/or retention;
  - c. Lot configuration;
  - d. Parcel size;
  - e. Location of impervious areas;
  - f. Sensitivity and level of development of the water body; and
  - g. Significance toward meeting ordinance objectives.

### D. Mitigation Points, Key holing and Size of Boathouse by Lake based on Lakes Class.

Lake Name	Sensitivity	Development	Lake Size (ac)	Key holing Allowed	Maximum Boathouse Size (ft <sup>2</sup> )	Mitigation Points Required
ADELADE LAKE	high	medium	60	no	100	6
ALDER LAKE	medium	medium	274	yes	300	5
ALDRIDGE LAKE	low	low	134	yes	300	4
ALLEQUASH LAKE	medium	low	426	yes	300	4
ALMA LAKE	high	high	55	no	100	6
AMIK LAKE (RICE, PIKE)	medium	medium	187	yes	300	5
ANNABELLE LAKE (ANNA)	medium	medium	213	yes	300	5
ANVIL LAKE	medium	high	380	yes	300	5
APEEKWA LAKE (LITTLE PINE)	low	low	188	yes	300	4
ARMOUR LAKE	high	medium	320	yes	300	6
ARROWHEAD LAKE (LITTLE STAR)	medium	high	99	no	100	5
AURORA LAKE (RICE)	high	low	94	no	100	5
AVERILL LAKE (MUD)	medium	low	71	no	100	4
BALLARD LAKE	low	medium	505	yes	300	4
BASS LAKE	low	high	266	yes	300	4
BEAR LAKE	medium	low	76	no	100	4
BEAVER LAKE T43N R07E S14	low	medium	68	no	100	4
BELLE LAKE	high	low	53	no	100	5
BIG ARBOR VITAE LAKE	medium	high	1090	yes	300	5
BIG BATEAU LAKE	medium	low	220	yes	300	4
BIG CROOKED LAKE T41N R05E S15	high	low	384	yes	300	5
BIG CROOKED LAKE T42N R07E S06	low	low	682	yes	300	4
BIG DONAHUE LAKE	high	low	92	no	100	5
BIG GIBSON LAKE	medium	low	116	yes	300	4
BIG KITTEN LAKE	medium	medium	55	no	100	
BIG LAKE T42N R06E S04	low	medium	850	yes	300	4
BIG LAKE T43N R08E S24	medium	low	771	yes	300	4
BIG MUSKELLUNGE LAKE	medium	medium	930	yes	300	5
BIG PORTAGE LAKE	medium	medium	638	yes	300	5
BIG SAND LAKE	low	medium	1408	yes	300	4
BIG ST GERMAIN LAKE	low	high	1617	yes	300	4
BILLS LAKE	high	high	73	no	100	6
BIRCH LAKE	medium	medium	528	yes	300	5
BITTERSWEET LAKE (CROOKED)	high	low	104	yes	300	5
BLACK OAK LAKE	medium	medium	584	yes	300	5

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Lake Name	Sensitivity	Development	Lake Size (ac)	Key holing Allowed	Maximum Boathouse Size (ft <sup>2</sup> )	Mitigation Points Required
BOLIN LAKE (BOG, OSWEGO)	high	low	63	no	100	5
BOLTON LAKE	low	medium	138	yes	300	4
BOOT LAKE T40N R09E S02	low	medium	284	yes	300	4
BOULDER LAKE	low	medium	524	yes	300	4
BRANDY LAKE (CECILIA)	low	high	110	yes	300	4
BROKEN BOW LAKE	high	low	134	yes	300	5
BUCKATABON, UPPER & LOWER	medium	medium	846	yes	300	5
BUCKSKIN LAKE	low	low	634	yes	300	4
CAMP TWELVE LAKE, EAST	medium	low	59	no	100	4
CARLIN LAKE	high	low	153	yes	300	5
CARPENTER LAKE	low	medium	333	yes	300	4
CARROLL LAKE	medium	low	352	yes	300	4
CATFISH LAKE	low	high	1012	yes	300	4
CEDAR LAKE T40N R04E S04	medium	low	60	no	100	4
CIRCLE LILY LAKE	low	medium	223	yes	300	4
CLAIR LAKE	medium	medium	51	no	100	5
CLEAR LAKE	low	high	555	yes	300	4
COCHRAN LAKE	low	medium	126	yes	300	4
CONTENT LAKE	low	medium	244	yes	300	4
CRAB LAKE	high	low	949	yes	300	5
CRAB LAKE, NORTH	high	low	56	no	100	5
CRAMPTON LAKE	high	low	59	no	100	5
CRANBERRY LAKE	low	medium	956	yes	300	4
CRAWLING STONE LAKE	low	high	1466	yes	300	4
CRYSTAL LAKE T41N R07E S27	low	low	88	no	100	4
CRYSTAL LAKE T43N R10E S01	medium	low	93	no	100	4
DAY LAKE	high	low	117	yes	300	5
DEAD PIKE LAKE	low	medium	297	yes	300	4
DEER LAKE T42N R10E S29	medium	medium	65	no	100	5
DEERSKIN LAKE	low	high	309	yes	300	4
DEVINE LAKE (DOLLAR)	medium	low	95	no	100	4
DIAMOND LAKE	medium	high	122	yes	300	5
DOLLAR LAKE T40N R10E S26	low	medium	105	yes	300	4
DOROTHY DUNN LAKE	high	low	70	no	100	5
DUCK LAKE	low	high	108	yes	300	4
DUNN LAKE	medium	low	75	no	100	4
EAGLE LAKE T40N R10E S22	low	high	572	yes	300	4
EDITH LAKE T42N R06E S26	high	high	59	no	100	6
ELLERSON LAKE, EAST	medium	low	136	yes	300	4
ELLERSON LAKE, MIDDLE	high	low	60	no	100	5
ELLERSON LAKE, WEST	medium	low	80	no	100	4
ERICKSON LAKE	medium	low	106	yes	300	4
ESCANABA LAKE (ROCK)	low	low	293	yes	300	4
FALLISON LAKE (LONG)	high	low	52	no	100	5
FAWN LAKE T42N R05E S11 (MUD)	medium	medium	74	no	100	5
FENCE LAKE	low	high	3555	yes	300	4

