

Dear Property Owner,

You have submitted a Permit Application for construction on your property. Your property is within 300 ft. of the Ordinary High Water Mark of the water. Under the Adams County Shoreland, Wetland and Habitat Protection Ordinance, your property is subject to various regulations; many of them new regulations beginning in 2011 as mandated by the State of Wisconsin. Attached is a summary of the major regulations affecting your proposed construction project.

Along with your Permit Application and the normal construction plans, you must submit a detailed and accurate site plan showing all setback measurements, description and dimensions of all existing and proposed impervious surfaces and the impervious surface calculations for that part of your lot that is within 300 ft. of the water. Your proposed construction project will likely be an impervious surface, unless specifically designed, constructed and maintained to be pervious. Impervious surfaces include but are not limited to: buildings, driveways, decks, patios, gazebos, pavilions and sidewalks - basically any ground coverage that is not specifically designed and maintained to allow infiltration of rainfall.

NOTE: The site plan must show all of the impervious surfaces and measurements of both existing and proposed impervious surfaces. The site plan must also contain the impervious surface calculations and the property owner must sign the site plan.

Please read the entire Summary enclosed. If you have questions after reading the Summary, please call: 608 339-4222.

Phil McLaughlin,
Planning and Zoning Administrator

SW&HP Ordinance
Guide to New Regulations
Admin. Code: NR 115 / Wis. Statutes: Sec. 59.692

3-4.00 REDUCED BUILDING SETBACKS

3-4.01 A setback less than the setback required from the ordinary high water mark or appropriate class of highway may be permitted when an existing development pattern exists where there are existing main buildings in both directions along the shoreline within two hundred fifty (250) feet of the proposed site that are built to less than the required setback. In such case, the setback shall be the average of the nearest main building on each side of the proposed site. Such setback relief shall be limited to a maximum of ten (10) feet.

(A) Variance. Any other setback reduction may only be permitted by the Board of Adjustment according to Section 13-5.01 (4) of this Ordinance.

EXISTING DEVELOPMENT PATTERN. Principal structures exist within two hundred fifty (250) feet of a proposed principal structure in both directions along the shoreline.

3-8.00 IMPERVIOUS SURFACE STANDARDS

IMPERVIOUS SURFACE. An area that releases as runoff all or a majority of the precipitation that falls on it. “Impervious surface” excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious.

3-8.02 CALCULATION OF IMPERVIOUS SURFACE

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

3-8.03 IMPERVIOUS SURFACE STANDARD

Up to fifteen percent (15%) impervious surface on the portion of a lot or parcel that is within three hundred (300) feet of the ordinary high-water mark is allowed.

3-8.04 MAXIMUM IMPERVIOUS SURFACE

More than fifteen percent (15%) impervious surface but not more than thirty percent (30%) impervious surface on the portion of a lot or parcel that is within three hundred (300) feet of the ordinary high-water mark is allowed as follows:

(A) A permit can be issued for development that exceeds fifteen percent (15%) impervious surface but not more than thirty percent (30%) impervious surfaces with a mitigation plan that meets the standards found in section 4-2.08 mitigation.

3-8.05 EXISTING IMPERVIOUS SURFACES

For existing impervious surfaces that do not comply with the impervious surface standard in section 3-8.03

or the maximum impervious surface standard in section 3-8.04, the property owner may do any of the following:

- (A) Maintain and repair the existing impervious surfaces;
- (B) Replace existing impervious surfaces with similar surfaces within the existing building or structure envelope;
- (C) Relocate or modify an existing impervious surface with similar or different impervious surface, 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 this ordinance revision, and the impervious surface meets the applicable setback requirements 3-1.00, 3-2.00 and the applicable zoning district requirements.
- (D) This section shall not be construed to supersede other provisions in this ordinance. Maintenance, reconstruction, relocation and expansion of existing structures must comply with other applicable provisions in this ordinance, the shoreland setback standards in sections 3-2.00 or 3-4.00 and the nonconforming structure provisions of section 6.

4-2.06 MITIGATION. When the county issues a permit requiring mitigation under sections 3-2.02, 3-8.04, 6-1.06, 6-1.08 or 4-2.01 through 4-2.07, the property owner must submit a complete permit application that is reviewed and approved by the county. As part of the mitigation plan, the permit applicant shall restore the lands that extend from the ordinary high water mark to a minimum of thirty-five (35) feet inland as a vegetative buffer zone specifically complying with Section 4-2.01, 4-2.02. The permit shall further require the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the impacts of the activity being permitted. 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. Compliance with the permit shall be enforceable under section 15. The application shall include the following:

(A) A site plan that describes the proposed mitigation measures:

1. The site plan shall be designed and implemented to restore natural functions lost through development and human activities.
2. The mitigation measures shall be proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.

