



OFFICE OF PLANNING, ZONING & SOLID WASTE

A Division of

Land & Water Resources Department

Oconto County Courthouse, 301 Washington Street, Oconto, WI 54153
920-834-6827 www.co.oconto.wi.us

SETBACK AVERAGING

Shoreland Principal Structures Only

When it applies:

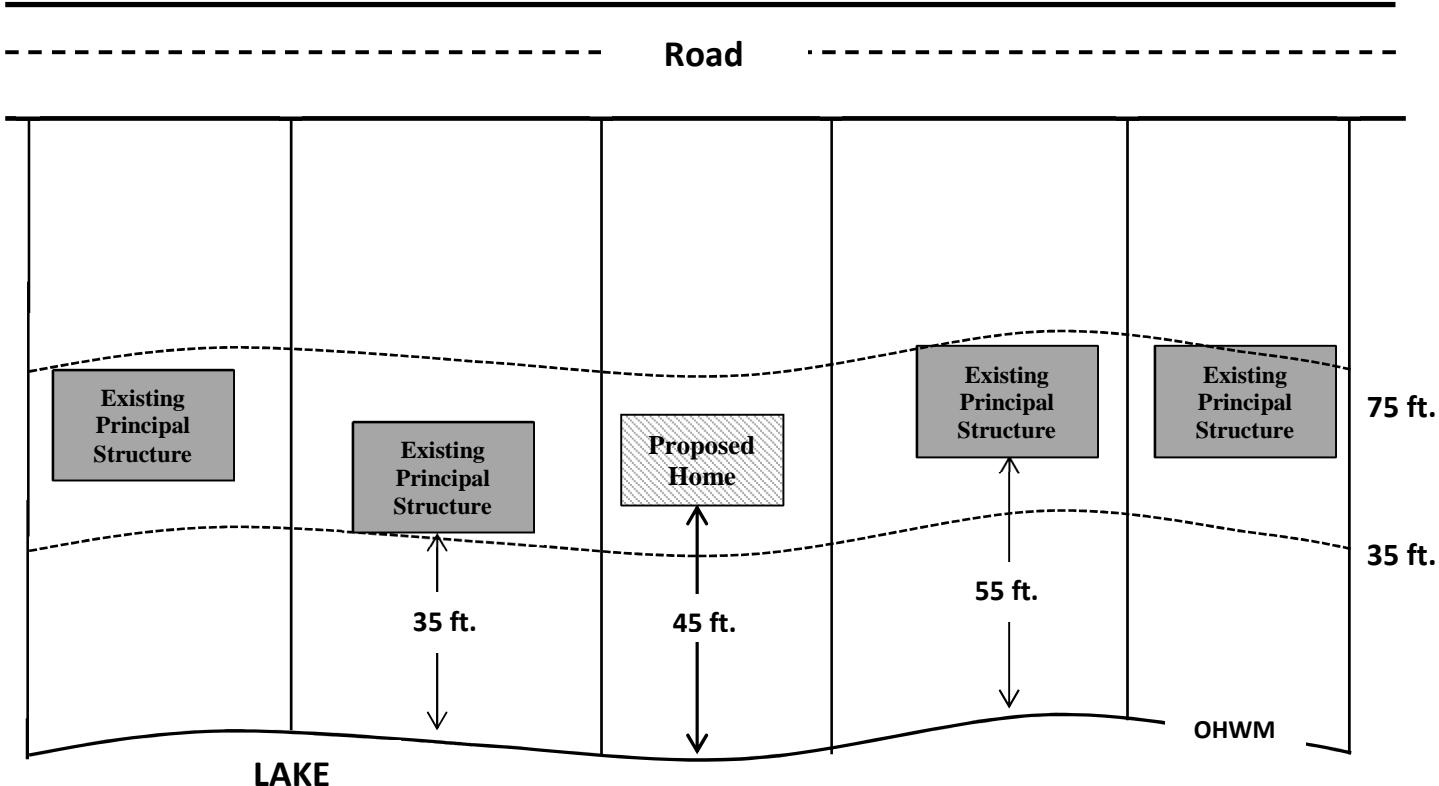
- Shoreland principal structures at less than 75 ft from the ordinary high water mark (OHWM)
- An existing development pattern must be present along the shoreline in one or both directions
- Setback reduced no less than 35 feet from the OHWM
- Does not apply to any accessory structures.

Existing development pattern:

Principal structures that exist within 250 feet of a proposed principal structure in one or both directions along the shoreline at a setback less than 75 feet from the OHWM. In order for setback averaging to be used for a proposed principal structure, there must be an existing development pattern present at less than 75 ft from the OHWM. If a neighboring lot has the principal structure at more than 75 feet from the shoreline, setback averaging is not allowed.