## VILAS COUNTY SHORELAND ZONING ORDINANCE

Lake Name	Sensitivity	Development	Lake Size (ac)	Key holing Allowed	Maximum Boathouse Size (ft <sup>2</sup> )	Mitigation Points Required
FINGER LAKE	medium	medium	90	no	100	5
FINLEY LAKE	medium	medium	107	yes	300	5
FISHTRAP LAKE	high	medium	329	yes	300	6
FLAMBEAU LAKE (LAC DU	medium	low	1176	yes	300	4
FLORA LAKE	high	low	100	yes	300	5
FOREST LAKE (GOOSE)	high	medium	466	yes	300	6
FOUND LAKE	low	medium	326	yes	300	4
FRANK LAKE (BEAR)	high	low	141	yes	300	5
FROST LAKE (MUD)	medium	low	53	no	100	4
GEORGE LAKE T44N R05E S19	high	low	92	no	100	5
GRASSY LAKE	low	low	220	yes	300	4
GRESHAM LAKE, LOWER	low	high	149	yes	300	4
GRESHAM LAKE, MIDDLE	high	medium	53	no	100	6
GRESHAM LAKE, UPPER	medium	high	366	yes	300	5
GUNLOCK LAKE	medium	medium	250	yes	300	5
HARDIN LAKE	high	low	63	no	100	5
HARMONY LAKE	low	low	88	no	100	4
HARRIS LAKE	medium	low	507	yes	300	4
HASKELL LAKE	high	low	97	no	100	5
HEART LAKE T42N R10E S29	medium	medium	59	no	100	5
HELEN LAKE T43N R09E S30	medium	low	111	yes	300	4
HIGH LAKE	low	medium	734	yes	300	4
HORSEHEAD LAKE	medium	low	234	yes	300	4
HUNTER LAKE	medium	low	184	yes	300	4
IKE WALTON LAKE	low	low	1424	yes	300	4
IMOGENE LAKE	high	low	66	no	100	5
INDIAN LAKE	high	low	68	no	100	5
IRVING LAKE	low	low	403	yes	300	4
ISLAND LAKE	medium	medium	1023	yes	300	5
JAG LAKE	medium	low	158	yes	300	4
JENNY LAKE	high	low	59	no	100	5
JERMS LAKE	medium	medium	72	no	100	5
JOHNSON LAKE T40N R06E S34	medium	high	78	no	100	5
JONES LAKE	high	low	52	no	100	5
JUTE LAKE	medium	low	194	yes	300	4
KATINKA LAKE	high	low	172	yes	300	5
KENTUCK LAKE	low	medium	957	yes	300	4
KENU LAKE (ALICE)	low	low	73	no	100	4
KILDARE LAKE (PINE)	medium	medium	54	no	100	5
LAC DU LUNE (ISLAND)	high	low	426	yes	300	5
LAC VIEUX DESERT	low	medium	2853	yes	300	4
LAKE OF THE HILLS (SUCKER)	low	medium	62	no	100	4
LANDING LAKE (CHARLOTTE)	medium	low	220	yes	300	4
LAURA LAKE	medium	medium	599	yes	300	5
LITTLE ARBOR VITAE LAKE	medium	medium	534	yes	300	5
LITTLE BATEAU LAKE	medium	low	63	no	100	4

