

## NOTICE OF MEETING

**COMMITTEE:** PLANNING & DEVELOPMENT  
**DATE:** JULY 8, 2013  
**PLACE:** WOODRUFF TOWN HALL - 1418 1<sup>st</sup> Ave., Woodruff, WI 54568  
**TIME:** 6:00 P.M. PUBLIC HEARING

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### ALL AGENDA ITEMS ASSUMED TO BE DISCUSSION / DECISION

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1. Call to order.
2. Approve the agenda.

#### CONDUCT PUBLIC HEARING ON THE FOLLOWING:

4. **Ordinance Amendment #4-2013** authored by the Planning and Development Committee to amend Section 9.98, Piers, Other Berth Structures, Shoreland Bulk Requirements, of the Oneida County Zoning and Shoreland Protection Ordinance as follows:

#### Additions noted by underline; Deletions noted by ~~strikethrough~~

9.98 PIERS, OTHER BERTH STRUCTURES. ~~SHORELAND BULK REQUIREMENTS~~ (#83-2003, #12-2006)

##### A. Purpose

Near shorelands and waters and land within statutorily established setback distances from the OHWM provide natural beauty and are biologically the most productive and the most important for recreational use. Excessive or inappropriate construction of berthing and recreation structures in Oneida County's waterways may have a substantial cumulative adverse effect on public rights and interests in those waters. These requirements are intended to minimize the adverse effects of such construction and to reduce conflict between adjacent or nearby riparian owners by separating their respective uses of the water. A pier shall not unreasonably obstruct navigation or otherwise interfere with public rights in the navigable water and shall not interfere with the rights of other riparian owners. It is recognized that berth structures may be used by people with or without boats, for swimming and fishing and may be used for general recreation. This ordinance does not regulate the placement or use of mooring buoys other than to count them in any determination of the maximum number of berths allowed to a riparian land owner pursuant to section 9.98(D).

##### B. Compliance

- ~~1. Berth structures constructed or replaced after the effective date of this ordinance which do not meet the requirements in section 9.98(D) are prohibited unless they have been issued a conditional use permit in accordance with the requirements identified for marina facilities in section 9.98(K).~~
- ~~2. A berth structure which existed prior to the effective date of this ordinance may be maintained in its present location and configuration as a permissible pre-existing berth structure subject to the requirements of section 9.99 of this ordinance. The annual seasonal removal of a berth structure does not affect its status as a permissible pre-existing berth structure.~~
- ~~3. Subject to the conditions and restrictions of any existing State or County permit, a berth structure or a marina which existed prior to the effective date of this ordinance may be maintained in its present location and configuration as a permissible berth structure or marina to the extent it is located and used in accordance with such permit and provided that~~

~~within two years of the effective date of this ordinance a statement of record is filed with the County addressing all of the applicable provisions of sections 9.98(J) and (K).~~

1. A berth structure which existed prior to April 17, 2012 may be maintained in its present location and configuration as a permissible pre-existing berth structure subject to the requirements of Section 9.99 of this ordinance. The annual seasonal removal of the berth structure does not affect its status as a permissible pre-existing berth structure.
2. Subject to the conditions and restrictions of any existing State or County permit, a marina which existed prior to April 17, 2012 may be maintained in its present location and configuration as a permissible marina to the extent that it is located and used in accordance with such permit.
4. 3. Any increase in the number of berths, any change in the location of, or any increase in the dimensions of, or any replacement of an existing berth structure shall be in accordance with this section. Boathouses are not subject to the dimensional restrictions of this section.

#### C. Berth Structures Limited (#83-2003)

1. Berth structures, except boathouses and boat shelters, may be placed by a riparian property owner without County permits if the construction complies with this section.
2. The use of the property must remain in conformity with the permissible uses enumerated within the zoning district.
3. Decks, platforms and other construction not essential for berthing of boats are prohibited, except that a canopy is permitted over a boat hoist or boat lift and a roof is permitted over a boat shelter or boathouse
4. A wharf shall only be permitted as an authorized berth structure upon the application for and issuance of a zoning permit after the following conditions have been established by the applicant:
  - a. That the wharf will not unreasonably obstruct navigation or otherwise interfere with public rights in the navigable water.
  - b. That the wharf does not interfere with the rights of other riparian owners.
  - c. That the construction or installation of a pier is not a practicable alternative.

