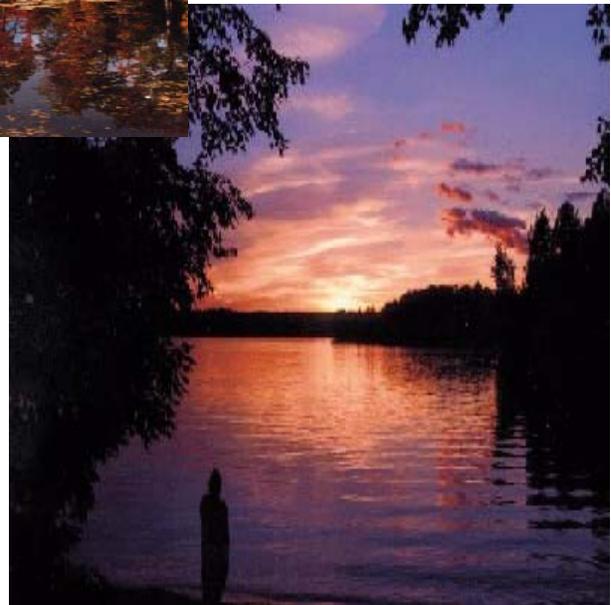
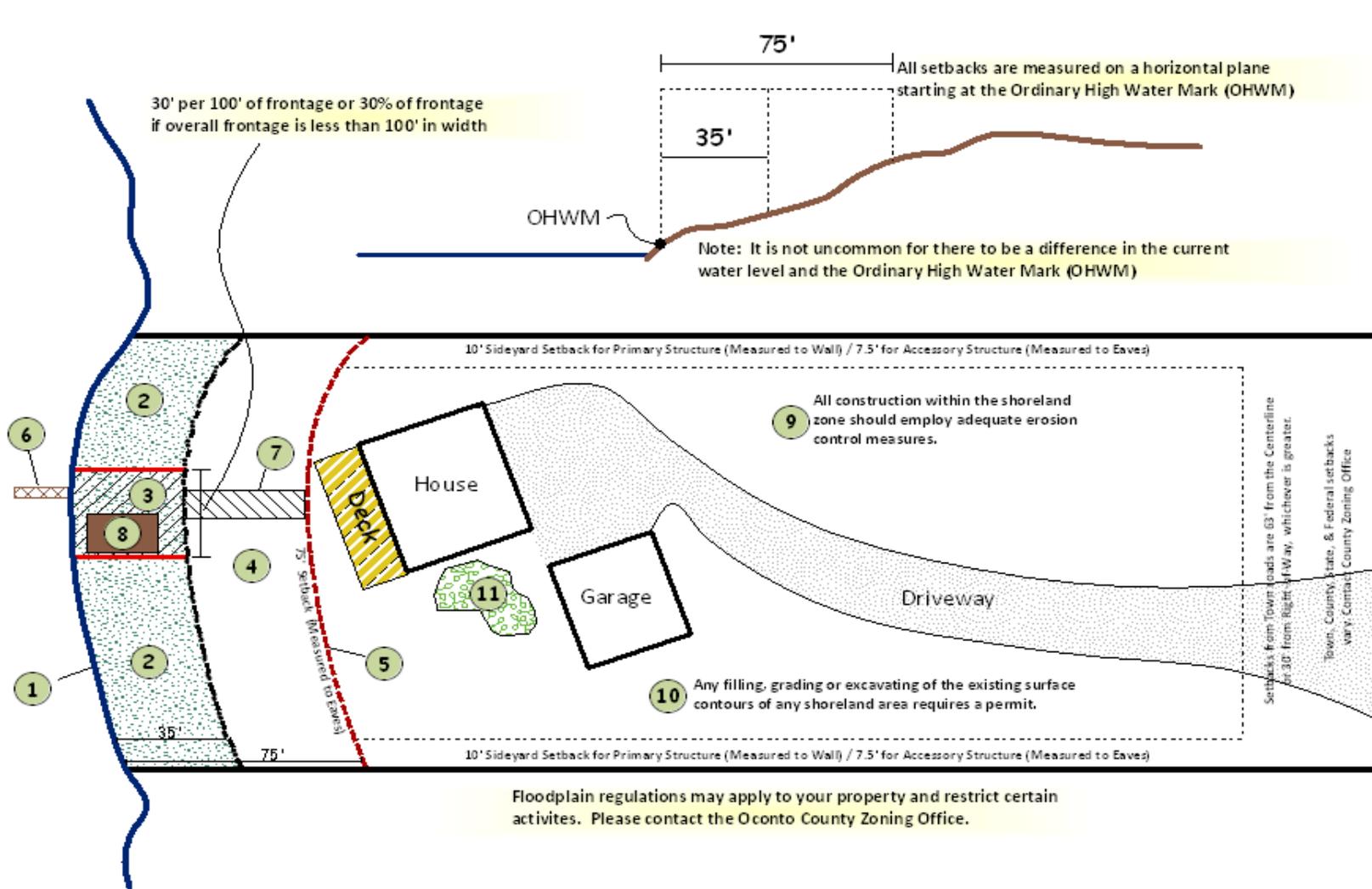