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Lake Name	Sensitivity	Development	Lake Size (ac)	Key holing Allowed	Maximum Boathouse Size (ft <sup>2</sup> )	Mitigation Points Required
LITTLE CRAB LAKE	high	low	76	no	100	5
LITTLE CRAWLING STONE LAKE	medium	high	107	yes	300	5
LITTLE CROOKED LAKE	low	low	153	yes	300	4
LITTLE HORSEHEAD LAKE	medium	medium	52	no	100	5
LITTLE JOHN LAKE	low	high	166	yes	300	4
LITTLE MUSKIE LAKE	low	high	78	no	100	4
LITTLE PORTAGE LAKE	low	medium	170	yes	300	4
LITTLE PRESQUE ISLE LAKE	medium	low	85	no	100	4
LITTLE RICE LAKE	low	low	59	no	100	4
LITTLE SAND LAKE	medium	low	107	yes	300	4
LITTLE SPIDER LAKE (GAFFREY)	medium	high	235	yes	300	5
LITTLE ST GERMAIN LAKE	medium	high	980	yes	300	5
LITTLE STAR LAKE T41N R08E S10	medium	medium	93	no	100	5
LITTLE STAR LAKE T42N R05E S15	medium	high	244	yes	300	5
LITTLE TAMARACK FLOWAGE (INCLUDING SPRING LAKE)	medium	low	287	yes	300	4
LITTLE TROUT LAKE	medium	low	978	yes	300	4
LONE PINE LAKE	medium	low	142	yes	300	4
LONE TREE LAKE	medium	low	121	yes	300	4
LONG INTERLAKEN LAKE (LONG)	medium	medium	368	yes	300	5
LONG LAKE	medium	medium	872	yes	300	5
LOST CANOE LAKE	high	medium	249	yes	300	6
LOST LAKE	low	high	544	yes	300	4
LYNX LAKE T43N R07E S18	high	low	339	yes	300	5
MADELINE LAKE	medium	low	159	yes	300	4
MAMIE LAKE	medium	medium	400	yes	300	5
MANITOWISH LAKE	low	high	506	yes	300	4
MANN LAKE	medium	high	261	yes	300	5
MANUEL LAKE	medium	low	76	no	100	4
MARSHALL LAKE	medium	low	87	no	100	4
MCCULLOUGH LAKE	low	medium	216	yes	300	4
MCLEOD LAKE	high	low	52	no	100	5
MERMAID LAKE	high	low	60	no	100	5
META LAKE	low	high	175	yes	300	4
MILL LAKE (CHARLOTTE)	medium	low	131	yes	300	4
MINETTE LAKE (L BASS, SPRUCE)	medium	low	90	no	100	4
MINONK LAKE (DEER)	high	low	95	no	100	5
MITTEN LAKE	medium	low	140	yes	300	4
MOCCASIN LAKE	high	low	93	no	100	5
MOON LAKE	medium	medium	124	yes	300	5
MORAINÉ LAKE	high	low	87	no	100	5
MORTON LAKE	medium	low	163	yes	300	4
MOSS LAKE (LITTLE MUD)	medium	medium	196	yes	300	5
MURPHY LAKE	high	low	81	no	100	5
MUSKELLUNGE LAKE	low	high	272	yes	300	4
MUSKESIN LAKE (BIG BASS)	medium	low	115	yes	300	4

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Lake Name	Sensitivity	Development	Lake Size (ac)	Key holing Allowed	Maximum Boathouse Size (ft <sup>2</sup> )	Mitigation Points Required
NEBISH LAKE	high	low	91	no	100	5
NELSON LAKE T40N R09E S22	high	medium	104	yes	300	6
NINEMILE LAKE, LOWER	low	low	646	yes	300	4
NINEMILE LAKE, UPPER	medium	low	91	no	100	4
NIXON LAKE	medium	low	110	yes	300	4
NO MANS LAKE	high	low	225	yes	300	5
NORWOOD LAKE(BOOT)	medium	low	125	yes	300	4
OSWEGO LAKE	medium	high	66	no	100	5
OTTER LAKE	low	high	217	yes	300	4
OXBOW LAKE	high	medium	511	yes	300	6
PALLETTE LAKE (CLEAR)	medium	low	173	yes	300	4
PALMER LAKE	low	low	635	yes	300	4
PAPOOSE LAKE	high	medium	428	yes	300	6
PARDEE LAKE	medium	medium	206	yes	300	5
PARTRIDGE LAKE	medium	low	228	yes	300	4
PICKEREL LAKE	low	medium	293	yes	300	4
PINE ISLAND LAKE (BASS)	medium	medium	79	no	100	5
PIONEER LAKE	low	high	427	yes	300	4
PLUM LAKE	medium	high	1108	yes	300	5
PLUMMER LAKE	medium	medium	211	yes	300	5
POKEGAMA LAKE	medium	medium	1052	yes	300	5
PRESQUE ISLE LAKE	medium	medium	1280	yes	300	5
RAINBOW LAKE	medium	low	146	yes	300	4
RANGE LINE LAKE	medium	low	60	no	100	4
RAZORBACK LAKE	medium	high	362	yes	300	5
REST LAKE	low	medium	640	yes	300	4
RICE LAKE T40N R09E S14	low	low	71	no	100	4
ROACH LAKE T40N R07E S09	high	medium	51	no	100	6
ROACH LAKE T43N R08E S07	medium	low	125	yes	300	4
ROCK LAKE	high	medium	122	yes	300	6
ROSS ALLEN LAKE	high	low	66	no	100	5
ROSS LAKE	medium	medium	146	yes	300	5
ROUND LAKE	medium	low	116	yes	300	4
RUDOLPH LAKE T43N R07E S17	high	low	79	no	100	5
SANBORN LAKE	medium	low	253	yes	300	4
SANFORD LAKE	high	low	88	no	100	5
SCATTERING RICE LAKE	low	medium	267	yes	300	4
SEVENTEEN LAKE	high	low	61	no	100	5
SHERMAN LAKE (LOST)	low	low	123	yes	300	4
SHISHEBOGAMA	low	high	716	yes	300	4
SIGNAL LAKE (STAR)	medium	low	58	no	100	4
SILVER LAKE	medium	high	59	no	100	5
SMOKY LAKE	medium	low	610	yes	300	4
SNIPE LAKE	medium	medium	239	yes	300	5
SPARKLING LAKE (SILVER)	medium	high	127	yes	300	5
SPECTACLE LAKE	high	low	171	yes	300	5