#### D. Number of Berths

1. For each lot, the total number of berths or moorings at a berth structure is limited to two for the first full 50 feet of shoreline and one berth for each additional full 50 feet. Other factors such as those referenced in section 9.98(E), below, may limit construction and placement to a lesser number. Contiguous lots in common ownership shall be considered a single lot for the purposes of this section.
2. The maximum number of berths that may be permitted for a marina shall be two times the number of berths that would otherwise be permitted under section 9.98(D)(1), subject to the same factors as those referenced in section 9.98(E), which may limit construction and placement to a lesser number. Compliance with this section shall be subject to section 9.98(B)(3).
3. For the purpose of this section, riparian shoreline frontage shall be determined pursuant to the provisions of Wis. Admin. Code NR 326.07.

#### E. Location of Berth Structures

1. Berth structures and moored boats must be confined to the owner's riparian zone as described in Wis. Admin. Code NR 326. Berth structures must be set back a minimum of 10 feet from side lot lines extended waterward and any additional distance required to confine approach and docking of the boat to the owner's riparian zone.
2. A berth structure may not unreasonably obstruct navigation or otherwise interfere with public rights in navigable waters. A pier may not encircle or isolate part of a waterway and may not interfere with the rights of other riparian owners.

3. Berth structures and their use may not damage public interest in waterways, including but not limited to, ecologically significant areas, i.e. spawning areas, important vegetation, loon or other waterfowl nesting areas, natural shoreline beauty.
4. Berth structures shall be consolidated as close together as practicable at a single location for each lot.
5. Berth structures, where practicable, shall be located immediately waterward from the shoreline where any boathouse or boat shelter is located.
6. The number of piers allowed accrues proportionately to the amount of shoreland frontage owned: one pier is permitted for riparian owners owning less than 150 feet of shoreland frontage. One additional pier is permitted for each additional 100 feet, or portion thereof, of the riparian owner's contiguous shoreland frontage. Multiple piers shall be consolidated as close together as practicable for each lot.

#### F. Dimensional Requirements (#83-2003)

##### 1. Length

a. Unless limited by a pierhead line, as authorized by sec. 30.13, Wis. Stats., pier length is limited to:

- (1) distance to three (3) foot water depth.
- (2) length of boat to be berthed.
- (3) depth required by boat to be berthed.

~~b. A pier which otherwise meets the requirements of section 9.98(F)(1)(a) above, but which is more than 50 feet in distance from the ordinary high water mark, requires a zoning permit which may be issued only after the following conditions have been established by the applicant:~~

- ~~(1) that the pier will not unreasonably obstruct navigation or otherwise interfere with public rights in the navigable water.~~
- ~~(2) that the pier does not interfere with the rights of other riparian owners.~~

2. Width. The deck width of a pier, including "T" or "L" or similar finger extensions, may not exceed six (6) feet, except upon the application for and issuance of a CUP for which the applicant demonstrates a need for a deck width of up to eight (8) feet because of the handicap of a frequent user.
3. Lateral extensions. Any lateral extensions on piers shall be a "T" or "L" shape and must not exceed 20 feet in total width.

#### G. Regulation of Lighting

The purpose of this section is to minimize light pollution of the shoreland environment without significantly inhibiting safety and security. This section applies to all lighting on berthing structures or designed to illuminate those structures and associated berths. Light fixtures which do not conform to these provisions may be allowed with a conditional use permit upon a showing of special circumstances affecting safety, security, or general public interest. Legal pre-existing lighting in existence on the effective date of this section must be brought into compliance within five (5) years.

1. Flashing and rotating lights are prohibited.
2. Lighting inside a boathouse and intended to illuminate its interior is permitted.
3. Lighting on exteriors of berthing structures shall be fitted with opaque shades or shields to prevent direct visibility of the lamp to persons on public waters or adjacent lands more than 50 feet beyond the berthing structure.
4. Lighting not mounted on a berthing structure but designed to illuminate a berthing structure or its immediate vicinity shall comply with subparagraph 3 above.
5. Lighting installed on, or intended to illuminate, seasonally used berthing structures shall be turned off when not required for safety or security.
6. Public marinas may install illuminated signs with opaque shaded or shielded lighting that provide information pertaining to applicable federal, state or municipal rules and regulations

relating to electrical, fueling, waste and sewage disposal or other safety and environmental matters. Such sign illumination shall not be visible from off the berth structure.

#### H. Accessory Construction

A pier may include only the following accessory construction:

1. Fuel or sewage handling equipment if applicable state and local safety and pollution prevention rules are complied with and necessary State and/or County permits are obtained.
2. A single bench that is Up to two (2) benches that are 6 feet or less in length or two (2) swivel seats, or one bench 6 feet or less and one swivel seat.
3. Flag pole.
4. A vertical boarding ladder required for safety or near vertical water stairs with handrails not to exceed four (4) feet in width.
5. An open railing may be permitted ~~upon the application for and issuance of a CUP for which the applicant demonstrates a need because of the handicap of a frequent user.~~ pursuant to Section 9.19 Relaxation of Standards for Persons with Disabilities.
6. Bumpers to protect watercraft and pier from damage.