Shoreland Development Guide



Please note that the numbers found on this map correlate to numbers within the text.



This is a general guide created to give shoreland owners in Oconto County an overview of the shoreland regulations. This is a guide and should be used as such, Oconto County is not responsible for any inaccuracies herein contained. Please contact the Oconto County Planning and Zoning Office at (920) 834-6827 with any questions.



OCONTO COUNTY
SHORELAND REGULATIONS

Note: This is a general guide and a non-inclusive representation of the rules and regulations affecting shoreland property. This should be used solely as a guide. Please contact the Oconto County Zoning Office prior to any construction or other land use activity within the shoreland zone.

Shoreland regulations apply to the following lands-

All lands within one thousand (1,000) feet of the Ordinary High Water Mark of navigable lakes, ponds, or flowages. Lakes, ponds, or flowages in Oconto County shall be presumed navigable if they are listed in the Wisconsin Department of Natural Resources publication – “Surface Water Resources of Oconto County” or are shown on the USGS maps or other zoning base maps.

All lands within three hundred (300) feet of the Ordinary High Water Mark of all navigable rivers or streams, or to the landward side of the floodplain, whichever is greater. Rivers and streams in Oconto County shall be presumed navigable if they are designated as either continuous or intermittent waterways on the USGS maps or other zoning base maps.

1 – Ordinary High Water Mark (OHWM)

The OHWM is defined as the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognized characteristic. The OHWM isn't typically identified on surveys and may be difficult to see on some sites. **Please contact the Oconto County Zoning Department with questions related to OHWM.**

For more information regarding the OHWM and how it relates to your property, please refer to Wisconsin Department of Natural Resources Publication “The Ordinary High Water Mark”

Found Online at: <http://dnr.wi.gov/org/water/wm/dsfm/shore/ohwm.htm>



2 – Shoreland Buffer

The shoreland buffer is a no disturbance zone extending 35' inland from the OHWM. The purpose of this buffer is to allow naturally diverse vegetation in the area, such as leaf litter, ground cover (including wetlands extending inland from the OHWM), shrubs, and tree layer. The benefits of a natural shoreland buffer include:

- ◆ Reducing the intensity and impact of human activities in the near shore areas
- ◆ Reducing the near shore use of fertilizers and pesticides
- ◆ Filtering and infiltrating surface runoff to reduce nutrients and sediment
- ◆ Providing increased shoreland habitat diversity and enhancing near shore habitat function for a broad range of amphibian, invertebrate, and aquatic species.
- ◆ Screening shoreland development as seen from the water and improving the “natural” aesthetics of the lake or stream

For more information on shoreland buffer regulations, please refer to the Oconto County Zoning Ordinance Sec. 14.506 Alteration of Surface Vegetation

Cutting of trees and shrubbery within the shoreland area shall be regulated as follows to protect the natural beauty, control erosion, and reduce the flow of effluents, sediments and nutrients into the waters.

