

Amendatory Ordinance No. 10-0718

To the Honorable Iowa County Board of Supervisors:

Whereas, the Wisconsin Legislature enacted 2017 Wisconsin Act 68 effective November 27, 2017 relating, in part, to the regulation of nonconforming structures in a shoreland zoning area under §59.692 WI Stats.;

Whereas, said Act prohibits a shoreland zoning ordinance from requiring any approval or to impose a fee or mitigation requirement for, or otherwise prohibits or regulates, the maintenance, repair, replacement, restoration, rebuilding or remodeling of all or any part of any of the following if the activity does not expand the footprint of the structure:

- a. A nonconforming structure.
- b. A structure on which any part is legally located in the shoreland setback area by operation of a variance granted before July 13, 2015.;

Whereas, as a result of said Act, the Iowa County Shoreland Protection Ordinance was deemed to require revision in order to be consistent with this new State law;

Whereas, after holding several working meetings, the Iowa County Planning & Zoning Committee held a public hearing on April 26, 2018 on proposed revisions to said ordinance and took action to recommend adoption by the Iowa County Board of Supervisors.

Now Therefore Be It Resolved that Section 11.2 and Section 12.0 of the Iowa County Shoreland Protection Ordinance be revised as shown in Appendix A.

Respectfully submitted by the Iowa County Planning & Zoning Committee.

I, the undersigned Iowa County Clerk, hereby certify that this Amendatory Ordinance was X approved as recommended: _____ approved with amendment: _____ denied as recommended; _____ rereferred to the Iowa County Planning & Zoning Committee by the Iowa County Board of Supervisors on **July 24, 2018**. The effective date of this ordinance shall be **July 24, 2018**.


Greg Klusendorf
Iowa County Clerk

Date: 7/25/18

Appendix A

Revisions to the Iowa County Shoreland Protection Ordinance as follows:

11.2 MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF NONCONFORMING STRUCTURES.

(s. 59.692(1k)(a)2,4 and (b), Stats) An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled without a permit, approval, fee or mitigation requirement if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Before any maintenance, repair, replacement, restoration, rebuilding or remodeling of a nonconforming structure commences, the owner is responsible to notify the County zoning agency to ensure the planned project is consistent with this section. It shall be the responsibility of the owner of the affected structure or structures to provide any necessary evidence to verify the alleged lawful nonconforming status.

12.0 MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE. (s. 59.692(1k)(a)2. and (a)4.)

A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled without permit, approval, fee or mitigation requirement if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.