

AMENDING CHAPTER 11 OF THE DANE COUNTY CODE OF ORDINANCES, TO ADJUST MITIGATION PERMIT FEES AND CORRECT INTERNAL REFERENCES

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 11.015(4)(b) is amended to read as follows:

**(b)** The building setback line from the ordinary highwater mark described in s. 11.03(2), and;

ARTICLE 3. Section 11.03(2)(b) is amended to read as follows:

**(b)** *Exceptions with shoreland zoning permit.* Subject to the approval of a shoreland zoning permit by the zoning administrator, the following structures may be located within the setback from an ordinary highwater mark described in s. 11.03(2)(a)1.

ARTICLE 4. Section 11.03(2)(c) is amended to read as follows:

**(c)** *Exceptions with shoreland mitigation permit.* Where the director has approved a shoreland mitigation permit under s. 11.05(4), the following may be located within the setback from an ordinary highwater mark described in s. 11.03(2)(a)1.

ARTICLE 5. Section 11.03(3)(c)2.b. is amended to read as follows:

**b.** If there is an existing principal building on only one side, the setback for the proposed building shall be the average of the required setback under s. 11.03(2)(a)1 and the existing building's setback.

ARTICLE 6. Section 11.04(3)(c) is created to read as follows:

**(c)** Soil conservation, stream and adjacent wetland protection and ecological restoration practices when construction is overseen by, and implemented according to site-specific plans and designs approved by, the Natural Resources Conservation Service, U.S. Fish & Wildlife Service, Wisconsin Department of Natural Resources or the Dane County Land and Water Resources Department.

ARTICLE 7. Section 11.04(5)(a) is amended to read as follows:

**(a)** Soil conservation, shoreland, wetland and ecological restoration practices intended to restore native shoreland vegetation, other than those exempted under s. 11.04(3)(c).

ARTICLE 8. Section 11.11(2) is amended to read as follows:

**(2)** *Construction on nonconforming structures with shoreland zoning permit.* The following activities are allowed on nonconforming structures, subject to approval of a shoreland zoning permit. Shoreland mitigation permits are not required, unless impervious surface limits in s. 11.03(3) are exceeded.

ARTICLE 9. Section 11.11(2)(c) is amended to read as follows:

**(c)** *Existing impervious surfaces.* For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the standards in s. 11.03(3), the property owner may do any of the following:

ARTICLE 10. Section 11.50(2) is amended to read as follows:

**(2)** For determination of a navigable water under s. 11.02(2), the fee shall be \$150.

ARTICLE 11. Section 11.50(6) is amended to read as follows:

**(6)** *Shoreland Mitigation Permits.* For shoreland mitigation permits for vegetative buffer restoration or other conservation activities under s.11.04(5), and where there is no expansion of impervious surfaces, or placement or expansion of structures, the fee shall be \$100 (one hundred dollars).

**(b)** For all other shoreland mitigation permits, the fee shall be \$400 (four hundred dollars), plus:

1. on sites where shoreland stormwater management is required under s. 11.12(1), an additional \$.010 (one cent) per square foot of impervious area, and \$.005 (one half-cent) per square foot of redeveloped impervious area.
2. on sites where shoreland vegetative buffer restoration is required under s. 11.12(2), an additional \$500 (five hundred dollars).

ARTICLE 12. Section 11.99(1)(b)1.f. is amended to read as follows:

f. Unless specifically exempted under s. 11.04(3), any removal of vegetation within the vegetative buffer zone described in s. 11.04, and;

ARTICLE 13. Section 11.99(1)(b)2. is amended to read as follows:

2. *Navigable waters*. Determination of navigable waters and ordinary highwater marks under s. 11.02(2).

ARTICLE 14. Section 11.99(3)(b)2. is amended to read as follows:

2. *Shoreland Mitigation Permits*. Within the shoreland district, the director shall require approved shoreland mitigation permits before any of the following activities occur. The zoning administrator shall not approve a shoreland zoning permit for any of the following activities unless the director has approved a shoreland mitigation permit.

- a. Creation of lots with reduced width or area as part of a planned unit development under s. 11.03(1)(c);
- b. Placement of structures within the setback area under s. 11.023(2)(c);
- c. Expansion of impervious surfaces above 15% of the lot under s. 11.03(3)(c);
- d. Vegetation management activities within 35 feet of the ordinary highwater mark under s. 11.04(5);
- e. Construction, replacement or expansion of a nonconforming structure under s. 11.11(3).

ARTICLE 15. Section 11.99(3)(b)3. is amended to read as follows:

3. *Farm Conservation Plans*. Review and approval of farm conservation plans under s. 11.04(3)(b).

ARTICLE 16. This amendment shall be effective March 20, 2013.