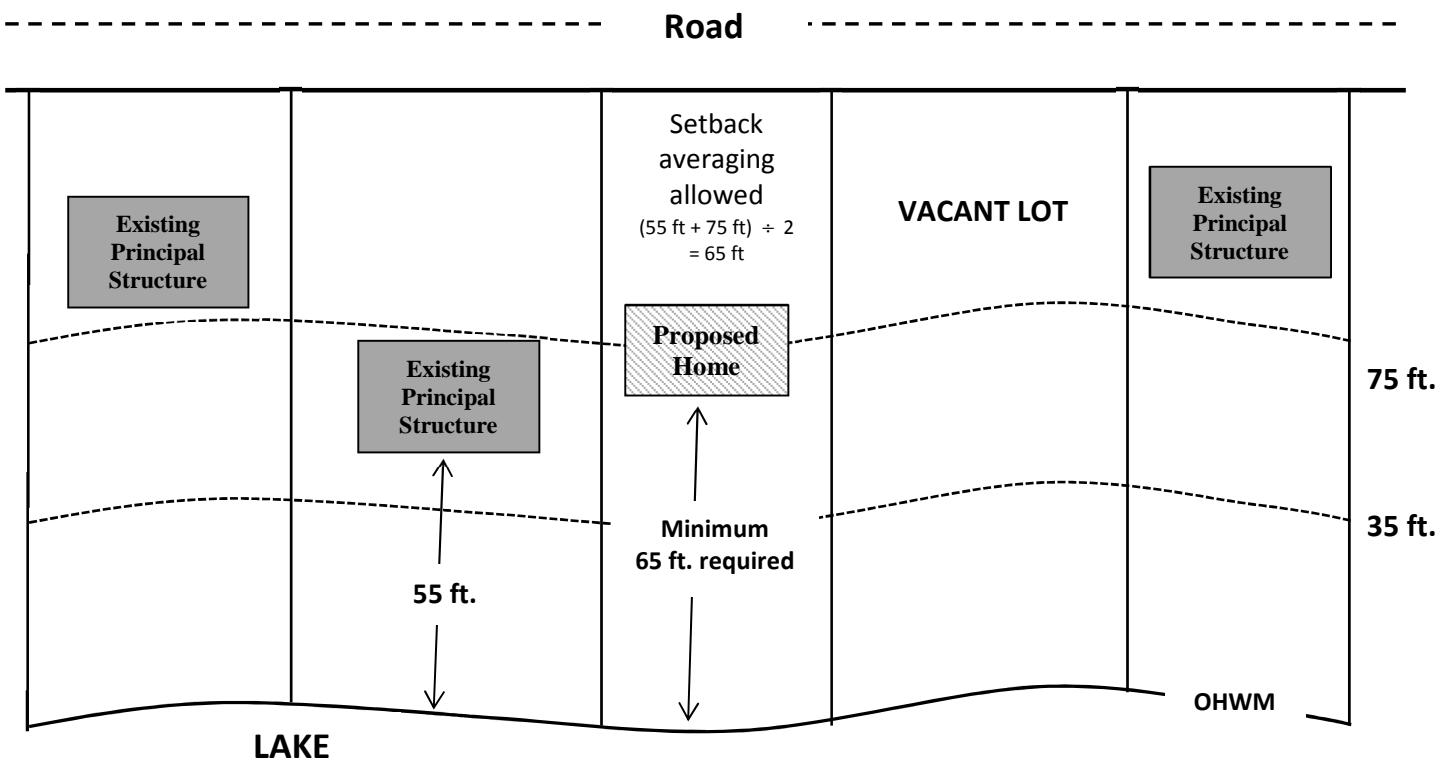
Example of setback averaging :

Aerial view of riparian lots, 100 feet wide or less. Averaging used to reduce setback of proposed structure.
 $(35 \text{ feet} + 55 \text{ feet}) \div 2 = 45 \text{ feet}$