## VILAS COUNTY SHORELAND ZONING ORDINANCE

Lake Name	Sensitivity	Development	Lake Size (ac)	Key holing Allowed	Maximum Boathouse Size (ft <sup>2</sup> )	Mitigation Points Required
SPIDER LAKE	medium	medium	272	yes	300	5
SPIRIT LAKE	low	low	80	no	100	4
SPRING LAKE T43N R09E S27	low	low	205	yes	300	4
SQUAW LAKE	low	medium	785	yes	300	4
STAR LAKE	medium	high	1150	yes	300	5
STARRETT LAKE	medium	low	66	no	100	4
STATELINE LAKE	high	low	199	yes	300	5
STATENAKER LAKE	high	low	210	yes	300	5
STEARNS LAKE	low	low	217	yes	300	4
STELLA LAKE	medium	medium	91	no	100	5
STONE LAKE	low	high	139	yes	300	4
STORMY LAKE	low	high	522	yes	300	4
STREET LAKE	high	medium	54	no	100	6
SUGAR MAPLE LAKE (BIG BASS)	medium	medium	137	yes	300	5
SUGARBUSH LAKE, LOWER	medium	low	182	yes	300	4
SUGARBUSH LAKE, MIDDLE	medium	low	269	yes	300	4
SUGARBUSH LAKE, UPPER	medium	low	162	yes	300	4
SUMACH LAKE (LONG)	high	high	60	no	100	6
SUNFISH LAKE	low	low	55	no	100	4
SUNSET LAKE (ROUND)	medium	medium	185	yes	300	5
TAMBLING LAKE	low	high	169	yes	300	4
TENDERFOOT LAKE	medium	low	437	yes	300	4
TEPEE LAKE (BASS)	medium	low	59	no	100	4
TIPPECANOE LAKE (ISLAND)	high	medium	155	yes	300	6
TOULISH LAKE (STATENAKER)	medium	low	79	no	100	4
TOWANDA LAKE (BASS)	high	high	146	yes	300	6
TRILBY LAKE	medium	low	92	no	100	4
TROUT LAKE	low	high	3816	yes	300	4
TURTLE LAKE, NORTH	medium	medium	369	yes	300	5
TURTLE LAKE, SOUTH	medium	medium	454	yes	300	5
TWIN ISLAND LAKE	medium	low	205	yes	300	4
TWIN LAKE, NORTH	low	high	2788	yes	300	4
TWIN LAKE, SOUTH	low	high	642	yes	300	4
VAN VLIET LAKE	medium	medium	220	yes	300	5
VANDERCOOK LAKE (CRANE)	high	high	95	no	100	6
VERNA LAKE	medium	medium	77	no	100	5
VOYAGEUR LAKE	low	medium	130	yes	300	4
WATERSMEET LAKE	low	medium	100	yes	300	4
WEST BAY LAKE	medium	low	368	yes	300	4
WHITE BIRCH LAKE	medium	high	117	yes	300	5
WHITE SAND LAKE T41N R05E S22	medium	medium	1229	yes	300	5
WHITE SAND LAKE T42N R07E S26	low	low	728	yes	300	4
WHITEFISH LAKE	medium	high	196	yes	300	5
WHITNEY LAKE (HARRINGTON)	medium	medium	102	yes	300	5
WILD RICE LAKE (HALF WAY)	low	medium	379	yes	300	4
WILDCAT LAKE	medium	medium	305	yes	300	5

## VILAS COUNTY SHORELAND ZONING ORDINANCE

Lake Name	Sensitivity	Development	Lake Size (ac)	Key holing Allowed	Maximum Boathouse Size (ft <sup>2</sup> )	Mitigation Points Required
WISHOW LAKE	medium	low	73	no	100	4
WOLF LAKE T43N R07E S31	low	low	393	yes	300	4
WYANDOCK LAKE	medium	low	88	no	100	4
YELLOW BIRCH LAKE	low	high	202	yes	300	4
DEERSKIN RIVER DOWNSTREAM OF RANGE LINE ROAD				yes	300	4
EAGLE RIVER				yes	300	4
JOHNSON CREEK				yes	300	4
LINK CREEK				yes	300	4
MANITOWISH RIVER FROM JOHNSON LAKE TO REST LAKE DAM				yes	300	4
MILITARY CREEK DOWNSTREAM OF HWY E				yes	300	4
MUD CREEK				yes	300	4
MUSKELLUNGE CREEK DOWNSTREAM OF BIRCHWOOD				yes	300	4
ST. GERMAIN RIVER DOWNSTREAM OF				yes	300	4
TOMAHAWK RIVER				yes	300	4
WISCONSIN RIVER DOWNSTREAM OF HWY G				yes	300	4
ALL OTHER LAKES, PONDS, STREAMS, RIVERS, CREEKS and FLOWAGES				no	100	6

History: (Amendment #85-250, Section 11.3, A., B., C., & D., effective 02-01-17)

### 11.4 Mitigation Plan.

#### A. Development and Implementation of Mitigation Plan.

1. A mitigation plan shall be submitted on forms provided by the Zoning Administrator or designee for review and approval. The plan shall indicate the selected mitigation strategies and shall be signed by the property owner and filed with the Zoning Office prior to issuance of the zoning permit.  
Mitigation measures are maintained in perpetuity, unless the property owner receives approval of a new, approved mitigation plan meeting the same point requirements.
2. Notwithstanding any other provision of this ordinance, the current owner is solely responsible for compliance with the terms of this Article.