(B) An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures:

1. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to issuance of the permit.

4-2.00 MAINTENANCE AND ESTABLISHMENT OF A VEGETATIVE BUFFER ZONE

To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, this ordinance designates land that extends from the ordinary high water mark to a minimum of thirty-five (35) feet inland as a vegetative buffer zone and prohibits the removal of vegetation in the vegetative buffer zone except as follows:

4-2.01 Trees and shrubs may be removed in the vegetative buffer zone to create access and viewing corridors, provided that the combined width of all access and viewing corridors on a riparian lot or parcel may not exceed thirty percent (30%) of the shoreline frontage.

4-2.05 By July 1, 2015, all lands that extend from the ordinary high water mark to a minimum of thirty-five (35) feet inland that currently do not meet the requirements of Section 4-2.00 above, shall become vegetative buffer zones specifically complying with Section 4-2.01, 4-2.02 or such lands shall be considered to be in violation of this ordinance and be subject to enforcement and penalties as stated in Section 15 of this ordinance. Exception to this requirement are lands that extend from the ordinary high water mark to a minimum of thirty-five (35) feet inland that had no existing vegetation prior to the Adams County Shoreland Protection Ordinance effective date of 1/1/1971.

6-1.00 EXISTING NONCONFORMING STRUCTURES AND USES.

6-1.01 PURPOSE. To protect water quality, fish and wildlife habitat, and natural scenic beauty, some control is needed over the modification and reconstruction of these structures.

6-1.02 GENERAL RULE FOR NONCONFORMING USES AND STRUCTURES.

(A) Uses that are nuisances shall not be permitted to continue as a nonconforming use.

(B) Restrictions that are applicable to damaged or destroyed nonconforming structures and that are contained in an ordinance enacted under s. 59.692 stats. may not prohibit the restoration of a nonconforming structure if the structure will be restored to the size, subject to par. (b), location, and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:

1. The nonconforming structure was damaged or destroyed after October 14, 1997.
2. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

(C) An ordinance enacted under this section to which par. (A) applies shall allow for the size of a structure to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

6-1.03 DISCONTINUED NONCONFORMING USE. 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.

6-1.04 MAINTANENCE OF NONCONFORMING PRINCIPAL STRUCTURE. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 6.1 may be maintained and repaired within its existing building envelope. Maintenance and repair includes such activities as interior remodeling, plumbing, insulation, and replacement of windows, doors, siding, or roof.

6-1.05 MAINTENANCE OF NONCONFORMING ACCESSORY STRUCTURES. Accessory structures that were legally constructed before the adoption of this chapter may be maintained and repaired but may not be expanded or rebuilt unless authorized by s. 59.692(1s) Wisconsin Stats. or unless they are made to conform to all other provisions of this ordinance.

6-1.06 VERTICAL EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURE. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 3-2.00 may be expanded vertically, provided that all of the following requirements are met:

(A) The use of the structure has not been discontinued for a period of twelve (12) months or more.

- (B) The existing principal structure is at least thirty-five (35) feet from the ordinary high-water mark.
- (C) Vertical expansion is limited to the height of thirty-five (35) feet.
- (D) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 4-2.08 mitigation.
- (E) All other provisions of this ordinance shall be met.

6-1.07 EXPANSION OF A NONCONFORMING PRINCIPAL STRUCTURE BEYOND SETBACK. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under section 3-2.00, may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per section 3-2.00 and that all other provisions of this ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required per section 3-8.00.

6-1.08 REPLACEMENT OR RELOCATION OF NONCONFORMING PRINCIPAL STRUCTURE. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 3-2.00 may be replaced or relocated on the property provided all of the following requirements are met:

- (A) The use of the structure has not been discontinued for a period of twelve (12) months or more.
- (B) The existing principal structure is at least thirty-five (35) feet from the ordinary highwater mark.
- (C) No portion of the replaced or relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- (D) The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for replacement or relocation that will result in compliance with the shoreland setback requirement per section 3-2.00.
- (E) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 4-2.08.
- (F) The county shall issue a permit that requires that all other structures on the lot or parcel that do not comply with the shore-land setback requirement per section 3-2.00 and are not exempt under section 3-2.02 to be removed by the date specified in the permit.
- (G) All other provisions of this ordinance shall be met.