#### I. Pier Construction Materials

Piers may be constructed of wood, treated wood, metal or other material, subject to the following:

1. They shall be free of any product residue or pollutants.
2. Metallic flotation devices shall be coated or painted to prevent corrosion.
3. They shall not include any container previously used to store hazardous substances as defined in sec. 144.01, Wis. Stats
4. They shall not include material that may readily fragment or break up, such as unprotected polystyrene or polyurethane floats.
5. Flotation devices shall be securely attached to the frame and maintained in serviceable condition at all times.
6. ~~Safety reflectors shall be required on three sides of the waterward end of piers. Safety reflectors are also required on both sides of piers at minimum increments of 25 feet. Reflectors shall be white, amber or blue and shall be no more than five (5) inches square in size.~~

#### J. Marina Permit Guidelines

Granting of permits for marina facilities under this section shall be guided by the following principles:

1. The County has an obligation to protect public water resources and public safety by regulating construction of berth structures for boats.
2. The County encourages public access to navigable water consistent with its obligation to prevent degradation of water resources by overuse.
3. The uncontrolled drainage of developed riparian land has a significant adverse impact upon the health, safety, and welfare of the County by increasing the siltation and pollution of ground and surface water, by accelerating the eutrophication of receiving waters, by diminishing groundwater recharge and by increasing the incidence and severity of flooding.
4. The right to place berths, berth structures or on-site storage facilities for boats accrues in proportion to the amount of shoreline owned as described in section 9.98(D). Any such berth or storage facility in excess of the number permitted pursuant to section 9.98(D), shall be authorized only for the purpose of serving the public's interests and rights in the navigable waterways of this County. Such berths or on-site storage facilities must be available to members of the public on a first come - first served basis. Rentals or leases for the exclusive use of any such berths shall not be permitted for periods in excess of one year.

## K. Marina Facilities

1. Any pier, boat shelter or mooring placement which exceeds the requirements of section 9.98(D) is deemed a marina facility for the purposes of meeting the requirements of this section and shall require a conditional use permit which may only be issued after a duly noticed public hearing has been held. Such permits may only be approved for lots which are located in zoning districts which allow marinas, or if the facility is owned by the federal, state or a municipal government.
2. In making a determination of whether a site is appropriate for a marina, the type of information contained in a CUP application may be considered as well as the impact of a marina on neighboring land or public facilities and of the public need for a marina. The following additional criteria must be addressed:
  - a. Existing land and water uses within 2 mile of the marina, including all current business uses of the property.
  - b. Current zoning district designation within 2 mile of the marina.
  - c. Proximity of the marina to existing public boat landings, public swimming beaches and marinas.
  - d. Buffer areas between the marina and adjacent properties.
  - e. Location of ecologically significant areas within 2 mile of the proposed site.
  - f. Noise control measures.
  - g. A detailed sketch showing location and size of existing and proposed buildings, wells, septic systems, piers, individual slips, mooring buoys, water depth for berths and berth structures, boat launching facilities, beaches, fuel tanks and dispenser, parking lots, traffic circulation for both vehicles and boats.
  - h. A statement from the applicant indicating the number of berths proposed to be sold, rented, or leased and the method of conveyance (e.g., fee simple, lease).
  - i. Methods of waste collection and disposal. Identify precautions to stop improper disposal.
  - j. Visual markers and/or signage of reasonable dimensions necessary to identify and/or locate the project.
  - k. Exterior lighting of the marina facility.
  - l. Sewage system capacity and compliance.
  - m. Motor vehicle and trailer parking facilities.
  - n. Hours of operation.
  - o. Anticipated future changes or additional phases of the project.
  - p. Methods to safely dispensing fuel.
  - q. Location of any existing or proposed no-wake buoys.
  - r. Erosion control measures.
  - s. Storm water runoff controls.
  - t. Fire protection measures.
  - u. A statement from the applicant identifying all permits applied for or obtained by the applicant or his/her predecessor at the site, or obtained by the applicant or his/her operator at any other commercial site within the preceding ten (10) years and the extent of compliance with such permits.

## L. Marina Facility Requirements

Marina facilities shall comply with the following requirements:

1. Marina facilities may not be permitted on waters formally designated by federal or state government as an outstanding resource water.
2. The applicant is required to secure authorization required by municipal floodplain, shoreland, wetland and general zoning ordinances and applicable state statutes and administrative rules, including but not limited to regulations relating to electrical, fueling, waste and sewage disposal and other safety and environmental regulations.
3. The applicant must demonstrate that on-land boat storage or trailer launch facilities are not a feasible alternative to any proposed pier, boat shelter or mooring construction.