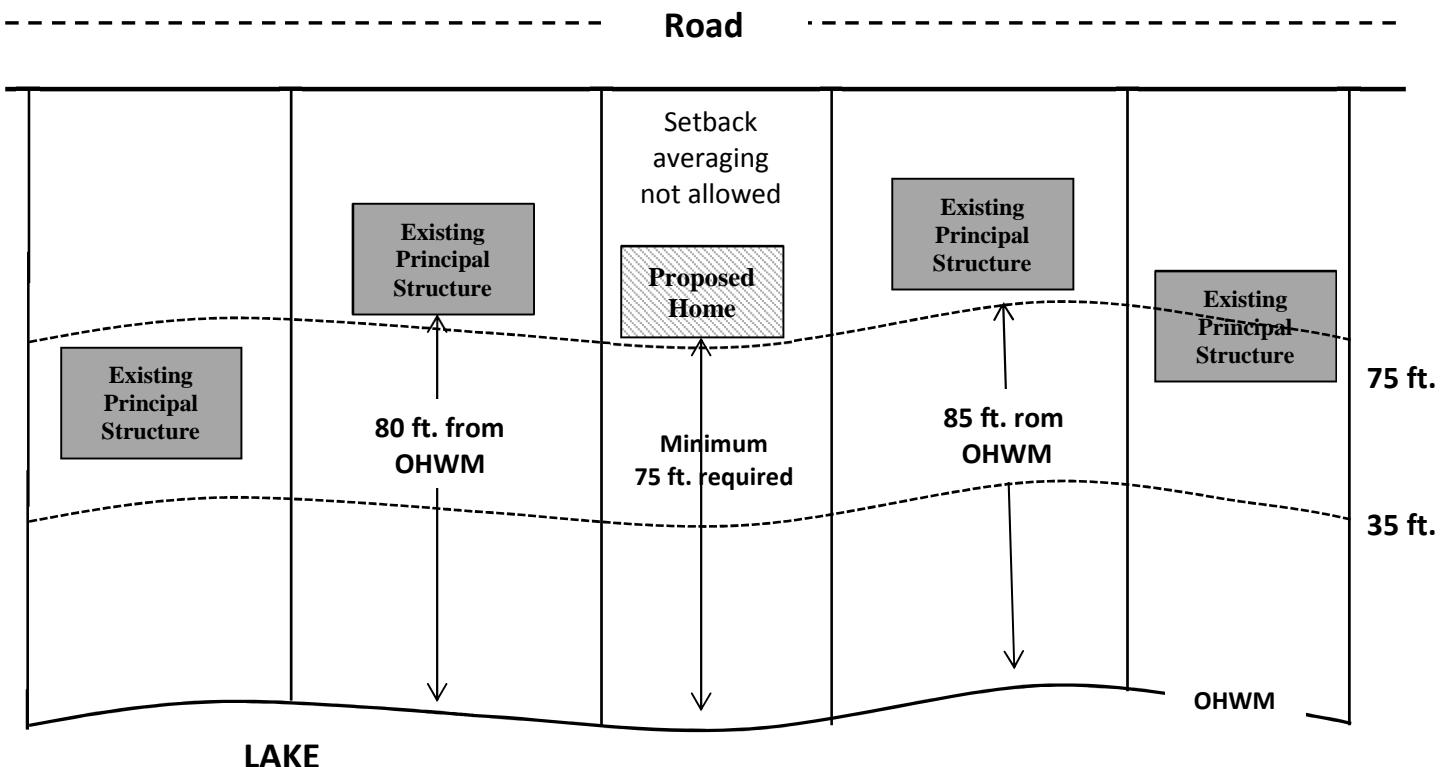


Example of when setback averaging is allowed where there is only one principal structure

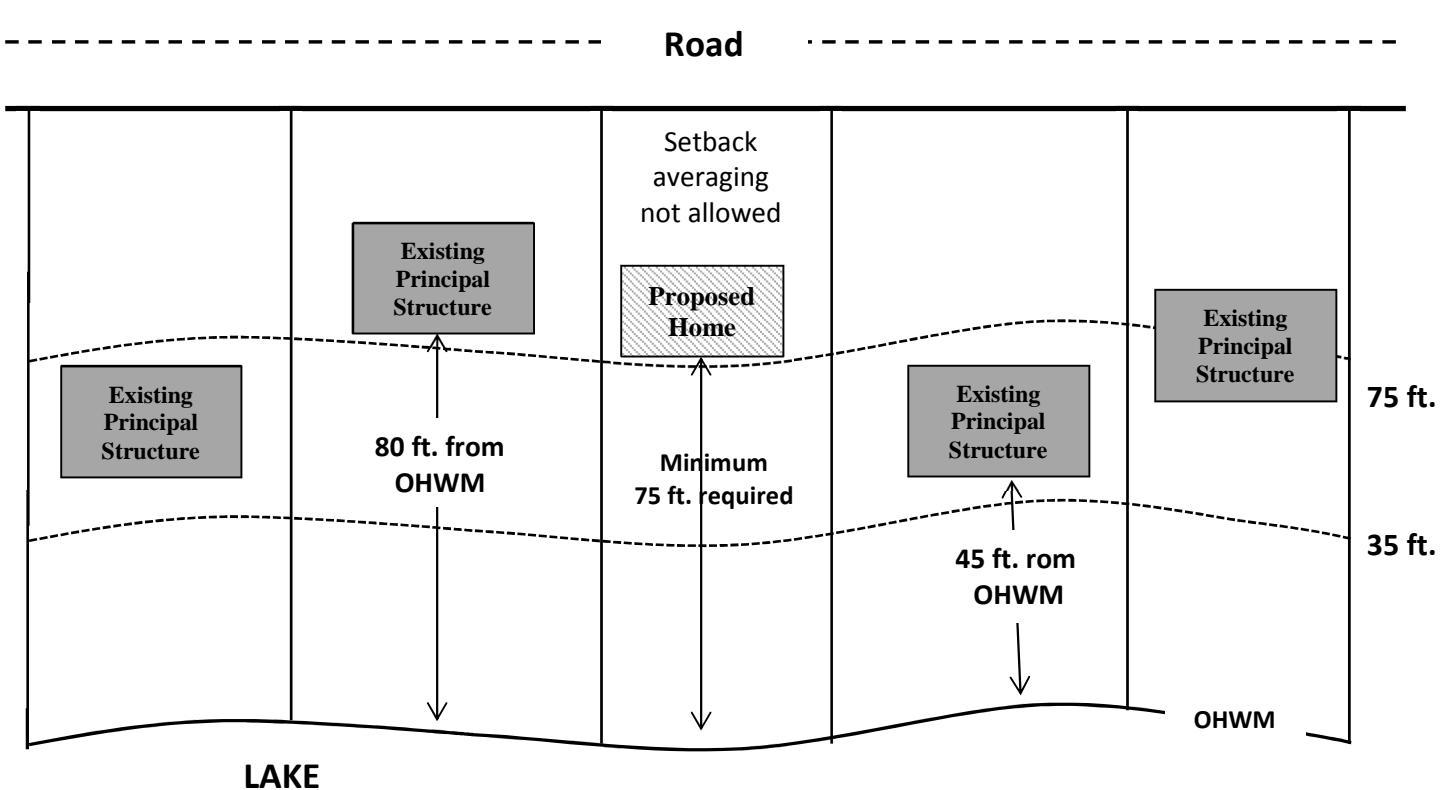
and there is an adjacent vacant lot.



