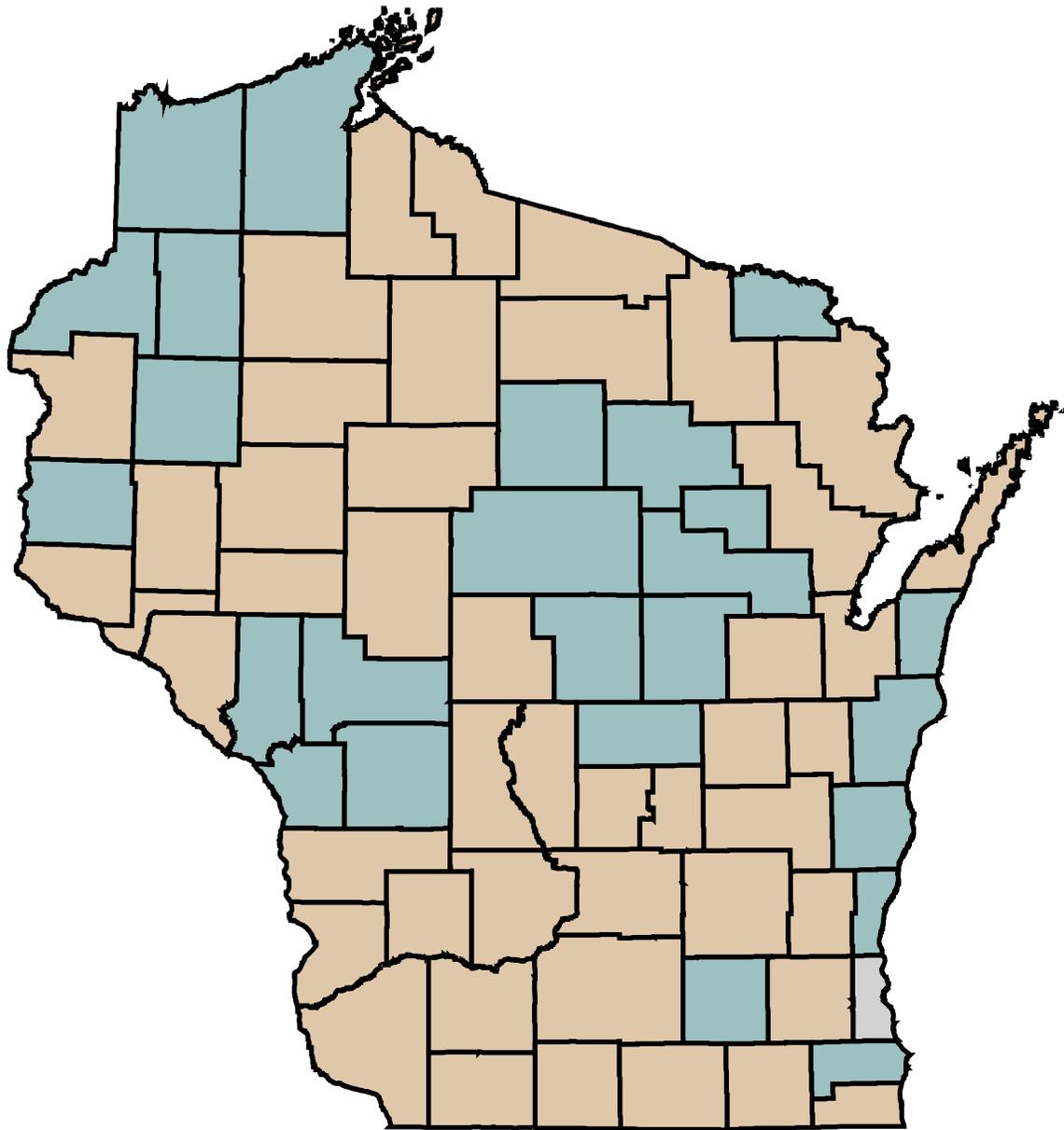


Shoreland Setback Standards



County is not regulated under NR 115.