#### B. Certification of Completion.

Within one year of issuance of the related zoning permit, the property owner shall complete the mitigation practices and shall certify in writing to the Zoning Administrator or designee that the required mitigation has been completed. As part of the certification, the property owner shall submit photos documenting the mitigation measures.

#### C. Subsequent Development.

Subsequent zoning permit applications shall not require additional mitigation provided the mitigation measures are maintained.

**ARTICLE XII:**

**SPECIAL ZONING PERMISSION FOR ACCESSORY STRUCTURES IN SHORELAND SETBACK AREA**

History: (Amendment #85-179, Article XII effective 6-24-03)

**12.1 Special Zoning Permission**

- A. This article applies to special zoning permission for accessory structures in the shoreland setback area pursuant to Sections 59.692 (1), (1v) and 59.69 (15) (g), Wisconsin Statutes.
- B. This Article is an exemption to Article XI, Mitigation. Mitigation is a state requirement and is explained below in 12.4 C.

**12.2. Shoreland Setback Area**

- A. The shoreland setback area is located within 75 feet of the ordinary high water mark of a navigable water body in which the construction or placement of structures has been limited or prohibited.
- B. The Zoning Administrator or designee shall grant special zoning permission for the construction and/or placement of a structure located 35 feet or greater from the OHWM of any navigable waters if the requirements listed in 12.3 below are met.

**12.3. Proposed New Accessory Structure Requirements**

**A. Cumulative Floor Area**

- 1. Maximum total floor area of a structure(s) located in the shoreland setback area shall not exceed 200 sq. ft. Maximum total floor area shall be the cumulative area of all existing and/or proposed new structures located in the shoreland setback area.
- 2. Overhangs and boathouses are exempt from the square footage total.
- 3. Stairways, walkways and/or lifts providing pedestrian access to a structure or shoreline are exempt from the square footage total.

**B. Number of Structures**

- 1. More than one structure may be permitted on a single property provided the cumulative square footage total does not exceed 200 square feet.

**C. Proposed New Structure Location**

- 1. Proposed new structures and/or any portion of proposed new structures located in the shoreland setback area shall be located:
  - a. 35 feet or greater from the ordinary high water mark.
  - b. A detached accessory structure shall be five (5) feet or greater from any side property boundary or property line.
  - c. An accessory structure attached to a principal structure shall be 15 feet or greater from any side property boundary or property line.



**D. Erosion Control**

1. The applicant shall take erosion control measures to control sediment runoff, as approved by the Zoning Administrator or designee for any structures allowed under this article.

**E. Proposed New Structure Configuration**

1. The proposed new structure shall have no sides or shall have open or screened sides. (Examples include a patio, a deck (with or without railings), a gazebo or a porch. Any structure that either has no roof or has a roof and support posts without walls would be included.)
2. Roof over-hang shall not exceed two feet. (Roof over-hang is excluded from total square footage.)

**12.4 Permitting Requirements**

**A. Permits**

1. One Zoning Permit for an accessory structure and one Shoreland Alteration Permit.

**B. Photographs**

1. All permit applications shall be submitted to the Vilas County Zoning Office with photographs of the proposed construction site to provide adequate documentation of the vegetative buffer zone prior to construction.
2. Photographs of the preserved or restored vegetative buffer zone shall be submitted to the Vilas County Zoning Office within one year from permit issuance date.

**C. Permits Required**

1. Applicant shall complete a zoning permit and a mitigation permit, with the following information.
  - a. Section 59.692(1v), Wisconsin Statutes requires preservation or restoration of a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.

$$\left( \underline{\hspace{2cm}} \text{ ft.} \times .7 \times 37.5 = \underline{\hspace{2cm}} \text{ sq. ft.} \right)$$

Water Frontage Width                                      70% of 1/2 of the shoreland setback

**A vegetative buffer zone is an area of undisturbed or restored vegetation.**

- b. Other Permits may be required under the Vilas County Shoreland Zoning Ordinance Article IX, including but not limited to an erosion control permit and/or a shoreline alteration permit.

**D. Inspections**

1. The Vilas County Zoning Administrator or designee shall conduct an inspection for reduced setbacks in the shoreland setback area prior to permit approval.

# VILAS COUNTY SHORELAND ZONING ORDINANCE

## Appendix A

### Lake and River Classification.

- A. Lakes Greater Than 50 Acres.
- Each lake greater than 50 acres in surface area has been individually evaluated and classified based upon its sensitivity to development and level of existing development along privately owned shoreline. The factors comprising lake sensitivity to development and level of development, and ranking system for low, medium and high sensitivity and development categories are set forth in the Vilas County Lake and River Classification Study dated February 1999, which is incorporated by reference.