Example of when setback averaging is NOT allowed. Existing development pattern is broken when both adjacent principal structures are greater than 75 ft from OHWM.



Example of when setback averaging is NOT allowed. Existing development pattern is broken when one of the adjacent principal structures are greater than 75 ft from OHWM.



Setback Averaging Handout (Rev. 10-16)



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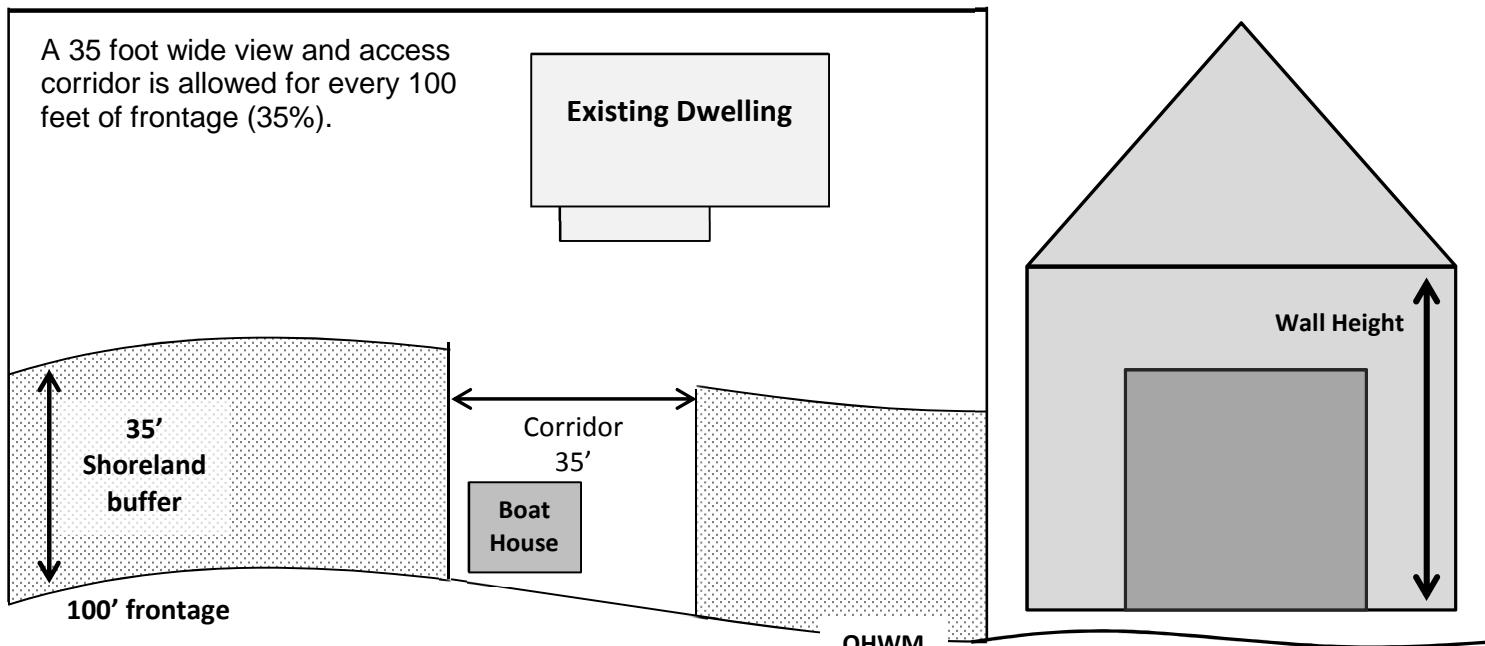
NEW BOATHOUSES

New boathouses may be constructed if they are located completely within the allowable view and access corridor and according to the standards listed below. A land use permit is needed for new boathouses. This handout is intended to summarize regulations, not replace actual ordinances. Please refer to 26.605 (a)(1) of the Shoreland Protection Ordinance for more information.

BOATHOUSE STANDARDS

- The floor/top of footing must be located entirely above the OHWM and conforms to floodplain zoning standards.
- Maximum size of 288 square feet, a max. wall height of 10 feet, main door to face the water.
- Roof pitch must equal or exceed a 4/12 rise to run but not steeper than 6/12 rise to run, not designed or used as decks, observation platforms or other similar uses.
- Placement within 35 ft of shoreland (Shoreland Vegetative Buffer Zone), the boathouse must be completely located within the allowable view and access corridor.
- The boathouse cannot contain plumbing or plumbing fixtures and cannot be used for human habitation
- Designed and constructed solely for the storage of boats and related equipment
- Siding and roofing color schemes must be earth tone and blend with natural landscapes

EXAMPLE:



LEGAL PRE-EXISTING BOATHOUSES

Existing Boathouses may not be expanded but may be repaired or rebuilt provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. If an existing boathouse is to be rebuilt outside of the existing footprint, the standards listed above must be met.