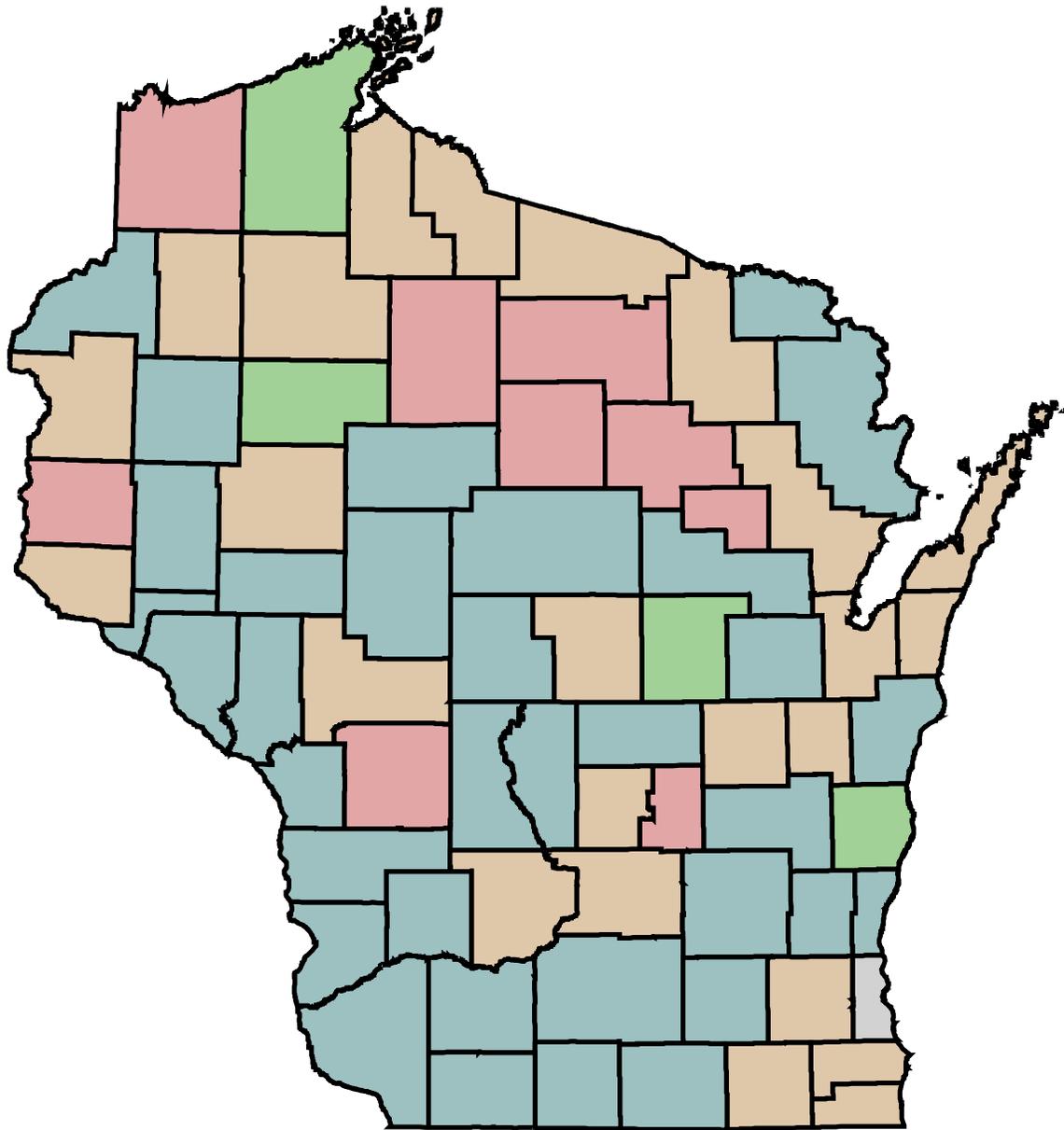


County meets the minimum shoreland setback requirement in NR 115.



County exceeds the minimum shoreland setback requirement in NR 115 on all or some lakes, rivers, and streams.

Shoreland Setback Reduction Standards



-  County is not regulated under NR 115.
-  County uses setback averaging to determine setback reduction, with no minimum setback.
-  County uses setback averaging to determine setback reduction, but requires a minimum setback.
-  County only reduces setbacks for substandard lots to create buildable envelopes by first reducing highway and then shoreland setbacks.
-  County requires a variance for a setback reduction.



For more information, contact Carmen Wagner,
WI DNR, Shoreland Zoning Specialist, 608-266-0061

May 22, 2000
Bureau of Watershed Management

Shoreland Setback Issue Summary

MANAGEMENT RATIONALE

Minimum building setbacks provide a stretch of undeveloped land along the shoreline to be used as a “buffer”. Shoreland buffers protect many facets of lakes and streams including water quality, fish and wildlife habitat and natural scenic beauty as described under Shoreline Vegetation Protection in Chapter 10.

MINIMUM STATEWIDE STANDARDS

Chapter NR 115, Wis. Admin. Code, currently requires all buildings and structures to be setback a minimum of 75 feet from the ordinary high-water mark of navigable lakes, rivers, and streams. Piers, boat hoists, and boathouses may be exempted from this requirement. Additionally, if an existing pattern of development exists with shallower setbacks, the county may allow reduced or averaged setbacks in certain cases.

RELATED RESEARCH

Shoreland buffers resulting from building setbacks protect water quality, fish and wildlife habitat and natural scenic beauty. Research which supports this statement is described in depth in Chapter 10 - Shoreline Vegetation Protection.