- B. The lake classification listing for each lake greater than 50 acres is set forth in Table 1.

**Table 1 - LAKE CLASSIFICATIONS FOR LAKES OVER 50 ACRES**

Lake - Name	Sensitivity Level	Level of Existing Develop.	Lake - Name	Sensitivity Level	Level of Existing Develop.
ADELADE LAKE	high	medium	BLACK OAK LAKE	medium	medium
ALDER LAKE	medium	medium	BOLIN LAKE (BOG, OSWEGO)	high	low
ALDRIDGE LAKE	low	low	BOLTON LAKE	low	medium
ALLEQUASH LAKE	medium	low	BOOT LAKE T40N R09E S02	low	medium
ALMA LAKE	high	high	BOULDER LAKE	low	medium
AMIK LAKE (RICE, PIKE)	medium	medium	BRANDY LAKE (CECILIA)	low	high
ANNABELLE LAKE (ANNA)	medium	medium	BROKEN BOW LAKE	high	low
ANVIL LAKE	medium	high	BUCKATABON-UPPER & LOWER	medium	medium
APEEKWA LAKE (LITTLE PINE)	low	low	BUCKSKIN LAKE	low	low
ARMOUR LAKE	high	medium	CAMP TWELVE LAKE, EAST	medium	low
ARROWHEAD LAKE (LITTLE STAR)	medium	high	CARLIN LAKE	high	low
AURORA LAKE (RICE)	high	low	CARPENTER LAKE	low	medium
AVERILL LAKE (MUD)	medium	low	CARROLL LAKE	medium	low
BALLARD LAKE	low	medium	CATFISH LAKE	low	high
BASS LAKE	low	high	CEDAR LAKE T40N R04E S04	medium	low
BEAR LAKE	medium	low	CIRCLE LILY LAKE	low	medium
BEAVER LAKE T43N R07E S14	low	medium	CLAIR LAKE	medium	medium
BELLE LAKE	high	low	CLEAR LAKE	low	high
BIG ARBOR VITAE LAKE	medium	high	COCHRAN LAKE	low	medium
BIG BATEAU LAKE	medium	low	CONTENT LAKE	low	medium
BIG CROOKED LAKE T41N R05E S15	high	low	CRAB LAKE	high	low
BIG CROOKED LAKE G42N R07E S06	low	low	CRAB LAKE, NORTH	high	low
BIG DONAHUE LAKE	high	low	CRAMPTON LAKE	high	low
BIG GIBSON LAKE	medium	low	CRANBERRY LAKE	low	medium
BIG KITTEN LAKE	medium	medium	CRAWLING STONE LAKE	low	high
BIG LAKE T42N R06E S04	low	medium	CRYSTAL LAKE T41N R07E S27	low	low

# VILAS COUNTY SHORELAND ZONING ORDINANCE

BIG LAKE T43N R08E S24	medium	low	CRYSTAL LAKE T43N R10E S01	medium	low
BIG MUSKELLUNGE LAKE	medium	medium	DAY LAKE	high	low
BIG PORTAGE LAKE	medium	medium	DEAD PIKE LAKE	low	medium
BIG SAND LAKE	low	medium	DEER LAKE T42N R10E S29	medium	medium
BIG ST GERMAIN LAKE	low	high	DEERSKIN LAKE	low	high
BILLS LAKE	high	high	DEVINE LAKE (DOLLAR)	medium	low
BIRCH LAKE	medium	medium	DIAMOND LAKE	medium	high
BITTERSWEET LAKE (CROOKED)	high	low	DOLLAR LAKE T40N R10E S26	low	medium
DOROTHY DUNN LAKE	high	low	JONES LAKE	high	low
DUCK LAKE	low	high	JUTE LAKE	medium	Low
DUNN LAKE	medium	low	KATINKA LAKE	high	low
EAGLE LAKE T40N R10E S22	low	high	KENTUCK LAKE	low	medium
EDITH LAKE T42N R06E S26	high	high	KENU LAKE (ALICE)	low	low
ELLERSON LAKE, EAST	medium	low	KILDARE LAKE (PINE)	medium	medium
ELLERSON LAKE, MIDDLE	high	low	LAC DU LUNE (ISLAND)	high	low
ELLERSON LAKE, WEST	medium	low	LAC VIEUX DESERT	low	medium
ERICKSON LAKE	medium	low	LAKE OF THE HILLS (SUCKER)	low	medium
ESCANABA LAKE (ROCK)	low	low	LANDING LAKE (CHARLOTTE)	medium	low
FALLISON LAKE (LONG)	high	low	LAURA LAKE	medium	medium
FAWN LAKE T42N R05E S11 (MUD)	medium	medium	LITTLE ARBOR VITAE LAKE	medium	medium
FENCE LAKE	low	high	LITTLE BATEAU LAKE	medium	low
FINGER LAKE	medium	medium	LITTLE CRAB LAKE	high	low
FINLEY LAKE	medium	medium	LITTLE CRAWLING STONE LAKE	medium	high
FISHTRAP LAKE	high	medium	LITTLE CROOKED LAKE	low	low
FLAMBEAULAKE (LAC DU FLAMBEAU)	medium	low	LITTLE HORSEHEAD LAKE	medium	medium
FLORA LAKE	high	low	LITTLE JOHN LAKE	low	high
FOREST LAKE (GOOSE)	high	medium	LITTLE MUSKIE LAKE	low	high
FOUND LAKE	low	medium	LITTLE PORTAGE LAKE	low	medium
FRANK LAKE (BEAR)	high	low	LITTLE PRESQUE ISLE LAKE	medium	low
FROST LAKE (MUD)	medium	low	LITTLE RICE LAKE	low	low
GEORGE LAKE T44N R05E S19	high	low	LITTLE SAND LAKE	medium	low
GRASSY LAKE	low	low	LITTLE SPIDER LAKE (GAFFREY)	medium	high
GRESHAM LAKE, LOWER	low	high	LITTLE ST GERMAIN LAKE	medium	high
GRESHAM LAKE, MIDDLE	high	medium	LITTLE STAR LAKE T41N R08E S10	medium	medium
GRESHAM LAKE, UPPER	medium	high			
GUNLOCK LAKE	medium	medium	LITTLE STAR LAKE T42N R05E S15	medium	high
HARDIN LAKE	high	low	LITTLE TAMARACK FLOWAGE (INCLUDING SPRING LAKE)	medium	low
HARMONY LAKE	low	low			