WET BOATHOUSES that are completely below the ordinary high water mark (OHWM) are regulated by Department of Natural Resources (DNR).

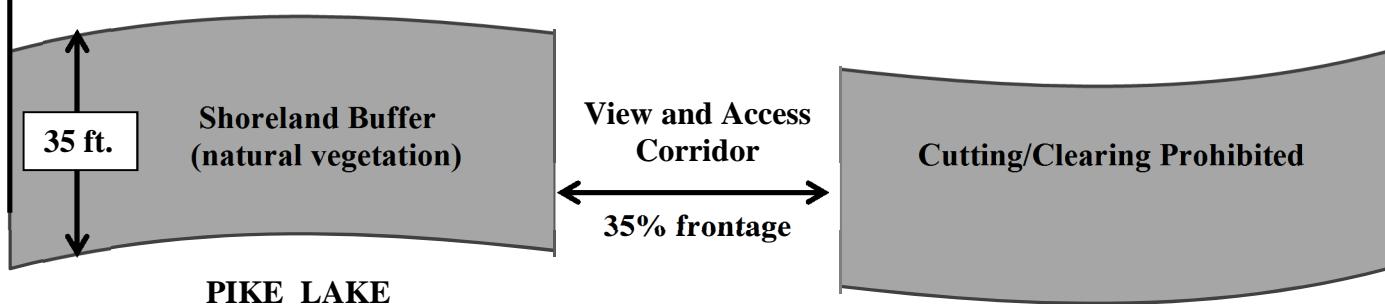


PRESERVATION & REMOVAL OF TREES AND SHRUBS IN THE SHORELAND VEGETATIVE BUFFER ZONE

A Shoreland Vegetative Buffer is the area of protected vegetation along the shoreline extending 35 feet inland. The removal of vegetation is restricted within 35 feet of the Ordinary High Water Mark (OHWM) as stated in county and state shoreland regulations. For further information review s. 26.700

Healthy shoreland buffers are important for the waterway and property values. Buffers are necessary to prevent erosion, protect water quality, preserve fish and wildlife habitat, and natural scenic beauty. Please contact the zoning office for more information if you are planning on clearing vegetation within the shoreland buffer.

Removal of vegetation beyond 35 feet from the waterway is allowed when accomplished using best management practices (BMP's) for forestry and soil conservation. Refer to the DNR publication "Wisconsin's forestry best management practices for water quality" for more information.



View and Access Corridors

- A 35 foot wide view and access corridor is allowed for every 100 feet of frontage (35%)
- The allowable view and access corridor(s) may run contiguous for the entire max. width of frontage owned.
- Soil disturbance such as grubbing stumps and stripping groundcover vegetation is prohibited within 35 feet of the OHWM. Some form of vegetation must be maintained on the ground within the view and access corridor to prevent bank erosion and sedimentation of the waterway. Sand, gravel or rock is not allowed as an alternative to groundcover vegetation in the view and access corridor unless otherwise approved by the zoning office.

IMPERVIOUS SURFACE AREA CALCULATION-OCONTO CO. SHORELAND ORDINANCE

Impervious surface area calculations are required per Section 26.900 of the Oconto County Shoreland Protection Ordinance. The impervious surface standards apply to the construction, reconstruction, expansion, replacement or relocation of ANY impervious surface that is located within 300 feet of the ordinary highwater mark of any navigable lake, pond, flowage or waterway. An impervious surface is an area that releases, as runoff, all or a majority of the precipitation that falls on it. Under the County's Shoreland Ordinance, an IMPERVIOUS SURFACE (AREA) includes all of the following:

- All Buildings/Structures (homes/garages/sheds/etc.)
- Patios constructed with pavers/stone/concrete/blacktop/etc.
- Driveways, Sidewalks, Walkways and Stairways constructed with wood/stone/pavers/gravel/concrete/blacktop/etc.
- Compacted Parking Areas
- Decks and Porches (covered and uncovered)

plus private road surfaces not specifically listed in the Shoreland Ordinance and any other surface/material that is determined by the County Zoning Administrator to be impervious. An impervious surface (area) excludes grassed and/or other vegetated areas, frozen soil, public road surfaces and certain private roads or other surfaces as determined by the County Zoning Administrator.

To complete this worksheet you will need to provide the dimensions and area calculations for ALL impervious surfaces (see description below) on your lot that are located (or to be located) within 300 feet of the ordinary highwater mark (edge of the water) of a navigable lake, pond, flowage or waterway. If additional space is required, please attach separate sheet(s) with the applicable dimensions and area calculations shown.

Property Address: _____ **Parcel #** _____

1 Is any part of your property located within 300 feet of the "water" (i.e., a lake, river or other navigable waterway/waterbody)?

