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38.01 Shorelands.

- (1) In addition to any other applicable use, site, or sanitary restrictions and regulations, the following regulations shall apply to all shorelands, as defined in Section 38.02.

38.02 Definitions.

- (1) "Principal building" means the main building or structure on a single lot or parcel of land and includes any attached garage or attached porch.
- (2) "Shorelands" means the area within the following distances from the ordinary high-water mark of navigable waters, as defined under Wisconsin Statutes. 281.31(2)(d):
 - (a) One thousand feet from a lake, pond or flowage. If the navigable water is a glacial pothole lake, this distance shall be measured from the high-water mark of the lake.
 - (b) Three hundred feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- (3) "Shoreland setback area" means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of buildings or structures has been limited or prohibited under an ordinance enacted under this section.
- (4) "Vegetative buffer zone" means land that extends from the ordinary high-water mark to 35 feet inland.

38.03 Applicability.

- (1) A shoreland that was annexed by the City after May 7, 1982, and was subject to the Wood County Shoreland Zoning Ordinance prior to annexation, shall be subject to the requirements of this Chapter.
- (2) Shoreland regulations do not apply to lands adjacent to an artificially constructed drainage ditch, pond, or storm water retention basin if the drainage ditch, pond, or retention basin is not hydrologically connected to a natural navigable water body.

38.11 Vegetation.

- (1) Any person who owns shoreland property that contains vegetation shall maintain that vegetation in a vegetative buffer zone along the entire shoreline of the property and extending 35 feet inland from the ordinary high-water mark of the navigable water, except as provided in 38.11(3).
- (2) If the vegetation in a vegetative buffer zone contains invasive species or dead or diseased vegetation, the owner of the shoreland property may remove such vegetation, except that if the owner removes all of the vegetation as described herein within the vegetative buffer zone, the owner shall reestablish vegetation within the vegetative buffer zone.
- (3) A person who is required to maintain or establish a vegetative buffer zone under this section shall be allowed to remove all of the vegetation in a part of that zone in order to establish a viewing or access corridor that is no greater than 30 feet wide for every 100 feet of shoreline frontage and that extends

no more than 35 feet inland from the ordinary high-water mark.

38.12 Earth Movement.

- (1) Earth Movements, such as construction, altering or enlargement of waterways, removal of stream or lake bed materials, channel clearing, dredging, lagooning, grading, topsoil removal, filling, road cutting, ditching, and soil and water conservation structures may require City approval in conformance with other chapters of the Municipal Code in addition to any permit required from the state agency having jurisdiction under Sections 30.11, 30.12, 30.19, 30.195, and 30.20 of the Wisconsin Statutes.

38.13 Setbacks.

- (1) Shoreland Setback. Areas within shorelands as defined by this Chapter shall be subject to the following:
- (2) Within the shoreland area, no principal building, except navigational aids, piers and boat launching facilities, shall be closer than 50 feet to the ordinary highwater mark of a navigable body of water unless a smaller setback is approved by the Planning Commission.
 - (a) A shoreland setback area of at least 50 feet from the ordinary high-water mark, except as provided in 38.13(2)(b).
 - (b) Construction or placement of a principal building within the shoreland setback area established under (2) shall be allowed if all of the following apply:
 - (1) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.
 - (2) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.
- (3) For purposes of this section structures shall include fences, ice fishing shanties, accessory structures other than boathouses, minor structures, and retaining walls not approved by the Wisconsin Department of Natural Resources (DNR).
- (4) For purposes of this section, principal building means the main building or structure on a single lot or parcel of land and includes any attached garage or attached porch.

38.14 Appeals.

- (1) The zoning board of appeals created pursuant to Chapter 11 of the City of Wisconsin Rapids ordinance pursuant to Section 62.23(7)(e), Wisconsin Statutes:
 - (a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the zoning administrator in administering this ordinance.
 - (b) Upon appeal, may authorize variances from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and
 - (c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (2) Appeals to the zoning board of appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the City of Wisconsin Rapids affected by any decision of the zoning administrator. Appeals must be filed with the zoning administrator and zoning board of appeals within 30 days of the decision.