1. In a strip of land 35 feet wide inland from the ordinary high-water mark, no more than 30 feet in any 100 feet of frontage may be clear-cut. In the remaining 70% of the length of this strip, selective cutting only shall be permitted. Such cutting shall leave sufficient trees and other vegetation so as to:

- a. Screen uses of the landward side of the strip as seen from the water; and

- b. Maintain shore or channel bank stabilization; and
- c. Retard the flow of pollutants from shorelands; and
- d. Protect aesthetic values.

2. In shoreland areas located more than 35 feet inland from the ordinary high-water mark, tree and shrub cutting shall be governed by consideration of the effect on water quality, natural beauty, consideration of sound forestry practices and soil conservation practices. The tree and shrubbery cutting regulations required by this ordinance shall not apply to the removal of dead, diseased or dying trees or shrubs. Slash material shall be disposed of lawfully.

3 – Viewing Window



The viewing window is the 30 foot area that may be clear cut per 100 feet of frontage. The 30 foot area per 100 feet may be achieved by having two 15 foot wide areas cleared, as long as the total cleared area is less than or equal to 30 feet per 100 feet of frontage. A landowner having 150 feet of frontage would not be permitted a 45 foot viewing window, only 30 feet per 100 feet of frontage is permitted. If the property has a total frontage less than 100 feet only 30% may be cleared for the viewing window.

4 – Secondary Shoreland Buffer

The secondary shoreland buffer refers to that area extending from the 35 foot buffer to the 75 foot building setback. Within this area it is permitted to selectively cut trees and shrubs always considering the effect on the water quality, natural beauty. Any selective cutting should utilize sound forestry and soil conservation practices.

5 – 75 Foot Building setback

The 75 foot building setback is measured from the ordinary high water mark on a horizontal plane. (refer to setback diagram) No building or structure shall be constructed closer than 75 feet from the OWHM. This setback is measured to the point on the structure nearest the OWHM. (i.e. deck, eaves) NOTE: Averaging to reflect existing development patterns applies in certain situations. Please contact the Oconto County Zoning Office and discuss with County Zoning Staff. Note: Retaining walls, terraces, decks, and other man-made objects are considered structures, require permits, and must meet all setback requirements. Please contact the Oconto County Zoning Office as some exemptions do apply.

6 – Piers

Piers or wharves are regulated through the Wisconsin Department of Natural Resources. On the Great Lakes permits from the U.S. Army Corps of Engineers are required. Some local municipalities have local ordinances regulating piers or require local permits.

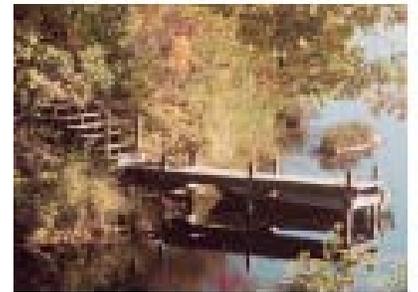
For more information regarding Piers, please refer to Wisconsin Department of Natural Resources Publication “The Pier Planner”

Found Online at:

<http://dnr.wi.gov/org/water/wm/dsfm/shore/ohwm.htm>

For more information regarding Piers, please refer to Wisconsin Department of Natural Resources Publication “Piers – What you need to know for 2009”

Found Online at: <http://dnr.wi.gov/waterways/factsheets/Piers2009.pdf>



7 – Walkways, Stairs, and Lifts

A stairway, walkway, or lift which is essential to provide riparian access to the shoreline and which are a necessary extension of a pier, may be permitted if located in, on or over slopes greater than 20%, or rocky, saturated or unstable soils. The permit shall be subject to the following minimum standards and to such other requirements as the County may determine are necessary in order to maintain or improve the natural beauty and environmental stability of the shoreland area and the adjacent navigable waters:

1. There are no other locations or facilities on the property which allow adequate access to a pier.
2. Only one stairway or one lift is allowed, not both, except where there is an existing stairway and the lift will be mounted to or is immediately adjacent to the existing stairway.
3. Such structures shall be placed on the most visually inconspicuous route to the shoreline and shall avoid environmentally sensitive areas.
4. Vegetation, which stabilizes slopes or screens structural development from view, shall not be removed.
5. Structures shall be colored and screened by vegetation so as to be inconspicuous when viewed against the shoreline.
6. Canopies, roofs and sides are prohibited. Open railings may be provided where required for safety.
7. A maximum width of four (4) feet (outside dimensions) is allowed for stairways, walkways and lifts.
8. Landings are allowed when required for safety purposes and shall not exceed forty (40) square feet. Attached benches, seats, tables, etc. are prohibited.
9. Walkways and lifts shall be supported on piles or footings. Any filling, grading or excavation that is proposed shall meet the requirements of section 14.507.
10. Landscaped stairways at grade (not to exceed one foot below grade) are permitted provided the structure meets the requirements of section 14.511.