NO, go to line 38. **YES**, go to line 2.

2 Will any part of your proposed construction (impervious surface) project be located within 300 feet the water?

NO, go to line 38. **YES**, go to line 3.

3 Is your property a vacant, undeveloped lot (i.e., no existing impervious surfaces present)?

NO, go to line 4. **YES**, enter "0" (zero) on line 15, then go to line 17.

4 Complete **Table 1: PreConstruction (Existing) Shoreland Impervious Surface Area** (lines 5 thru 15) calculations below.

TABLE 1 PRECONSTRUCTION (EXISTING) SHORELAND IMPERVIOUS SURFACE AREA

- Calculate ONLY for the impervious surface areas of your property that are located "Within the Shoreland" of your lot. **NOTE:** The "Shoreland" area of your property encompasses all of the land area from the water's edge to a point 300 feet landward.
- DO NOT include impervious surface areas that are located "Outside of the Shoreland" (i.e., More than 300 feet from the water).
- Non Riparian Lots- A non-waterfront lot where the parcel boundary extends past 300 ft from the water is not subject to impervious surface standards.

Existing Structure or Surface	Width (ft.)	x	Length (ft.)	=	Area (sq. ft.)	
5 House..... <i>(or other principal structure)...</i>		x		=	5a	
.....		x		=	5b	
.....		x		=	5c	
.....		x		=	5d	
6 Deck.....		x		=	6a	
.....		x		=	6b	
7 Patio (area).....		x		=	7a	
.....		x		=	7b	
8 Porch.....		x		=	8a	
.....		x		=	8b	
9 Garage.....		x		=	9a	
.....		x		=	9b	
10 Shed.....		x		=	10a	
.....		x		=	10b	
.....		x		=	10c	
11 Sidewalk/Stairway (area).....		x		=	11a	
.....		x		=	11b	
12 Driveway (area).....		x		=	12a	
.....		x		=	12b	
13 Compacted parking area.....		x		=	13a	
.....		x		=	13b	
14 Other.....		x		=	14a	
.....		x		=	14b	

15 Add lines 5 thru 14. This is your **PreConstruction (Existing) Impervious Surface Area**.....

15

16 **Required PreConstruction Site Plan:** Attach, to this worksheet, a site plan of your property (either dimensioned or drawn to scale) showing the preconstruction impervious surface areas listed in Table 1 above. Label this set of plans **PreConstruction Impervious Surface Area**.

17 Complete **Table 2: PostConstruction (New & Existing) Shoreland Impervious Surface Area** (lines 18 thru 28) calculations below.

TABLE 2
POSTCONSTRUCTION (NEW & EXISTING) SHORELAND IMPERVIOUS SURFACE AREA

- Calculate **ONLY** for the impervious surface areas of your property that are located *"Within the Shoreland"* of your lot.
NOTE: The "Shoreland" area of your property encompasses all of the land area from the water's edge to a point 300 feet landward.
- **DO NOT** include impervious surface areas that are located *"Outside of the Shoreland"* (i.e., More than 300 feet from the water).
- For a totally new structure or surface (e.g., house, deck, patio, etc.) or for an addition to an existing structure or surface, you must enter/calculate the new width, length and area values for that particular structure/surface or addition in their applicable columns below

New & Existing Structure or Surface	Width (ft.)	x	Length (ft.)	=	Area (sq. ft.)	
18 House..... <i>(or other principal structure).....</i>		x		=		18a
		x		=		18b
		x		=		18c
		x		=		18d
		x		=		18e
		x		=		18f
19 Deck.....		x		=		19a
		x		=		19b
		x		=		19c
		x		=		19d
20 Patio (area).....		x		=		20a
		x		=		20b
		x		=		20c
21 Porch.....		x		=		21a
		x		=		21b
		x		=		21c
22 Garage.....		x		=		22a
		x		=		22b
		x		=		22c
23 Shed.....		x		=		23a
		x		=		23b
		x		=		23c
		x		=		23d
		x		=		23e
24 Sidewalk/Stairway (area).....		x		=		24a
		x		=		24b
		x		=		24c
25 Driveway (area).....		x		=		25a
		x		=		25b
		x		=		25c
26 Compacted parking area.....		x		=		26a
		x		=		26b
		x		=		26c
27 Other.....		x		=		27a
		x		=		27b
		x		=		27c
		x		=		27d

28 Add lines 18 thru 27. This is your **PostConstruction (New & Existing) Impervious Surface Area**..... 28

29 **Required PostConstruction Site Plan:** Attach, to this worksheet, a site plan of your property (either dimensioned or drawn to scale) showing the postconstruction impervious surface areas listed in Table 2 above. Label this set of plans **PostConstruction Impervious Surface Area**.

30 Compare line 28 to line 15.

If Line 28 is less than or equal to line 15, go to line 35.

If line 28 is greater than line 15, go to line 31.

31 Is your property more than 300 feet deep?

NO, go to line 31a. **YES**, go to line 32.

31a Enter the acreage of your property.....

	31a
--	-----

31b Multiply line 31a by 43,560. Go to line 33.....