# VILAS COUNTY SHORELAND ZONING ORDINANCE

HARRIS LAKE	medium	low	LITTLE TROUT LAKE	medium	low
HASKELL LAKE	high	low	LONE PINE LAKE	medium	low
HEART LAKE T42N R10E S29	medium	medium	LONE TREE LAKE	medium	low
HELEN LAKE T43N R09E S30	medium	low	LONG INTERLAKEN LAKE (LONG)	medium	medium
HIGH LAKE	low	medium	LOST CANOE LAKE	high	medium
HORSEHEAD LAKE	medium	low	LOST LAKE	low	high
HUNTER LAKE	medium	low	LYNX LAKE T43N R07E S18	high	low
IKE WALTON LAKE	low	low	MADELINE LAKE	medium	low
IMOGENE LAKE	high	low	MAMIE LAKE	medium	medium
INDIAN LAKE	high	low	MANITOWISH LAKE	low	high
IRVING LAKE	low	low	MANN LAKE	medium	high
ISLAND LAKE	medium	medium	MANUEL LAKE	medium	low
JAG LAKE	medium	low	MARSHALL LAKE	medium	low
JENNY LAKE	high	low	MCCULLOUGH LAKE	low	medium
JERMS LAKE	medium	medium	MCLEOD LAKE	high	low
JOHNSON LAKE T40N R06E S34	medium	high	MERMAID LAKE	high	low
JERMS LAKE	medium	medium	MCLEOD LAKE	high	low
JOHNSON LAKE T40N R06E S34	medium	high	MERMAID LAKE	high	low
META LAKE	low	high	SCATTERING RICE LAKE	low	medium
MILL LAKE (CHARLOTTE)	medium	low	SEVENTEEN LAKE	high	low
MINETTE LAKE (L BASS, SPRUCE)	medium	low	SHERMAN LAKE (LOST)	low	low
MINONK LAKE (DEER)	high	low	SHISHEBOGAMA	low	high
MITTEN LAKE	medium	low	SIGNAL LAKE (STAR)	medium	low
MOCCASIN LAKE	high	low	SILVER LAKE	medium	high
MOON LAKE	medium	medium	SMOKY LAKE	medium	low
MORAIN LAKE	high	low	SNIPE LAKE	medium	medium
MORTON LAKE	medium	low	SPARKLING LAKE (SILVER)	medium	high
MOSS LAKE (LITTLE MUD)	medium	medium	SPECTACLE LAKE	high	low
MURPHY LAKE	high	low	SPIDER LAKE	medium	medium
MUSKELLUNGE LAKE	low	high	SPIRIT LAKE	low	low
MUSKESIN LAKE (BIG BASS)	medium	low	SPRING LAKE T43N R09E S27	low	low
NEBISH LAKE	high	low	SQUAW LAKE	low	medium
NELSON LAKE T40N R09E S22	high	medium	STAR LAKE	medium	high
NINEMILE LAKE, LOWER	low	low	STARRETT LAKE	medium	low
NINEMILE LAKE, UPPER	medium	low	STATELINE LAKE	high	low
NIXON LAKE	medium	low	STATENAKER LAKE	high	low
NO MANS LAKE	high	low	STEARNS LAKE	low	low
NORWOOD LAKE(BOOT)	medium	low	STELLA LAKE	medium	medium
OSWEGO LAKE	medium	high	STONE LAKE	low	high
OTTER LAKE	low	high	STORMY LAKE	low	high
OWBOW LAKE	high	medium	STREET LAKE	high	medium
PALLETTE LAKE (CLEAR)	medium	low	SUGAR MAPLE LAKE (BIG BASS)	medium	medium

