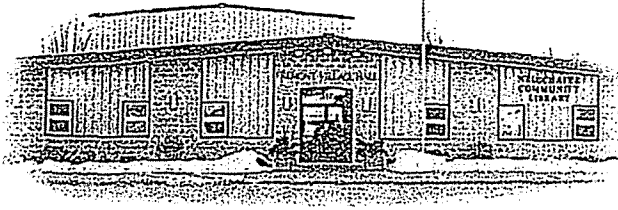


VILLAGE OF FREMONT



a progressive community

ORDINANCE #18-3

CREATE CHAPTER 537 - SHORELAND ZONING ORDINANCE FOR THE VILLAGE OF **FREMONT**

537 – 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, STATEMENT OF PURPOSE AND TITLE

537 – 1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in Wis. Stat. sec. 61.35 and 61.353 or 62.23 and 62.233.

537 - 1.2 FINDING OF FACT AND PURPOSE

Uncontrolled use of shorelands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:

- A. Promote the public health, safety, convenience and general welfare;
- B. Limit certain land use activities detrimental to shorelands; and
- C. Preserve shore cover and natural beauty by controlling the location of structures in shoreland areas and restricting the removal of natural shoreland vegetation.

537 - 2.0 GENERAL PROVISIONS

537 - 2.1 COMPLIANCE

The use of shorelands within the shoreland area of the municipality shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this ordinance.

537 - 2.2 MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if Wis. Stat. sec. 13.48(13) applies.

537 - 2.3 ABROGATION AND GREATER RESTRICTIONS

537 - 2.31 This ordinance supersedes all the provisions of any other applicable municipal ordinance except that where another municipal ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

537 - 2.32 This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

537 - 2.4 INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes or Wisconsin Constitution.

537 - 2.5 SEVERABILITY

Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

537 - 2.6 APPLICABILITY OF SHORELAND DISTRICT REGULATIONS

The Shoreland Zoning District regulations apply only to the following shorelands:

- A. A shoreland that was annexed by the Village of **FREMONT** after May 7, 1982, and that prior to annexation was subject to a county shoreland zoning ordinance under Wis. Stat. sec. 59.692; and
- B. A shoreland that before incorporation by the Village of **FREMONT** was part of a town that was subject to a county shoreland zoning ordinance under Wis. Stat. sec. 59.692 if the date of incorporation was after April 30, 1994.

537 - 2.6.1 DISTRICT BOUNDARIES

The Shoreland District areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the Village of **FREMONT** that are:

- A. Within 1,000 feet of the ordinary highwater mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources Surface Water Data viewer available on the DNR website or are shown on United States Geological Survey quadrangle maps or other zoning base maps.
- B. Within 300 feet of the ordinary highwater mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on United States Geological Survey quadrangle maps. Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.
- C. Determinations of navigability and ordinary highwater mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Wisconsin Department of Natural Resources for a final determination of navigability or ordinary highwater mark.
- D. Pursuant to Wis. Stat. sec. 61.353(7) or 62.233, the Shoreland Zoning District does not include lands adjacent to an artificially constructed drainage ditch, pond, or retention basin if the drainage ditch, pond or retention basin is not hydrologically connected to a natural navigable water body.

537 - 2.6.2. EFFECT OF EXISTING LAND DIVISION, SANITARY, ZONING AND OTHER REGULATIONS.

The lands within the Shoreland Zoning District are subject to all applicable provisions of the Village of **FREMONT** Municipal Code. Where the provisions of this ordinance are more restrictive than other regulations in the Municipal Code, the provisions of this ordinance shall apply.

537 - 3.0. SETBACKS FROM THE WATER.

- A. Building and Structure Setbacks.
 - 1. All buildings and structures shall be set back at least 50 feet from the ordinary high-water mark.

2. Reduced Principal building setback: A setback less than the 50' setback required from the ordinary high-water mark shall be permitted for a proposed principal structure and shall be determined as follows:
 - a. Where there are existing principal buildings on each adjacent lot, the setback shall equal the average of the distances the two existing principal buildings are setback from the ordinary high-water mark or 35' from the ordinary high-water mark, whichever distance is greater.

537 - 4.0 Definitions

In this ordinance:

537 - 4.1 "Principal building" means the main building or structure on a single lot or parcel of land and includes any attached garage or attached porch.

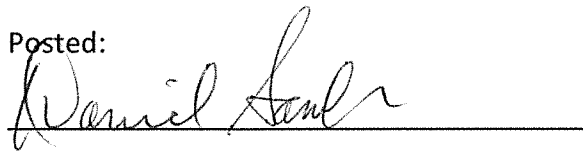
537 - 4.2 "Shorelands" has the meaning given in Wis. Stat. sec. 59.692(1)(b).

537 - 4.3 "Shoreland setback area" has the meaning given in Wis. Stat. sec. 59.692(1)(bn).

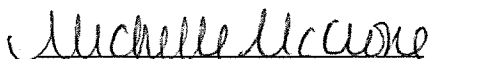
This ordinance shall take effect upon passage and posting as required by law.

Adopted: 6/12/18

Posted:



Daniel Sambs, Village President



Michelle McClone, Clerk/Treasurer