	31b
--	-----

32 Area of your property (**in square feet**) that is located wholly **within 300 feet** of the water.....

32	
----	--

Don't Know

NOTE: This is the region of your property that encompasses the **land area** (in sq. ft.) from the water's edge to a point 300 feet landward.

If you're unsure or you don't know this square footage (value), leave line 32 **Blank** (*Do not enter zero*),

Also, check the "Don't Know" box on Line 32 above. In order to complete this form, you will need to contact our office [See office contact information below] for assistance. Complete line 33, go to line 38.

33 Multiply line 28 by 100.....

33

34 Divide line 33 by the greater of either line 31b or line 32. This is your **PERCENT IMPERIOUS SURFACE** ⇨ ⇨ ⇨

34

Round to nearest whole number

LINE 34 IS LESS THAN OR EQUAL TO 15 %

Go to line 35.

LINE 34 IS GREATER THAN 15% BUT LESS THAN OR EQUAL TO 30%

Go to line 36.

LINE 34 IS GREATER THAN 30% (HIGHLY DEVELOPED AREAS GREATER THAN 40% SEE SEC. 26.903)

Go to line 37.

35 Your proposed project **complies** with the imperious surface standards of the Oconto County Shoreland Protection Ordinance.

Go to line 38.

36 Your County Shoreland Land Use Permit cannot be issued by this department **Until** the property owner develops, submits, agrees to and records a County-approved **Mitigation Plan** that meets the standards set forth in Section 26.1300 of the Oconto County Shoreland Protection Ordinance **or** provide documentation that the proposed development impervious surfaces are to be treated by devices that will not increase the impervious surfaces existing on the parcel in compliance with Section 26.905 of the Oconto County Shoreland Protection Ordinance.

Go to line 38.

37 Unfortunately, your project exceeds the maximum amount (percent) of impervious surface allowed by the Oconto County Shoreland Protection Ordinance and thus your Shoreland Land Use Permit **Cannot Be Issued** by this department as proposed.

Please contact our office to discuss your options regarding this matter [See office contact information below].

Go to line 38.

38 Sign and date this form and submit this form along with your Shoreland Land Use Permit application (and any other applicable worksheet[s]) to the Oconto County Planning & Zoning Department for review and approval.

Person completing this form (Print) _____	Daytime Phone (_____) _____ - _____
Signature of person completing this form _____ Date _____	

NOTE: THIS FORM/WORKSHEET IS SUBJECT TO REVIEW AND APPROVAL BY THE OCONTO COUNTY PLANNING & ZONING DEPARTMENT.

OFFICE CONTACT INFORMATION

OCONTO COUNTY PLANNING & ZONING DEPARTMENT

301 WASHINGTON STREET

OCONTO, WI 54153

WEBSITE: WWW.CO.OCONTO.WI.US

EMAIL: LWR@CO.OCONTO.WI.US

PHONE: (920) 834-6827 (MONDAY-FRIDAY 8:00AM TO 4:00PM)

FAX: (920) 834-6821



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Shoreland Nonconforming Structures

Chapter 26.1100 Oconto County Shoreland Protection Ordinance

A **Nonconforming structure** is a lawfully placed structure which does not meet the required shoreland setback. The required shoreland setback is 75 feet from the Ordinary High Water Mark (OHWM), unless setback averaging applies to the principal structure. Additions and expansions to a principal structure beyond the 75 ft setback to OHWM are allowed, provided all other ordinance requirements are met.

