

Existing Structures Located Within 75 feet of the OHWM

Background: Structures that are located closer than the 75 foot ordinary high water mark setback have the greatest potential impact on water quality for a lake or river. Runoff from those structures quickly carries nutrients and sediment into the water body, with very little shoreland buffer area to help filter contaminants out. Scenic degradation occurs when the limited vegetation that exists, is removed. Expansion of those non-conforming structures increases the extent of those negative impacts, and so the ordinance provides limited lateral expansion for the portion of structures within the 75 foot setback. Where structures are located closer than 35 feet to the OHWM, only vertical expansions are allowed. For structures overlapping the 75 foot setback; rearward expansions beyond 75 feet would be allowed in addition to the lateral addition. Rearward expansions still increase the impervious surface area and generate increased runoff, but they minimize land disturbance between the structure and the water. An increase in impervious surface area may trigger required mitigation to proportionately offset the impacts of the additional impervious surface area. In some situations, a reduced setback may apply.

Vertical expansions are allowed to a height no taller than 35 feet when measured from lowest adjacent grade to the highest point of the structure. Height increases close to the water cause greater aesthetic intrusion and often require increased foundation support for the additional weight load, so vertical expansions should be carefully considered.

In situations where individuals are planning to convert a small seasonal cabin into a larger, year-round home, there are far less limitations if the structure is moved back to the 75 foot OHWM setback.

Maintenance, repair, replacement of legal, existing non-conforming structures

An existing structure that was lawfully placed when constructed but that does not meet required shoreland setbacks may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint.

- County permitting is required.
- Vertical expansion is allowed to a maximum height of 35 feet from the highest point of the structure to the lowest adjacent grade

Expansion beyond the 75 foot OHWM setback

Horizontal (lateral), landward, or vertical expansion are allowed, but must meet structure setback requirements per current shoreland ordinance provisions.

- Impervious surfaces provisions of sec. 55-51 apply
- A reduced setback may apply based on a pattern of development.

Lateral expansion allowances (35' to 75') – mitigation is required

- 200 square foot lateral expansion over the life of the structure.
- Existing principal structure is at least 35 feet from the ordinary high-water mark.
- No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- Impervious surfaces provisions of sec. 55-51 apply

