

Miscellaneous Zoning Matters Summary

The Shoreland Advisory Committee and staff considered a broad range of other miscellaneous zoning and NR 115 issues. The following descriptions summarize various recommended amendments:

AD-10 and RRD-5 District revisions

Remove prime agricultural soils preservation requirements from these density zoning districts but continue to allow for either rural development patterns or clustered developments at 10-acre and 5-acre densities, respectively.

Applicant

Expand definition to allow utility companies to apply for permits when they demonstrate that they hold valid easements or have established prescriptive rights.

Breezeway

In order for a breezeway to be considered an attachment between structures, the following criteria must be met:

- Enclosed on all sides.
- Minimum 8 ft. in width.
- Maximum 20 ft. in length.

Lot Area Regulations

- If a single legal lot of record exists and is split by a road, allow the acreage from both sides of the road to be used for calculating compliance with area regulations.
- If a property owner owns multiple lots of record that are located on opposite sides of the same road, the lots shall be considered separate lots and area regulations shall be administered based upon each individual lot- not the combined acreage of the lots.
- If a property owner owns multiple lots of record that are located on opposite sides of the same road, with the lots being directly opposite one another for at least one-half of road frontage of one of the lots, an accessory structure can be constructed without benefit of a principal residence being present on the same parcel subject to the following requirements:
 - A principal residence must be present on the opposite-side parcel.
 - A CSM that encompasses both parcels shall be recorded. The CSM shall state that the lots may not be sold separately unless the accessory building is removed in the future.
 - Maximum accessory building footprint calculations shall be solely based upon the acreage of the parcel upon which it will be built.

Minimum Building Footprint

Provide provisions that allow Zoning Administrator to administratively approve a building footprint not to exceed 1,100 square feet when application of required offsets and setbacks does not provide an 1,100 s.f. footprint. The Zoning Administrator shall only administratively reduce road setback, floodplain setback and wetland setback in providing such an envelope.

Minimum Floor Area

- *Standardize minimum floor area requirements across all zoning districts to match the existing R-3 District requirements:*

Minimum 1st floor area= 850 square feet

Total floor area= 1,100 square feet

- *Reduce minimum multi-family dwelling unit size requirements as follows:*
 - 1 BR unit = 600 square feet
 - 2BR unit = 700 square feet
 - 3BR unit = 800 square feet
 - Additional 100 square feet for each additional bedroom
 - 2-family dwellings, 850 square feet per unit (1,700 square feet total)

Minimum Lot Size

To comply with recent law changes, the lot size requirements of the Shoreland & Floodland Protection Ordinance (SFPO) are proposed to be inserted in the Shoreland & Floodland Subdivision Control Ordinance and said requirements are proposed to be cross referenced in the SFPO.

North Lake Overlay District

Create overlay district to establish minimum elevation requirements for improvements near North Lake that respect the multiple documented high floods of record that have exceeded the FEMA floodplain elevation.

Planned Unit Developments (PUDs)

- Incorporate NR 115 language that requires minimum PUD size of two acres or 200' of shoreline if lot sizes of off-lake lots are to be reduced below the NR 115 required minimum sizes.
- Add shore buffer requirements if off-lake lots size will be flexed below NR 115 limits.
- Delete references to open space and floor area ratio. Add building footprint and accessory building footprint to the list of standards that can be flexed through the PUD process.

Split jurisdictional parcels

Add language to clarify that the full parcel acreage can be used to demonstrate compliance with area regulations for parcels that are split between County shoreland jurisdiction and town zoning jurisdiction.

Substandard Lots

- Required NR 115 language will be inserted to indicate that adjacent lots substandard to NR 115 lot size requirements cannot be used as separate building sites if one or more buildings has ever extended onto individual lots. In addition, such a substandard lot cannot be built upon if the lot was ever formally combined by deed with a single legal description, subdivision plat, certified survey map or plat of survey (with preparation of new deed).
- Remove existing code provision that prohibits sale of adjacent substandard parcels of record that are owned in common.

Vegetative Cutting

- Increase access/viewing corridor width limits from 30% to 35% of shore frontage and make other minor amendments to incorporate required NR 115 language.

- Clarify that shore cutting is permissible to provide for boathouses, walkways, and view corridors between the lake and house on lots zoned E-C District.
- Add specific permit and plan requirements, including replacement densities. Require 1” dbh replacement trees for removal of dead, diseased, dying trees and 2” dbh for live, healthy trees with exceptions if it is demonstrated that soil conditions, crowding or other site specific conditions warrant the replacement standards impractical.
- Require that removed shrub and groundcover be replaced with native shrub and groundcover densities specified in Wisconsin Biology Technical Note 1: Shoreland Habitat unless site conditions prohibit strict compliance, in which case Staff shall make a determination as to whether the re-planting plan meets the spirit and intent of the ordinance.
- Preservation requirements for certain priority trees according to the following:
 - Qualifying trees are limited to those live, healthy trees of 12” or more dbh that are identified in the ordinance as priority tree species (species list presented at the 4/28/16 SZAC meeting).
 - Trees within a permissible view corridor or that present a safety hazard are exempt from the preservation requirements.
 - Trees within areas zoned EC Environmental Corridor District are not subject to these provisions, as unique code provisions address tree removal in said areas.
 - Priority trees may be cut to accommodate permissible structures, driveways, utilities, septic systems and an affiliated construction disturbance area extending 30’ beyond the proposed improvement. Site grading that complies with other ordinance requirements that necessitates tree removal will also be permitted.
 - Replacement trees must be a minimum of 2” dbh.
 - Area of applicability. The committee recommended that such standards should apply no further than 300’ from the shore.