8 – Boat Houses



Boat houses refer to boathouses, marinas, boat liveries or similar structures. A boathouse is defined as any structure used exclusively for protecting or storing of boats used for non-commercial purposes in conjunction with a residence, and not for human habitation. A county permit is required for these structures and the following standards apply:

For more information on boathouse regulations, please refer to the Oconto County Zoning Ordinance

Sec. 14.505 Setbacks of Building and Structures from the water

3. Special regulations for boathouses, marinas, boat liveries or similar structures. A county zoning permit shall be required for these structures and the following standards shall apply:

- a. All structures and uses shall comply with the standards of Chapter 30, Wisconsin Statutes and of other state and federal laws or regulations, where applicable.
- b. No structure shall be allowed to impede the free movement of water or to cause formation of land upon the bed of a water body.

A Guide For Shoreland Owners

- c. Erosion, sedimentation or impairment of fish or wildlife habitat shall be prevented.
- d. All structures and activities shall be designed, constructed and located so as to preserve natural beauty of the shoreland area.
- e. Boathouses shall be designed and constructed solely for the storage of boats and related equipment and conform to the following standards:
 - 1. A boathouse shall not be placed waterward beyond the ordinary highwater mark.
 - 2. One boathouse is permitted on a lot as an accessory structure.
 - 3. A boathouse shall not be constructed where the existing slope is 20% or greater.
 - 4. A boathouse shall be set back a minimum three (3) feet from the ordinary highwater mark and shall be constructed in conformity with floodplain zoning standards.
 - 5. The area of a boathouse shall not exceed 288 sq ft measured from the structures exterior dimensions.
 - 6. A boathouse shall not exceed a total height of twelve (12) feet from the natural ground to the peak of the roof.
 - 7. A boathouse shall have a pitched roof not to be less than 3:12 (rise to run) nor greater than 6:12.
 - 8. A boathouse eaves or overhangs shall not exceed 12 inches.
 - 9. The dimension more or less parallel to the shore shall not exceed 14 ft.
 - 10. A boathouse shall not include plumbing or sanitary fixtures, patio doors or any similar feature, and shall not be used for human habitation. Roofs shall not be designed or used as decks, observation platforms or for similar uses.
- f. Marinas and boat liveries shall be located a distance greater than 500 feet from public bathing beaches, parks or boat access points. They shall be designed and constructed so as not to interfere with the adjacent riparian owners uses of the water for swimming, fishing or boating; nor interfere or obstruct with the public's free navigation. Fueling pumps and tanks shall be located a minimum of 2 feet above the ordinary high-water mark, and no fuel hose shall extend beyond a point necessary to fuel boats at the closest proximity to land. Marinas shall be equipped with facilities for the disposition of domestic waste from boats. Holding tanks shall be located above the ordinary high-water mark and in accordance with the Sanitary Code. Adequate parking areas shall be provided. No building or structure shall be located closer than 50 feet from the lot line of an adjoining residential parcel, or 75 feet from the ordinary high water mark. Minimum lot width at the waters edge shall be 125 feet.
- g. Satellite dishes are defined as a structure and shall comply with this section and section 14.3003 6.(a)(1)(a).

9 – Erosion Control

Erosion control can occur in two distinctly different areas within the shoreland zone. Erosion can occur as a result of land use activity on the property, as well as along the bank of the property. Each form of erosion should be dealt with in the proper manner.

Erosion associated with home building or other land use activity should be taken seriously as it can have very negative impacts on the quality of the water body. For more information on how to minimize the impacts of erosion during development contact County Zoning Staff and check out the following publications.