MANAGEMENT INITIATIVES - SETBACK DISTANCE

Recognizing of the benefits of deeper shoreline buffers, many counties have increased their minimum setbacks. Portage County, for instance, requires a 100 foot setback from all navigable waters. Counties which use waterbody classification often maintain the minimum 75 foot setback on their most developed lakes, but increase the setback for increasingly sensitive classes of waters. Other counties require deeper setbacks on sensitive resources, such as trout streams.

Since the setback provides the necessary space for shoreline buffers, some counties have directly linked the dimensions of buffers to the required setbacks. Waupaca County defines the shoreline buffer as 25 feet less than the shoreline setback. This approach increases the shoreline buffer size and associated protections while allowing adequate space for heavy construction equipment to operate around the buildings during construction.

MANAGEMENT INITIATIVES - SETBACK REDUCTION

As numerous counties adopt deeper buffer areas for classes of sensitive waters, they concurrently devise methods to allow development of recorded vacant lots that are not deep enough to accommodate the new setbacks. A common approach is to employ a policy known as *setback averaging*. The method consists generally of averaging setbacks of any substandard development on the two lots adjacent to the vacant lot to produce an *averaged* setback for the vacant lot. This *lowest common denominator* approach to buffer protection has been widely criticized by citizens interested in water protection. Consequently, some counties choose to increase the minimum averaged setback up to 75 feet.

A more flexible and site-specific approach requires new structures on substandard lots of record to be set back as far as the lot would accommodate rather than being allowed to encroach on the shoreline as closely as under setback averaging. The new policy, known as the *formula* approach, allows limited reduction first of a roadway or rear yard setback, and then of the shoreline setback, until a 30 foot deep building envelope is established. This approach reduces the need for variances and provides predictable results. It also provides decisions on building permits more rapidly and at reduced cost to property owners and the county. To compensate for reduced shoreline buffers, mitigation measures are usually required where the formula reduction was applied.

MANAGEMENT INITIATIVES - BOATHOUSES

Another step counties have taken is to require a minimum setback for boathouses or prohibit them altogether in the shoreland setback area. This is discussed in more detail in Chapter 7 - Boathouses.

CONSIDERATIONS

- Consider increasing setbacks to allow larger shoreline buffers.
- Determine whether the dimensions of shoreland setbacks and buffers will be directly linked (e.g. shoreline buffer width is 25 feet less than the shoreland setback).
- Choose a method to address reducing setbacks on small lots. Options include: setback averaging, the formula method, and variances.
- If setback averaging is chosen for reducing setbacks, define which buildings will be used to calculate the average, how undeveloped adjacent lots will be figured into the calculated average, and the minimum setback allowed.
- If the formula method is chosen for reducing setbacks, adjust the percentage reductions allowed and the minimum setback allowed.

Abbreviations used in the following table are:

Adj. = Adjacent
Ave. = Average
Bldg. = Building
BOA = Board of Adjustment
Dev't = Development
DU = Dwelling unit
Exc. = Except
Exper. = Experienced
HWM = High water mark
Incl. = Including

Min. = Minimum
NCPS = Nonconforming principal structure
Nonnav. = Nonnavigable
OHWM = Ordinary high water mark
POD = Pattern of development
Prop. = Proposed
PS = Principal structure
Red. = Reduced
Reg. = Regional
Req. = Required
s.f. = Square feet
Struct. = Structure
Undev. = Undeveloped