# VILAS COUNTY SHORELAND ZONING ORDINANCE

PALMER LAKE	low	low	SUGARBUSH LAKE, LOWER	medium	low
PAPOOSE LAKE	high	medium	SUGARBUSH LAKE, MIDDLE	medium	low
PARDEE LAKE	medium	medium	SUGARBUSH LAKE, UPPER	medium	low
PARTRIDGE LAKE	medium	low	SUMACH LAKE (LONG)	high	high
PICKEREL LAKE	low	medium	SUNFISH LAKE	low	low
PINE ISLAND LAKE (BASS)	medium	medium	SUNSET LAKE (ROUND)	medium	medium
PIONEER LAKE	low	high	TAMBLING LAKE	low	high
PLUM LAKE	medium	high	TENDERFOOT LAKE	medium	low
PLUMMER LAKE	medium	medium	TEPEE LAKE (BASS)	medium	low
POKEGAMA LAKE	medium	medium	TIPPECANOE LAKE (ISLAND)	high	medium
PRESQUE ISLE LAKE	medium	medium	TOULISH LAKE (STATENAKER)	medium	low
RAINBOW LAKE	medium	low	TOWANDA LAKE (BASS)	high	high
RANGE LINE LAKE	medium	low	TRILBY LAKE	medium	low
RAZORBACK LAKE	medium	high	TROUT LAKE	low	high
REST LAKE	low	medium	TURTLE LAKE, NORTH	medium	medium
RICE LAKE T40N R09E S14	low	low	TURTLE LAKE, SOUTH	medium	medium
ROACH LAKE T40N R07E S09	high	medium	TWIN ISLAND LAKE	medium	low
ROACH LAKE T43N R08E S07	medium	low	TWIN LAKE, NORTH	low	high
ROCK LAKE	high	medium	TWIN LAKE, SOUTH	low	high
ROSS ALLEN LAKE	high	low	VAN VLIET LAKE	medium	medium
ROSS LAKE	medium	medium	VANDERCOOK LAKE (CRANE)	high	high
ROUND LAKE	medium	low	VERNA LAKE	medium	medium
RUDOLPH LAKE T43N R07E S17	high	low	VOYAGEUR LAKE	low	medium
SANBORN LAKE	medium	low	WATERSMEET LAKE	low	medium
SANFORD LAKE	high	low	WEST BAY LAKE	medium	low
WHITE BIRCH LAKE	medium	high	WILDCAT LAKE	medium	medium
WHITE SAND LAKE T41N R05E S22	medium	medium	WISHOW LAKE	medium	low
WHITE SAND LAKE T42N R07E S26	low	low	WOLF LAKE T43N R07E S31	low	low
WHITEFISH LAKE	medium	high	WYANDOCK LAKE	medium	low
WHITNEY LAKE (HARRINGTON)	medium	medium	YELLOW BIRCH LAKE	low	high
WILD RICE LAKE (HALF WAY)	low	medium			

## C. Lakes 50 Acres and Less.

Lakes 50 acres and less in surface area were not individually evaluated based on sensitivity or development but were classified as warranting the highest level of protection as set forth in the Vilas County Lake and River Classification Study dated February 1999. Lakes under 50 acres that have been re-classified according to Appendix A and are listed in Table 1 and are subject to the same standards as similarly classified lakes over 50 acres.

## D. Rivers and Streams.

Navigable rivers and streams were placed into two classes, based upon factors in the Vilas County Lake and River Classification Study dated February 1999. Class II rivers and streams are set forth in Table 2 below. All other Vilas County navigable rivers and streams are Class I.

# VILAS COUNTY SHORELAND ZONING ORDINANCE

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**Table 2 - CLASS II RIVERS AND STREAMS:**

Wisconsin River downstream of Hwy. G	Eagle River
Manitowish River from Johnson Lake to Rest Lake dam	Tomahawk River
St. Germain River downstream of Big St. Germain Lake	Johnson Creek
Military Creek downstream of Hwy. E	Mud Creek
Deerskin River downstream of Range Line Rd.	Link Creek
Muskellunge Creek downstream of Birchwood Dr.	

**E. Lake and River Classification Amendments.**

**Procedure.**

1. The Vilas County Board may change the classification of a lake or river by amending this ordinance in accordance with Section 9.5 of the Vilas County General Zoning Ordinance.
2. Any person or town board seeking to change the classification of a lake or river may petition the County Board for an amendment to this ordinance in accordance with procedures set forth in paragraph E and paragraph F and Section 9.5 of the Vilas County General Zoning Ordinance.

**F. Corrections to Classifications.**

1. Any proposed change of a river classification or a lake classification of a lake greater than 50 acres must be based on a demonstration that the sensitivity or development assessment in the Vilas County Lake and Stream Classification Study was incorrect for that stream or lake.
2. Any proposed change of a lake classification of a lake of 50 acres or less must be based on an analysis of lake sensitivity and/or level of development based on the criteria utilized for lakes greater than 50 acres in the Vilas County Lake and River Classification Study.
3. Changes in lake sensitivity or development after enactment of this ordinance are not grounds for seeking a change in classification.

**G. Changes to More Restrictive Classification.**

1. Any person or town board may seek a change to a more restrictive status for one or more water bodies.
2. A change to a more restrictive status must be based on an evaluation of any relevant scientific factors relating to a lake or river's sensitivity or development.
3. Changes made under this paragraph are not subject to the provisions in paragraph F. Subsequent changes to an amendment under this paragraph may only be made upon petition of the Town.

*History: (Amendment #85-250, Appendix A added, effective 02-01-17)*