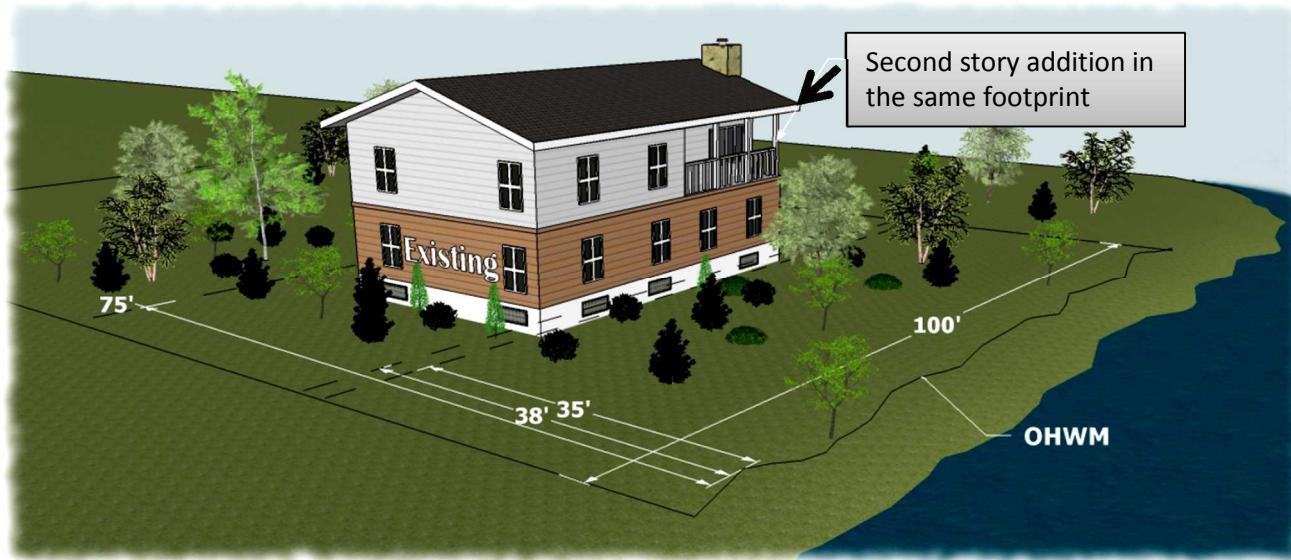


Maintenance, Repair & Replacement

An existing nonconforming principal or accessory structure may be maintained, repaired, replaced, rebuilt or remodeled in the same location. The activity may not expand the footprint of the nonconforming structure, unless the expansion is necessary to comply with other applicable state or federal requirements. (Example- UDC). These activities do not require mitigation. Please contact our office to determine what permits are necessary.

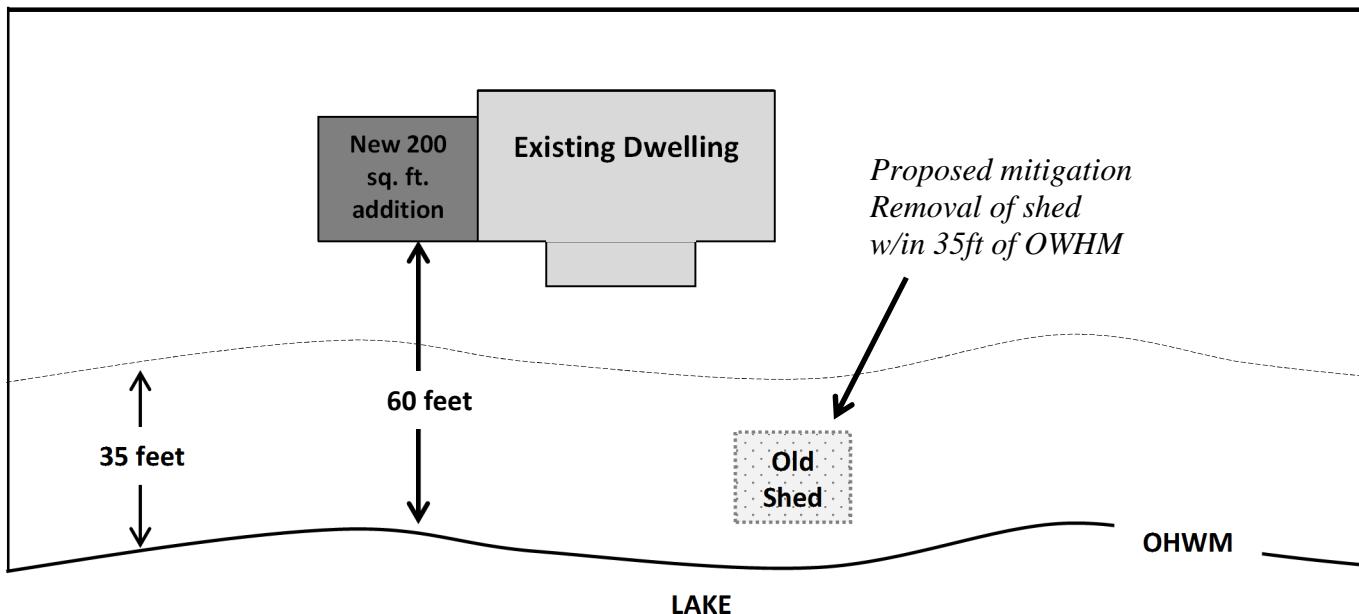
Vertical Expansion

An existing nonconforming principal or accessory structure may be vertically expanded in the same location to a maximum height of 35 feet above grade level. The activity may not expand the footprint of the nonconforming structure, unless necessary to comply with other applicable state or federal requirements. (Example- UDC). Please contact our office to determine what permits are necessary for the vertical expansion of a nonconforming structure.



Lateral Expansion of a Principal Structure within the Shoreland Setback

To permit lateral expansion, the existing principal structure must be located at least 35 feet from the OHWM. The structure may be expanded laterally within the required shoreland setback provided the addition does not exceed 200 square feet in size and it is no closer to the waterway than the existing structure. A one-time lateral expansion is allowed over the life of the structure. (3) Mitigation points are required. Mitigation measures are required to offset the impacts from development close to a waterway. Refer to the Oconto County Mitigation Guidebook for more information on how these mitigation points can be earned. All other setbacks and ordinance provisions must be met. See example below.



Relocation of a Principal Structure within the Shoreland Setback

The existing principal structure must be located at least 35 from the OHWM. The structure may be relocated on the property as long as no portion is closer to the OHWM than the existing structure and the County determines that no other location is available on the property to build a principal structure of equal size that would conform to setbacks. (1) mitigation point is required for this activity. Mitigation measures are required to offset the impacts from development close to a waterway. Refer to the Oconto County Mitigation Guidebook for more information on how these mitigation points can be earned. All other setbacks and ordinance provisions must be met. See example below.