4. The applicant shall employ erosion control measures to prevent erosion, siltation, sedimentation and washing and blowing of dirt and debris from excavation, grading, open cuts, side slopes and related activities of the applicant or the contractors. Such measures shall include, but not be limited to, seeding, sodding, mulching, watering, ponding and the construction of berms.
5. The applicant shall determine stormwater runoff or flow as a result of this development. The applicant shall provide stormwater management facilities either in the form of an infiltration structure or a detention basin which will retain on-site the first inch of stormwater from all impervious surfaces from this development.
6. Berthing privileges available to members of the public shall be rented or leased only on a first come - first served basis for terms no longer than one (1) year.
7. Any change or proposed change involving the facts relating to criteria identified in sections 9.98(K) and (L) or as a condition of approval for which a conditional use permit was issued must be submitted to and approved by the County prior to implementation of such change.
8. Reasonable public access to the facility and handicapped parking in compliance with state and federal regulations for the disabled must be provided.
9. Permits issued under this section are subject to further restrictions, conditions, modifications or revocation if the County determines the facility has become detrimental to the public interest or that it is not being adequately offered for use to the general public.
10. Boats berthed at a marina facility shall not be used for overnight lodging.

#### M. Boathouses

Any permitted boathouse shall be confined to the viewing area, shall be at least 10 feet from the lot line and subject to the provisions of section 9.94(A)(2)(d).

9.94 (A)(2)(d). Boathouse. A riparian owner may construct a boathouse subject to the following restrictions:

- (1) One boathouse is permitted in the first 100 feet of shoreline. In any additional increment of 100 feet of shoreline, a boathouse may be permitted only upon the issuance of a conditional use permit.
- (2) The construction of a boathouse is confined to the viewing area.
- (3) A boathouse shall be at least 10 feet from the lot line.
- (4) No part of any boathouse shall extend into the lake or stream beyond the OHWM.
- (5) Any boathouse which may be permitted within the setback area shall be of one story only.
- (6) A boathouse shall not exceed a total height of twelve (12) feet.
- (7) A boathouse shall not be constructed on slopes 20% or greater.
- (8) The maximum width of a boathouse parallel to the OHWM shall not exceed 20 feet. The overhang and eaves shall not exceed two feet. The maximum length of a boathouse landward and away from the OHWM shall not exceed 36 feet.
- (9) A boathouse shall have a pitched roof with a minimum pitch of 2.3 to 12.
- (10) Decks, platforms, & other construction not essential for berthing of boats is prohibited.
- (11) A boathouse shall contain no plumbing.
- (12) A boathouse shall contain no living facilities.
- (13) A boathouse cannot be constructed if the riparian landowner has a permanent boat shelter.
- (14) The number of berths within a boathouse shall be subject to the provisions of section 9.98(D).
- (15) A boathouse cannot be constructed if the riparian landowner has an existing "wet" boathouse extending over a navigable waterway.

5. **Ordinance Amendment #5-2013** authored by the Planning and Development Committee to amend Section 9.99, Shoreland Uses and Structures, of the Oneida County Zoning and Shoreland Protection Ordinance as follows:

**Additions noted by underline; Deletions noted by ~~strikethrough~~**

9.99 SHORELAND USES AND STRUCTURES

D. Shoreland structures which do not meet minimum setbacks of this ordinance.

(3) Existing accessory structures less than Seventy-five (75) feet from the OHWM.

(b) Open decks or patios less than seventy-five (75) feet.

(2) Located from 40 to 75 feet of the OHWM. Open decks or patios less than seventy-five (75) feet from the OHWM, but 40 feet or more from the OHWM, shall not be enclosed or covered. Replacement and ordinary maintenance and repair are allowed. Open decks or patios are permitted horizontal expansion at a distance 40 feet or more from the OHWM, parallel to the OHWM ~~at a distance equal to or greater than the dwelling unit or principal building provided the dwelling unit or principal building is located 40 feet or more from the OHWM. Horizontal expansion toward the OHWM is not permitted.~~ The combined total square footage of all decks and patios located less than 75 feet from the OHWM cannot exceed 200 square feet, including any located less than 40 feet from the OHWM.

6. **Ordinance Amendment #6-2013** authored by the Planning and Development Committee to amend Section 9.94A, Boathouses, of the Oneida County Zoning and Shoreland Protection Ordinance as follows: **Option A**

**Additions noted by underline; Deletions noted by ~~strikethrough~~**

Additional changes required for proposed language to eliminate new boathouses.

