

**Village of Lake Nebagamon, Douglas County, Wisconsin
Amendment to the Municipal Code**

Chapter 9, §4.4 entitled "SHORELAND REGULATIONS" and Chapter 9, §18.5 entitled "SETBACKS FROM THE WATER" of the Municipal Code of Village of Lake Nebagamon are hereby repealed, amended and recreated to provide as follows:

4.4 SETBACKS FROM THE WATER & LAKE ACCESS

18.5 SETBACKS FROM THE WATER & LAKE ACCESS

5.1 Setback of Structures

1. Lots that abut on navigable waters shall be subject to Section 3.12 of this code and these additional regulations shall apply:

A) All setback measurements will be made from the high water mark to the structure's dripline nearest the water.

B) The Zoning Commission, with the advice of the Wisconsin Department of Natural Resources, shall determine the normal high water line where not already established.

C) Except where exempt, see (D), a setback of 75 feet from the water to a building or fixed structure will be maintained. Where an existing development pattern exists, the shoreland setback for a proposed principal structure may be reduced to the average shoreland setback of the principal structure on each adjacent lot, but the shoreland setback may not be reduced to less than 35 feet from the ordinary high-water mark of any navigable waters.

D) Exempt structures include:

1) Boathouses meeting the following criteria:

- Structure used for the storage of boats and related equipment, not for habitation.
- Structure not to exceed 180 square feet in total size, measured from the dripline, and be no more than 10 feet in height.
- Setback from the high water mark shall be a minimum of 2 feet and a maximum of 20 feet, measured from the dripline nearest the water.
- Will not be permitted on a slope exceeding 20% incline.
- One boathouse is allowed per parcel as an accessory to an existing principal structure.
- A Land Use permit is required for construction.

2) Gazebos and unattached screen houses meeting the following criteria:

- Structure used for sitting, viewing and/or dining, not for habitation.
 - Structure not to exceed 180 square feet in total size, measured from the dripline, and be no more than 10 feet in height.
 - Setback from the high water mark shall be a minimum of 35 feet, measured from dripline nearest the water.
- E) Piers, wharves, and where permitted, removable boat shelters, may be placed by riparian owners in accordance with the Wisconsin Administrative Code NR 326, provided:
- 1) Placement is limited to no more than two berths for the first 50 feet of shoreline and one berth for each additional 50 feet of shoreline under common ownership.
 - 2) All berths on a lot shall be located at a single site.
 - 3) Placement of more than 10 berths on a lot shall require a conditional use permit.
 - 4) Piers wharves, and boat shelters for commercial marinas or other businesses may be located only adjacent to shorelines that are zoned C-1 Commercial.
- F) Private sewage disposal systems shall conform to the setback requirements of the Lake Nebagamon zoning ordinance and the applicable rules, regulations and laws as set forth in the Wisconsin Statutes, the Wisconsin Administrative Code as administered by the Douglas County Zoning Office and the Lake Nebagamon Sanitary Sewer Ordinance.
- G) Setback reductions may be permitted by the Board of Appeals pursuant to Section 10.5 of this Ordinance.

5.14 LAKE ACCESS

1. All private lake accesses; lake access easements; or out-lots; deeded or contractual accesses for the purpose of lake access shall meet the following requirements:
 - A) The access to a navigable waterway for back-lot or off-lake development shall meet the minimum lot and parcel size requirements of this Shoreland Zoning Ordinance. The lot width shall be measured at right angles at all points along its side lot lines and the minimum required lot area shall exclude any wetlands. A contiguous buffer area of the minimum required lot area shall exclude any wetlands. A contiguous buffer area of 25 feet along each side lot line running the full depth of the lot shall remain in its natural state or improvements made with native species.

- B) The number of single family lots, building sites, single family units or single family condominium units utilizing said access shall be limited to four (4) parcels with deeded access recorded with Douglas County Register of Deeds.
- C) No Structures will be allowed on the lake access parcel.
- D) The creation or use of land for a lake access shall be conditional use only. The Zoning Commission shall consider the size, shape, depth, present and potential use of the lake, and the effect of the private access on public rights in navigable waters.

Dated the 3rd day of September, 2019

By: 
Darrell Kyle, Village President

ATTEST:


Daisha Nolan, Village Clerk

Adopted: 9/3/2019

Notice Published: 9/4/2019