Shoreland Setback Standards

<i>County</i>	<i>Lake Classification</i>	<i>River Classification</i>	<i>Shoreline Setback</i>	<i>Setback Reduction Rule</i>
Adams	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Min. setback=75', exc. stairs, walks & piers. Patios=35'.	If 5+ bldgs. w/i 500' of proposed bldg. site w/ <75' setbacks, =ave. of closest bldg. on each side or if all on 1 side, =closest bldg. & 75'.
Ashland	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	All permanent struct., exc. piers, setback min. 75' from OHWM.	Min. setback=40'. Reduced setbacks if 1+ bldgs. w/i 200' of prop. bldg. site. Ave=setbacks of existing bldgs. & 75' if it is a vacant lot.
Barron	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Lakes>75 acres=75'. Lakes<75 acres=100'.	Reduced setback=ave. of 2 neighboring structures' (w/i 200') setbacks or ave. of 1 bldg. & 75'. Setback may be reduced also if ridge blocks view.
Bayfield	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Min. setback=75'. Trout streams=100'. Lake Superior varies.	If substandard lot, first reduce roadway max. of 1/2 req. setback & then reduce shoreland max. 1/3 of req. setback & create a 30' deep bldg. site.
Brown	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Setback=75', incl. decks, gazebos, & screen houses.	Min. 40' setback. Ave=ave. setback of nearest bldgs. w/i 300' on either side, or if only 1 bldg., its setback & 75'.
Buffalo	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Setback=75'	Reduced setbacks if 1+ bldgs. w/i 200' of prop. bldg. site. Ave=setbacks of existing bldgs. on each side or 75' if it is a vacant lot.
Burnett	Class 1, 2, & 3	Rivers & Streams (same as 3)	1 & 2=75' 3=100'	When existing principal bldgs. w/i 100' of proposed bldg. site (inc. additions) do not conform - averaging may be allowed w/ a min. 75' setback.
Calumet	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Setback=75' exc. piers, boathouses, boat hoists, & stairs.	Min. 50' setback. Ave=ave. setback of nearest bldgs. w/i 200' on either side, or if only 1 bldg., its setback & 75'.
Chippewa	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Setback=75'	Min. 50' setback. Reduced setbacks if 3+ bldgs. w/i 200' of prop. bldg. site. Ave=setbacks of existing bldgs. on each side or 75' if a vacant lot.
Clark	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Setback=75' except for piers, boat hoists, & boathouses.	If 5+ main bldgs. w/i 500' of proposed bldg. site w/ <75' setbacks, =ave. of closest bldg. on each side OR if all on 1 side, =closest bldg. & 75'.
Columbia	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Setback=75'	Min. 50' setback. Reduced setbacks if 1+ bldgs. w/i 200' of prop. bldg. site. Ave=setbacks of existing bldgs. on each side or 75' if a vacant lot.

County	Lake Classification	River Classification	Shoreline Setback	Setback Reduction Rule
Crawford	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Setback=75'	Reduced setbacks if 1+ bldgs. w/i 200' of prop. bldg. site. Ave=setbacks of existing bldgs. on each side or 75' if it is a vacant lot.
Dane	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	All PS & struct., exc. piers, boat hoists & boathouses min. 75'.	Reduced setbacks if 1+ bldgs. w/i 200' of prop. bldg. site. Ave=setbacks of existing bldgs. on each side or 75' on vacant lots.
Dodge	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Setback=75' except for piers, boat hoists, & boathouses.	If 5+ bldgs. w/i 500' of proposed bldg. site w/ <75' setbacks, =ave. of closest bldg. on each side OR if all on 1 side, =closest bldg. & 75'.
Door	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Setback=75' exc. for stairs, boathouses, 1 mailbox, piers, etc.	Min. 40' setback. Ave=ave. setback of nearest bldgs. w/i 100' on either side, or if only 1 bldg., its setback & 75'.
Douglas	Class 1, 2, 3 & Wild Lakes (WL)	Rivers & Streams (same as 3)	1=75' 2=100' 3=125' Brule, St. Croix & Eau Claire Rivers=200' WL=175'	No setback averaging. Reduced setback req. a variance.
Dunn	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	All structures, including decks, shall be setback 75' from OHWM.	Where POD has <75' setback & adjoining NCPS w/i 200', average = NCPS setback & 75' OR if NCPS on both sides, setback = aver. setback of NCPS.
Eau Claire	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Setback=75'	Dwelling Unit may be w/i setback, if reduced setback=ave. of setbacks of DU on adj. lots or =ave. of DU on 1 side & 75' for vacant lot.
Florence	Not utilized in county's shoreland zoning ordinance.	Wild Rivers Zone, i.e. Pine & Popple River (WR)	Sewered & Unsewered=75'. WR=150'.	If POD w/ NCPS <75' from OHWM & 1 bldg. w/i 200' site, setback=ave. of NCPS setback & 75'. If NCPS on 2 sides w/i 200', setback=ave. of NCPS setback.
Fond du La	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Setback=75'	Reduced setbacks if 1+ bldgs. w/i 200' of prop. bldg. site. Ave=setbacks of existing bldgs. on each side or 75' if it is a vacant lot.
Forest	Lakes over 50 acres (L>50) & Lakes 50 acres or less (L<50)	Flowages, Rivers & Streams = L<50	L>50 & L<50 = 75' from OHWM.	Min. 40' red. setback. Red. setbacks for additions only & req. 5+ bldgs. w/i 500' of bldg. site. Ave.=setback of PS on each side or if vacant 75'.
Grant	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Setback=75', exc. piers, boat hoists, boathouses, & open fences.	Reduced setbacks if 1+ bldgs. w/i 200' of prop. bldg. site. Ave=setbacks of existing bldgs. on each side or 75' if it is a vacant lot.
Green	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Setback=75, exc. for piers, boat hoists & boathouses	Reduced setbacks if 1+ bldgs. w/i 200' of prop. bldg. site. Ave=setbacks of existing bldgs. & 75' on vacant lots.
Green Lake	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	All bldgs. & struct., exc. piers, boat hoists & open fences=75'.	Not addressed in county's shoreland zoning ordinance.