9.11 Purpose – Underlying Ordinance.

E. Preserve shore cover and natural beauty through:

~~4. Regulating the use and placement of boathouses and other structures.~~

4. Regulating the use and placement of structures.

9.94 A. OHWM Setbacks

There shall be setbacks from the ordinary high water mark (OHWM) on lots that abut or are within 75 feet of a navigable waterbody.

1. Setback of 75 feet

The setback for all structures shall be seventy-five (75) feet from the OHWM of any navigable waters to the nearest part of such structure, except for ~~boathouses~~, boat shelters, piers, private sewage systems, water wells, stairways, walkways and lifts which may be permitted by the terms and conditions of this ordinance.

2. Exceptions to 75 ft setback to the OHWM

~~d. Boathouse. A riparian owner may construct a boathouse subject to the following restrictions:~~

~~(1) One boathouse is permitted in the first 100 feet of shoreline. In any additional increment of 100 feet of shoreline, a boathouse may be permitted only upon the issuance of a conditional use permit.~~

- ~~(2) The construction of a boathouse is confined to the viewing area.~~
- ~~(3) No part of any boathouse shall extend into the lake or stream beyond the OHWM.~~
- ~~(4) Any boathouse which may be permitted within the setback area shall be of one story only.~~
- ~~(5) A boathouse shall not exceed a total height of twelve (12) feet.~~
- ~~(6) A boathouse shall not be constructed on slopes 20% or greater.~~
- ~~(7) The maximum width of a boathouse parallel to the OHWM shall not exceed 20 feet. The overhang and eaves shall not exceed two feet. The maximum length of a boathouse landward and away from the OHWM shall not exceed 36 feet.~~
- ~~(8) A boathouse shall have a pitched roof with a minimum pitch of 2.3 to 12.~~
- ~~(9) Decks, platforms, & other construction not essential for berthing of boats is prohibited.~~
- ~~(10) A boathouse shall contain no plumbing.~~
- ~~(11) A boathouse shall contain no living facilities.~~
- ~~(12) A boathouse cannot be constructed if the riparian landowner has a permanent boat shelter.~~
- ~~(13) The number of berths within a boathouse shall be subject to the provisions of section 9.98(D).~~
- ~~(14) A boathouse cannot be constructed if the riparian landowner has an existing "wet" boathouse extending over a navigable waterway.~~

9.94 B. Special Zoning Permission for Structures in Shoreland Setback Area.

The Zoning Administrator shall grant special zoning permission for the construction or placement of a structure on property within the shoreland setback area of any navigable waters if all of the following apply:

- 2. The total floor area of all of the structures on the property within the shoreland setback area will not exceed 200 square feet. In calculating this square footage, legal pre-existing boathouses shall be excluded. The square footage of stairways, walkways, and lifts that are determined to be necessary by the Department to provide pedestrian access to a berth structure or shoreline because of steep slopes, or rocky, wet, or unstable soils, are not included in calculating the total floor area.

9.96 Shoreland Mitigation Plan

C. Open decks or patios within the viewing area located less than 35 feet from the ordinary high water mark shall not be enclosed, covered or expanded, but replacement of up to 200 square feet shall be allowed. Excluding legal pre-existing boathouses, all other accessory structures including open decks or patios located outside of the viewing area and less than 35 feet from the ordinary high water mark must be removed.

F. Mitigation requirements A-E above shall be implemented for the following:

- 1. Structural improvements, alterations or replacement of existing boathouses pursuant to Section 9.99(D)(3)(d).
- 2. New stories, new basements and other vertical expansions, which may result in total replacement pursuant to 9.99(D)(4)(a)(2 and 3).

9.97 Shoreland Alteration Permit

C. Permit Review Procedure

1. Permit from Zoning Administrator

- a. The Zoning Administrator has the authority to act on applications in the instances set forth below. The Zoning Administrator shall act on an application within 30 working days of the completed application being filed.

- (1) ~~Alterations for the construction of boathouses,~~ Structural improvements and/or alterations to legal pre-existing boathouses pursuant to ~~9.94(A)(1),~~ 9.99(D) (3)(d), structures permitted under special zoning permission pursuant to 9.94 (B) and walkways if located in, on or over steep slopes or rocks, saturated or unstable soils. (Amend. #8-2000, effective 1/10/01)
  - (2) Alterations greater than 200 square feet but less than 10,000 square feet of the shoreyard when the slope is greater than 12%. (Amend. #08-2000, effective 1/10/01)
  - (3) Alterations of more than 10,000 square feet of the shoreyard. (Amend. #08-2000, effective 1/10/01)
- b. Written notice of action.