University of Wisconsin Extension Publication “Erosion Control for Home Builders”

Found Online at: <http://clean-water.uwex.edu/pubs/pdf/storm.erosio.pdf>

Wisconsin Department of Natural Resources Publication “Wisconsin Construction Site Best Management Practices Handbook” Found Online at:

<http://dnr.wi.gov/runoff/stormwater/constrforms.htm#wicon>



Erosion associated with the shoreline can also have negative impacts on water quality. For more information on how to minimize the impacts of shoreline erosion on your property contact County Zoning Staff and check out the following website.



Wisconsin Department of Natural Resources “Shoreline Erosion Control - Lakes”

Found Online at:

http://dnr.wi.gov/waterways/shoreline_habitat/lake_erosion.html

10 – Grading, Filling, or Excavating

Grading, filling, excavating or similar alteration of the existing surface contours of any shoreland area require a county grading permit. The following standards apply:

For more information on grading, filling, or excavating regulations; please refer to the Oconto County Zoning Ordinance

Sec. 14.507 Land Surface Alterations

1. Filling, grading or excavating - A grading permit shall be required prior to any filling, excavating, grading or similar alteration of the existing surface contours of any shoreland area:

- a. For any filling or grading of any area which is in the shoreland jurisdiction which has surface drainage toward the water and on which there is either:
 - (1) Filling or grading where a single area of more than 500 square feet is exposed or where the cumulative exposed area exceeds 1000 square feet.
 - (2) Any filling or grading on slopes of 20% or more.
- b. Any activities that involve lands other than wetlands shall be governed by the following standard:
 - (1) Applications shall be denied if the activity threatens to cause unreasonable erosion, sedimentation or disruption of fish or wildlife habitat and any permits that are granted shall be conditioned with standards designed to prevent such problems from arising.

2. A conditional use permit shall be required prior to filling, excavating, grading or similar alterations of the existing surface contours of any shoreland area in excess of 10,000 square feet.

3. A conditional use permit is not required to install paving when such paving is otherwise allowable under this ordinance provided that the activity is conducted and the paved area is designed as to minimize erosion, sedimentation or transport of pollutants or nutrients into the water. Note: Sec. 14.402 (3) states, Accessory objects such as paved drives, paved parking areas, and paved walks are not permitted in the shoreland setback area. However, all driveways, parking areas and walks that do not protrude more than 2 feet above the ground level, also

play equipment, may be located anywhere within the lot, except the shoreland setback area, as long as they are not closer than 4 feet to a side or rear lot line.

4. Land surface alteration in the Conservancy District must be consistent with section 14.2100 of this ordinance.

5. In addition to 1-4 above, all activity under these provisions shall be subject to Ch. NR 102 Water Quality Standards for Wisconsin Surface Waters and Ch. NR 103 Water Quality Standards for Wetlands.

11 – Rain Gardens

A rain garden is a relatively small area of plantings near the drain spout of a building or a paved area. Rainwater is routed to the garden and filtered naturally by the plants and soils of the garden. Wisconsin is fortunate to have an abundance of lakes, rivers and streams. These water resources are sources of drinking water, wildlife habitat and recreation. Polluted runoff;



including excess lawn and garden fertilizers, pesticides, and herbicides, yard wastes, sediment, and animal wastes, drain daily into our water resources. As these substances find their way into the state's waterways and groundwater, they produce a wide range of problems that negatively affect water quality. Despite the efforts and progress made to clean up pollution and control flooding, this runoff continues to degrade our lakes and streams and presents a long-term threat to groundwater. Rain gardens are a means of slowing runoff from drain spouts, paved areas etc.

For more information on how to utilize a rain garden on your shoreland property contact County Zoning Staff and check out the following website.

Wisconsin Department of Natural Resources “Rain Garden Website”

Go to <http://dnr.wi.gov/> and search “Rain Gardens”

Note: This is a general guide and a non-inclusive representation of the rules and regulations affecting shoreland property. This should be used solely as a guide. Please contact the Oconto County Zoning Office prior to any construction or other land use activity within the shoreland zone.

For more information please contact:

Oconto County Zoning
301 Washington St.
Oconto, WI 54153
Phone: 920-834-6827
Email: zon@co.oconto.wi.us