County	Lake Classification	River Classification	Shoreline Setback	Setback Reduction Rule
Iowa	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Setback=75', exc. piers, boat hoists, boathouses & open fences.	Reduced setbacks if 1+ bldgs. w/i 200' of prop. bldg. site. Ave=setbacks of existing bldgs. & 75' on vacant lots.
Iron	Lake Class 1 & 2	Rivers & Streams (same as 2)	1 & 2=75'	Min. 40' setback. Average=average setback of NCPS w/i 500'.
Jackson	Not utilized in county's shoreland zoning ordinance.	All lots on Black River from STH 54 downstream to county line =BR	S & U=75' BR=greater of 100' from OHWM or 25' from bluffline	Min. 40' setback. Ave=ave. setback of nearest bldgs. w/i 200' on either side, or if only 1 bldg. & 75'.
Jefferson	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Setback=75' from normal HWM & min. 2' above regional flood elev.	Reduced setbacks if 5+ bldgs. w/i 500' of prop. bldg. site. Ave=setbacks of bldgs. on each side & 75' if it is a vacant lot.
Juneau	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	75'=all bldgs. & struct., exc. piers, boat hoists, & boathouses.	Reduced setbacks if 1+ bldgs. w/i 600' of prop. bldg. site. Ave=setbacks of existing bldgs. & 75' on vacant lots.
Kenosha	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Shoreyard not less than 75' from OHWM of stream, lake or wetland.	Min. 50' setback. Average=existing shore yards of abutting structures on each side.
Kewaunee	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	75' exc. on L. Michigan if bluff >10' tall, setback=125'.	Min. 40' setback. Ave=ave. setback of nearest bldgs. w/i 200' on either side, or if only 1 bldg. & 75'.
La Crosse	Not utilized in county's shoreland zoning ordinance.	All lots on Black River from north county line south to HWY 35=BR	S & U=75' BR=greater of 100' from OHWM or 25' from bluffline	Reduced setback by ZA if 1+ PS on either side of lot w/i 150' with lesser setbacks. Average=setbacks on either side or 75' if it is a vacant lot.
Lafayette	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Setback=75', exc. piers, boat hoists, boathouses, & open fences.	Reduced setbacks if 1+ bldgs. w/i 200' of prop. bldg. site. Ave=setbacks of existing bldgs. & 75' if it is a vacant lot.
Langlade	1=sensitive 2=less sensitive 3=mostly developed	1 = sensitive 2 = less sensitive	1=125' 2=100' 3=75' Nonnav. streams & drainageways=15'	No setback averaging allowed.
Lincoln	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Setback=75' from OHWM & 2' above exper. high water elevation.	Reduced shoreline setback must be permitted by BOA.
Manitowoc	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	75', exc. when shore is receding and/or bluffs rise 10'+ in 25'.	Board may establish a setback <75' where dev't pattern exists & existing PS on adj. lots w/i 300' are set back <75'.
Marathon	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	75' from OHWM, 2' above exper. high water mark & 1' above reg. flood.	Reduced setback if adj. lots have PS w/i 100' of prop. bldg. site. Setback=ave. of existing bldgs. Setbacks (min. 25') or 75' on vacant lots.
Marinette	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Min. setback=75' from OHWM of navigable waters.	Reduced setbacks if 1+ bldgs. w/i 200' of prop. bldg. site. Ave=setbacks of existing bldgs. & 75' if it is a vacant lot.