## 9.98 Piers and Other Berth Structures

### B. Compliance

- 4. Any increase in the number of berths, any change in the location of, or any increase in the dimensions of, or any replacement of an existing berth structure shall be in accordance with this section. ~~Boathouses are not subject to the dimensional restrictions of this section.~~

### C. Berth Structures Limited (#83-2003)

- 1. Berth structures, except ~~boathouses and~~ boat shelters, may be placed by a riparian property owner without County permits if the construction complies with this section.

## 9.94 OHWM SETBACKS AND SPECIAL ZONING PERMISSION FOR STRUCTURES IN SHORELAND SETBACK (Amend. #08-2000, 29-2001, 71-2002, 87-2003, 14-2005, 02-2006, 12-2006, 13-2007, 14-2008)

### Option B

#### A. OHWM Setbacks

- 2. Exceptions to the 75-foot setback from the OHWM of a navigable waterbody. See Appendices C through G for illustrative purposes only. The text in this section shall be controlling and will supersede the appendices if there are any conflicting interpretations.
  - d. Boathouse. A riparian owner may construct a boathouse subject to the following restrictions:
    - (1) One boathouse is permitted in the first 100 feet of shoreline. In any additional increment of 100 feet of shoreline, a boathouse may be permitted only upon the issuance of a conditional use permit.
    - (2) The construction of a boathouse is confined to the viewing area.
    - (3) No part of any boathouse shall extend into the lake or stream beyond the OHWM.
    - (4) Any boathouse which may be permitted within the setback area shall be of one story only.
    - (5) A boathouse shall not exceed a total height of twelve (12) feet.
    - (6) A boathouse shall not be constructed on slopes 20% or greater.
    - (7) The maximum width of a boathouse parallel to the OHWM shall not exceed 20 feet. The overhang and eaves shall not exceed two feet. The maximum length of a boathouse landward and away from the OHWM shall not exceed 36 feet.
    - ~~(8) A boathouse shall have a pitched roof with a minimum pitch of 2.3 to 12.~~
    - (9) Decks, platforms, & other construction not essential for berthing of boats is prohibited.
    - (10) A boathouse shall contain no plumbing.
    - (11) A boathouse shall contain no living facilities.
    - (12) A boathouse cannot be constructed if the riparian landowner has a permanent boat shelter.

(13)The number of berths within a boathouse shall be subject to the provisions of section 9.98(D).

(14) A boathouse cannot be constructed if the riparian landowner has an existing “wet” boathouse extending over a navigable waterway.

Additional changes required for proposed language to eliminate new boathouses.

9.12 Purpose – Underlying Ordinance.

E. Preserve shore cover and natural beauty through:

~~4. Regulating the use and placement of boathouses and other structures.~~

4. Regulating the use and placement of structures.

9.94 A. OHWM Setbacks

There shall be setbacks from the ordinary high water mark (OHWM) on lots that abut or are within 75 feet of a navigable waterbody.

1. Setback of 75 feet

The setback for all structures shall be seventy-five (75) feet from the OHWM of any navigable waters to the nearest part of such structure, except for ~~boathouses~~, boat shelters, piers, private sewage systems, water wells, stairways, walkways and lifts which may be permitted by the terms and conditions of this ordinance.

2. Exceptions to 75 ft setback to the OHWM

~~d. Boathouse. A riparian owner may construct a boathouse subject to the following restrictions:~~

~~(1) One boathouse is permitted in the first 100 feet of shoreline. In any additional increment of 100 feet of shoreline, a boathouse may be permitted only upon the issuance of a conditional use permit.~~

~~(2) The construction of a boathouse is confined to the viewing area.~~

~~(3) No part of any boathouse shall extend into the lake or stream beyond the OHWM.~~

~~(4) Any boathouse which may be permitted within the setback area shall be of one story only.~~

~~(5) A boathouse shall not exceed a total height of twelve (12) feet.~~

~~(6) A boathouse shall not be constructed on slopes 20% or greater.~~

~~(7) The maximum width of a boathouse parallel to the OHWM shall not exceed 20 feet. The overhang and eaves shall not exceed two feet. The maximum length of a boathouse landward and away from the OHWM shall not exceed 36 feet.~~

~~(8) A boathouse shall have a pitched roof with a minimum pitch of 2.3 to 12.~~

~~(9) Decks, platforms, & other construction not essential for berthing of boats is prohibited.~~

~~(10)A boathouse shall contain no plumbing.~~

~~(11)A boathouse shall contain no living facilities.~~

~~(12)A boathouse cannot be constructed if the riparian landowner has a permanent boat shelter.~~

~~(13)The number of berths within a boathouse shall be subject to the provisions of section 9.98(D).~~

~~(14) A boathouse cannot be constructed if the riparian landowner has an existing “wet” boathouse extending over a navigable waterway.~~

9.94 B. Special Zoning Permission for Structures in Shoreland Setback Area.

The Zoning Administrator shall grant special zoning permission for the construction or placement of a structure on property within the shoreland setback area of any navigable waters if all of the following apply:

2. The total floor area of all of the structures on the property within the shoreland setback area will not exceed 200 square feet. In calculating this square footage, legal pre-existing boathouses shall be excluded. The square footage of stairways, walkways, and lifts that are determined to be necessary by the Department to provide pedestrian access to a berth structure or shoreline because of steep slopes, or rocky, wet, or unstable soils, are not included in calculating the total floor area.