County	Lake Classification	River Classification	Shoreline Setback	Setback Reduction Rule
Marquette	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Setback=75' from OHWM & wetlands on lots that abut nav. waters.	Min. 50' setback. Reduced setback if POD exists & average=setbacks of adjoining properties or 2 nearest developed properties w/i 500'.
Menominee	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Setback=75' from OHWM of navigable waters, exc. Legend Lake=100'.	Must be applied through BOA.
Monroe	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Setback=75' from OHWM & 2' above experience high water elevation.	Must apply for variance for reduced shoreland setbacks.
Oconto	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Min. setback=75' from OHWM.	Min. 40' setback. Ave.=(setbacks of NCPS w/i 200') + 75'. Reduce w/ ave. only if req. setback can't be met w/o ave. & no ave. if adj. lot vacant.
Oneida	Class I=<50 acres Class II=>50 acres	Class II=All rivers & streams	Minimum setback = 75'	Placement of a structure less than 75' from OHWM is not allowed based on an existing pattern of development.
Outagamie	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Minimum setback = 75'	Reduced setbacks if 1+ bldgs. w/i 200' of prop. bldg. site. Ave=setbacks of existing bldgs. & 75' if it is a vacant lot.
Ozaukee	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Min. setback=75' & a greater setback on L. Michigan bluffs.	Reduced setbacks if 1+ bldgs. w/i 200' of prop. bldg. site. Ave=setbacks of existing bldgs. & 75' if it is a vacant lot.
Pepin	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Min. setback=75' from OHWM of navigable waters.	Reduced setbacks if 1+ bldgs. w/i 200' of prop. bldg. site. Ave=setbacks of existing bldgs. & 75' if it is a vacant lot.
Pierce	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Required setback from all navigable water is 75' from OHWM.	Min. 40' setback. Reduced setback=average setback of PS on each side w/i 100', or adj. PS & 75' on vacant lot.
Polk	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Setback=75' exc. for piers, boathouses & boat hoists.	Min. setback=40'. Reduced setbacks if 1+ bldgs. w/i 200' of prop. bldg. site. Ave=setbacks of existing bldgs. & 75' if it is a vacant lot.
Portage	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Minimum setback=100' from OHWM of navigable waters.	Min. setback=65'. Reduced setbacks if 1+ bldgs. w/i 200' of prop. bldg. site. Ave=setbacks of existing bldgs. & 100' if it is a vacant lot.
Price	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Minimum setback=75' from OHWM.	Reduced setback may be granted by BOA.
Racine	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Min. setback=75' from OHWM or Struct. Setback overlay on L. MI.	Min. setback=50'. Average=shore yards existing on abutting properties w/i 100' of site.
Richland	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Min. 75' from OHWM, exc. piers, boat hoists & boathouses.	Reduced setbacks if 1+ bldgs. w/i 200' of prop. bldg. site. Ave=setbacks of existing bldgs. & 75' if it is a vacant lot.

County	Lake Classification	River Classification	Shoreline Setback	Setback Reduction Rule
Rock	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Min. 75' from OHWM, exc. piers, docks, boathouses & boat hoists.	Reduced setbacks if 1+ bldgs. w/i 200' of prop. bldg. site. Ave=setbacks of existing bldgs. & 75' if it is a vacant lot.
Rusk	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Minimum setback = 75'.	Shoreland setback last dimensional standard to be varied & only to extent necessary & only once for a specific structure.
St. Croix	Not utilized in county's shoreland zoning ordinance.	St. Croix River Valley District (SC)	75' from & 2' above normal HWM. SC=200' OHWM & 100' bluffline.	BOA may grant setback variance in SC district if physical hardship exists, not economic or other & no change in shore's natural appearance results.
Sauk	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Min. setback=75' from OHWM.	Min. setback=50'. Reduced setbacks if 3+ bldgs. w/i 250' of prop. bldg. site. Ave=setbacks of existing bldgs. & 75' if it is a vacant lot.
Sawyer	1, 2 & 3	Rivers & Streams (same as 2)	1, 2 & 3 = 75'	Reduced setbacks if 1+ bldgs. w/i 200' of prop. bldg. site. Ave=setbacks of existing bldgs. (min. 40') & 75' if it is a vacant lot.
Shawano	White Lake Protection District (WL)	Not utilized in county's shoreland zoning ordinance.	75' from OHWM. WL lots >300' wide=100' & lots<300' wide=150'.	Reduced setback if 1+ principal bldgs. w/i 250' of bldg. site. Ave=setbacks of existing principal bldgs. & 75' if a vacant lot. WL=no averaging.
Sheboygan	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Inland=75'. L. MI=100' (225' for PS - City of Sheboygan north)	A reduced setback for new construction will require going through the variance process.
Taylor	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	75' from OHWM of all navigable waters.	Reduced setbacks if 1+ bldgs. w/i 400' of prop. bldg. site. Ave=setbacks of existing bldgs. on each side or 75' if it is a vacant lot.
Trempealea	Not utilized in county's shoreland zoning ordinance.	Black River from Jackson Cty line to STH 93 = BR	BR=greater of 100' from OHWM or 25' from bluffline. Others=75'	Reduced setbacks if 1+ bldgs. w/i 200' of prop. bldg. site. Ave=setbacks of existing bldgs. on each side or 75' if it is a vacant lot.
Vernon	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	75' from OHWM of all navigable waters.	Reduced setbacks if 1+ bldgs. w/i 200' of prop. bldg. site. Ave=setbacks of existing bldgs. on each side or 75' if it is a vacant lot.
Vilas	Matrix based on sensitivity to & current level of development	Class I=1 Class II=2	75' for all new buildings & structures	Min. setback=50'. Reduced setback if req. roadway & OHWM setback don't allow 30' deep bldg. envelope w/ first reducing roadway and then OHWM setback.
Walworth	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	75' exc. piers, boat hoists, open fences, boathouse, & patios.	Min. setback=40'. Setback may be reduced to average of shoreyards of PS existing on abutting properties w/i 100' of subject site.
Washburn	1, 2 & 3	Rivers & Streams (same as 3)	1=75' 2=100' 3=100' on lakes & 125' on streams & rivers.	Min. setback=75'. If PS on adjoining lots are min. 750 s.f., may be reduced to ave. setback of adjoining PS.

County	Lake Classification	River Classification	Shoreline Setback	Setback Reduction Rule
Washington	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	75' from OHWM of all navigable waters.	Reduced setbacks if 1+ bldgs. w/i 200' of prop. bldg. site. Ave.=setbacks of existing bldgs. on each side or 75' if it is a vacant lot.
Waukesha	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	75' from OHWM, 100 yr. Flood or wetland district.	Min. 25' setback. Average rule varies w/ number of bldgs. involved & distances.
Waupaca	Group 1, 2, & 3 Lakes	River and Stream (R/S) & Trout Streams (T)	1=300' 2=100' 3=75' R/S=100' T=125'	NC undevel. lots can have reduced OHWM setbacks, if reduction of highway setback doesn't allow a 30' deep bldg. site. Req. mitigation.
Waushara	Not utilized in county's shoreland zoning ordinance.	Class I, II & III Trout Streams	Setback=75' exc. Class I, II & III trout streams=100' from OHWM.	Reduced setbacks if 1+ bldgs. w/i 200' of prop. bldg. site, exc. on trout streams. Ave.=setbacks of existing bldgs. on each side or 75' on vacant lots.
Winnebago	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Setback=75' except for boathouses.	Min. setback=50'. May be reduced to ave. of existing shore yards of abutting structures on each side.
Wood	Not utilized in county's shoreland zoning ordinance.	Not utilized in county's shoreland zoning ordinance.	Setback=75' from OHWM of surface waters.	Reduced setback if 1+ bldgs. w/i 200' of site & w/i shoreland setback (not from ave.). Ave.=adj. bldg. setbacks on each side & 75' if a vacant lot.

Shoreland Setback Ordinance Language

BAYFIELD COUNTY

17.07 **SETBACK** All setbacks shall be measured horizontally. Structural setbacks shall be measured from the furthest extension of the structure including eaves and decks towards the line in question.

(1) REDUCED ROADWAY, REAR YARD, AND SHORELINE SETBACKS FOR UNDEVELOPED AND REDEVELOPED LOTS OF RECORD.

- (a) If a lot platted prior to (the effective date of this amendment) is not deep enough to accommodate required roadway or rear yard and shoreline setbacks, the roadway or rear yard setback may be reduced until a 30-foot deep building site is established provided the resulting setback is not less than one half (1/2) the distance of the required setback. In such case, in order to avoid visual and other obstructions, no garage doorway may open toward and no parking area may be located in the reduced roadway setback area.
- (b) If the roadway or rear yard setback reduction above does not provide a 30 foot deep building site, the shoreline setback may then be reduced until a 30 foot deep building site is established provided the resulting shoreline setback is not less than 2/3 of the distance of the required setback.
- (c) A property owner shall comply with the mitigation requirements of Section 17.15 (5) (a) in order to qualify for the setback reductions of this section.
- (d) Lake Superior. A greater setback shall be required from the ordinary high water mark of Lake Superior for areas of active or potential erosion designated on a map titled Erosion Hazard Areas – Bayfield County. Such setback shall be determined by the Zoning Committee or its duly delegated agent, based on projected shoreline recession rates.
- (e) Trout Streams. On a Class I, II, & III Trout Stream, as defined in the Department of Natural Resources publication Wisconsin Trout Streams, a minimum setback of 100' shall be required.

KENOSHA COUNTY

SHORE YARD

A yard extending across the full width or depth of a lot, the depth of which shall be the minimum horizontal distance between a line intersecting both side lot lines at the same angle and containing the point of the ordinary high water mark of a pond, stream, lake or

wetland nearest the principal structure and a line parallel thereto containing the point of the principal structure nearest the high-water line. (11/5/86)

12.27-3

AVERAGE STREET YARDS AND SHORE YARDS

The required street yards may be decreased in any residential or business districts to the average of the existing street yards of the abutting structures on each side, but in no case less than fifteen (15) feet in any residential district. The required shore yards may be decreased in any shoreland jurisdictional area to the average of the existing shore yards of the abutting structures on each side, but in no case less than fifty (50) feet.

LANGLADE COUNTY

17.30 (5) SHORELINE, DRAINAGEWAY AND WETLAND SETBACKS.