#### 9.96 Shoreland Mitigation Plan

C. Open decks or patios within the viewing area located less than 35 feet from the ordinary high water mark shall not be enclosed, covered or expanded, but replacement of up to 200 square feet shall be allowed. Excluding legal pre-existing boathouses, all other accessory structures including open decks or patios located outside of the viewing area and less than 35 feet from the ordinary high water mark must be removed.

F. Mitigation requirements A-E above shall be implemented for the following:

1. Structural improvements, alterations or replacement of existing boathouses pursuant to Section 9.99(D)(3)(d).
2. New stories, new basements and other vertical expansions, which may result in total replacement pursuant to 9.99(D)(4)(a)(2 and 3).

#### 9.97 Shoreland Alteration Permit

##### C. Permit Review Procedure

##### 1. Permit from Zoning Administrator

- a. The Zoning Administrator has the authority to act on applications in the instances set forth below. The Zoning Administrator shall act on an application within 30 working days of the completed application being filed.
  - (1) ~~Alterations for the construction of boathouses,~~ Structural improvements and/or alterations to legal pre-existing boathouses pursuant to ~~9.94(A)(1),~~ 9.99(D) (3)(d), structures permitted under special zoning permission pursuant to 9.94 (B) and walkways if located in, on or over steep slopes or rocks, saturated or unstable soils. (Amend. #8-2000, effective 1/10/01)
  - (2) Alterations greater than 200 square feet but less than 10,000 square feet of the shoreyard when the slope is greater than 12%. (Amend. #08-2000, effective 1/10/01)
  - (3) Alterations of more than 10,000 square feet of the shoreyard. (Amend. #08-2000, effective 1/10/01)
- b. Written notice of action.

#### 9.98 Piers and Other Berth Structures

##### B. Compliance

4. Any increase in the number of berths, any change in the location of, or any increase in the dimensions of, or any replacement of an existing berth structure shall be in accordance with this section. ~~Boathouses are not subject to the dimensional restrictions of this section.~~

##### C. Berth Structures Limited (#83-2003)

1. Berth structures, except ~~boathouses~~ and boat shelters, may be placed by a riparian property owner without County permits if the construction complies with this section.

7. Line item transfers, purchase orders and bills.
8. Refunds.
9. Approve future meeting dates: July 17 and August 7, 2013.
10. Public comments.
11. Future agenda items.
12. Adjourn.

**NOTICE OF POSTING**

**TIME: 10:30 AM DATE: JULY 1, 2013 PLACE: COURTHOUSE BULLETIN BOARD**

**SCOTT HOLEWINSKI, COMMITTEE CHAIRMAN**

Notice posted by the Planning & Zoning Department. Additional information on a specific agenda item may be obtained by contacting the person who posted this notice at 715-369-6130.

**NEWS MEDIA NOTIFIED VIA E-MAIL:**

Northwoods River News	Date: 07/01 /2013	Time: Approx. 11:00 a.m.
Lakeland Times	Date: “	Time: “
Buyer’s Guide/Our Town	Date: “	Time: “
WXPR Public Radio	Date: “	Time: “
WERL/WRJO Radio	Date: “	Time: “

**NEWS MEDIA NOTIFIED VIA FAX:**

WHDG Radio Station	Date: 07/012013	Time: Approx: 11:00 a.m.
WJFW-TV 12	Date: “	Time: “
Vilas County News	Date: “	Time: “
Tomahawk Leader	Date: “	Time: “
WLSL	Date: “	Time: “

Notice is hereby further given that pursuant to the Americans with Disabilities Act reasonable accommodations will be provided for qualified individuals with disabilities upon request. Please call Mary Bartelt at 715-369-6144 with specific information on your request allowing adequate time to respond to your request.

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See reverse side of this notice for compliance checklist with the Wisconsin Open Meeting Law.

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#### GENERAL REQUIREMENTS:

1. Must be held in a location which is reasonably accessible to the public.
2. Must be open to all members of the public unless the law specifically provides otherwise.

#### NOTICE REQUIREMENTS:

1. In addition to any requirements set forth below, notice must also be in compliance with any other specific statute.
2. Chief presiding officer or his/her designee must give notice to the official newspaper and to any members of the news media likely to give notice to the public.