(a) All buildings and structures shall be set back at least 75 feet from the ordinary high water mark of navigable waters. Such setback shall be measured from the most waterward projection of a structure to all points along the ordinary highwater mark. The following structures are exempted from shoreline, drainageway and wetland setback requirements:

1. Shoreline protection structures permitted by the Department of Natural Resources;
2. Piers;
3. Boathouses constructed in compliance with Section 17.30 (7);
4. Elevated pedestrian walkways essential to access the shore because of steep slopes or wet soils and which comply with the provisions of Section 17.30 (6) (b); and
5. Erosion control structures designed to remedy significant, existing erosion that cannot otherwise be controlled provided the design of the structure is approved by the Land Records and Regulation Department.

(b) All buildings and structures shall be set back at least 15 feet from the highwater mark of nonnavigable streams and drainageways. Roadways, recreational trails and pedestrian walkways shall be permitted to cross nonnavigable streams and drainageways provided such construction allows for the free passage of waters and that runoff is controlled so as to prevent erosion and transport of sediment and pollutants to nearby waters. The highwater mark is that point up to which the presence and action of surface water is so continuous as to leave a distinctive mark by erosion, destruction or

prevention of terrestrial vegetation, dominance of aquatic vegetation, or other easily recognized characteristics.

OCONTO COUNTY

14.410

3. There shall be a 75 foot setback established along the ordinary high-water mark of all navigable water bodies as described in section 14.505.

4. Front (road) setbacks and water front setbacks may be reduced on the approval of the zoning administrator where there are principal buildings already located on adjoining lots, where such buildings are within 200 feet of a common lot line and where such buildings are located closer to the road or water body than the present ordinance would allow. However, in no case may averaging reduce the setback below 40 feet, and averaging may only be used if the required setback can not be achieved without the use of averaging. The administrator shall add the actual setback of non-conforming neighboring principal structures plus the required setback and divide by the number of items added to calculate the reduced setback line for the subject property. Where there is only one neighboring principal structure, averaging can not take place. Measurement is to be done from the nearest straight bearing wall to the setback line in question. Averaging can not be done using decks, patios, or any similar objects, or using accessory structures.

RUSK COUNTY

5.0 SETBACKS FROM THE WATER. The 75-foot setback requirement under Section 5.1 of this zoning ordinance shall be the absolute last dimensional standard to be varied and then only to the extent absolutely necessary and then only once for a specific structure.

5.1 (a) LOTS THAT ABUT ON NAVIGABLE WATERS. All buildings and structures, temporary or permanent, including but not limited to satellite dishes and antennas, docks, above-ground fuel tanks, ice shacks, recreational vehicles such as motor homes, campers, trailers, mobile homes and pickups with toppers, and gazebos (except stairways, walkways and piers which meet the standards in Section 5.3 of this Ordinance, boat hoists, boathouses, and open fences which may require a lesser setback) shall be setback at least 75 feet from the ordinary highwater mark; Section 10.19 applies.

5.1 (b) Any second or subsequent accessory building shall be set back 150 feet from the ordinary high water mark. Structures under 200 square feet shall not be required to meet this set back.

Shoreland Setback Resources

PRESENTATIONS

Setback Averaging and the Formula Approach. (Unknown, 2000). PowerPoint presentation illustrates two approaches to reducing shoreland setbacks for small lots. Available from the Land Use Education Center, College of Natural Resources, University of Wisconsin – Stevens Point, 1900 Franklin Street, Stevens Point, WI, 54481 or by phoning (715) 346-3879.

EDUCATIONAL MATERIALS

Formula approach for reduced shoreland setbacks. (1 pp., 2000). Handout illustrates the formula approach that many counties have adopted. Available from the Land Use Education Center, College of Natural Resources, University of Wisconsin – Stevens Point, 1900 Franklin Street, Stevens Point, WI, 54481 or by phoning (715) 346-3879.

Guiding Lakeshore Development through Lot Size and Side Yard Standards (2 pp., February 1999). Fact sheet explains the link between lot sizes and shoreland buffer functions. Available from Wisconsin Association of Lakes, (800) 542-5253 or UWEX, Stevens Point at (715) 346-2116. Ask for fact sheet #13 of the Shoreland Management and Lake Classification Series.

Lakeshore Development . . . It All Adds Up! (2 pp., February 1999). Explains how lakeshore development impacts lakes. Available from Wisconsin Association of Lakes, (800) 542-5253 or UWEX, Stevens Point at (715) 346-2116. Ask for fact sheet #12 of the Shoreland Management and Lake Classification Series.

Shoreline Buffer Zones and Setbacks. (2 pp., February 1999). Fact sheet illustrates the link between shoreland buffers and setbacks. Available from Wisconsin Association of Lakes, (800) 542-5253 or UWEX, Stevens Point at (715) 346-2116. Ask for fact sheet #5 of the Shoreland Management and Lake Classification Series.