#### MANNER OF NOTICE:

Date, time, place and subject matter, including subject matter to be considered in a closed session, must be provided in a manner and form reasonably likely to apprise members of the public and news media.

#### TIME FOR NOTICE:

1. Normally, a minimum of 24 hours prior to the commencement of the meeting.
2. No less than 2 hours prior to the meeting if the presiding officer establishes there is good cause that such notice is impossible or impractical.
3. Separate notice for each meeting of the governmental body must be given.

#### EXEMPTIONS FOR COMMITTEES & SUBUNITS

Legally constituted sub-units of a parent governmental body may conduct a meeting during the recess or immediately after the lawful setting to act or deliberate upon the subject which was the subject of the meeting, provided the presiding officer publicly announces the time, place and subject matter of the sub-unit meeting in advance of the meeting of the parent governmental body.

#### PROCEDURE FOR GOING INTO CLOSED SESSION:

1. Motion must be made, seconded and carried by roll call majority vote and recorded in the minutes.
2. If motion is carried, chief presiding officer must advise those attending the meeting of the nature of the business to be conducted in the closed session, and the specific statutory exemption under which the closed session is authorized.

#### SYNOPSIS OF STATUTORY EXEMPTIONS UNDER WHICH CLOSED SESSIONS ARE PERMITTED:

1. Concerning a case which was the subject of Judicial or quasi-judicial trial before this governmental body Sec. 19.85(1) (a)
2. Considering dismissal, demotion or discipline of any public employee or the investigation of charges against such person and the taking of formal action on any such matter; provided that the person is given actual notice of any evidentiary hearing which may be held prior to final action being taken and of any meeting at which final action is taken. The person under consideration must be advised of his/her right that the evidentiary hearing be held in open session and the notice of the meeting must state the same. Sec. 19.85(1)(b).
3. Considering employment, promotion, compensation or performance evaluation data of any public employee over which this body has jurisdiction or responsibility. Sec. 19.85(1)(c).
4. Considering strategy for crime detection or prevention. Sec. 19.85(1)(d).
5. Deliberating or negotiating the purchase of public properties, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session. Sec. 19.85(1)(e).
6. Considering financial, medical, social or personal histories or disciplinary data of specific person, preliminary consideration of specific personnel problems or the investigation of specific charges, which, if discussed in public, would likely have a substantial adverse effect on the reputation of the person referred to in such data. Sec. 19.85(1)(f), except where paragraph 2 applies.
7. Conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. Sec. 19.85(1)(g).
8. Considering a request for advice from any applicable ethics board. Sec. 19.85(1)(h).

#### PLEASE REFER TO CURRENT STATUTE SECTION 19.85 FOR FULL TEXT

#### CLOSED SESSION RESTRICTIONS:

1. Must convene in open session before going into closed session.
2. May not convene in open session, then convene in closed session and thereafter reconvene in open session within twelve hours unless proper notice of this sequence was given at the same time and in the same manner as the original open meeting.

3. Final approval or ratification of a collective bargaining agreement may not be given in closed session.
4. No business may be taken up at any closed session except that which relates to matters contained in the chief presiding officer's announcement of the closed session.
5. In order for a meeting to be closed under Section 19.85(1)(f) at least one committee member would have to have actual knowledge of information which he or she reasonably believes would be likely to have a substantial adverse effect upon the reputation involved and there must be a probability that such information would be divulged. Thereafter, only that portion of the meeting where such information would be discussed can be closed. The balance of that agenda item must be held in open session.

#### BALLOTS, VOTES AND RECORDS:

1. Secret ballot is not permitted except for the election of officers of the body or unless otherwise permitted by specific statutes.
2. Except as permitted above, any member may require that the vote of each member be ascertained and recorded.
3. Motions and roll call votes must be preserved in the record and be available for public inspection.

#### USE OF RECORDING EQUIPMENT:

The meeting may be recorded, filmed, or photographed, provided that it does not interfere with the conduct of the meeting or the rights of the participants.

#### LEGAL INTERPRETATION:

1. The Wisconsin Attorney General will give advice concerning the applicability or clarification of the Open Meeting Law upon request.
2. The municipal attorney will give advice concerning the applicability or clarification of the Open Meeting Law upon request.

#### PENALTY:

Upon conviction, any member of a governmental body who knowingly attends a meeting held in violation of Subchapter IV, Chapter 19, Wisconsin Statutes, or who otherwise violates the said law shall be subject to forfeiture of not less than \$25.00 nor more than \$300.00 for each violation.

Prepared by Oneida County Corporation Counsel Office - 5/16/96