

ORDINANCE NO. _____

**ORDINANCE CREATING §17.116 (WETLAND REGULATIONS) AND AMENDING §17.904
(DEFINITIONS) OF THE CITY ZONING ORDINANCE**

WHEREAS, wetlands provide numerous ecosystem services such as water filtration, erosion prevention, and recreational opportunities, making their preservation essential to the health and safety of communities, and;

WHEREAS, the City of Oconomowoc Municipal Code does not contain provisions related to the protection of wetlands areas outside of Shoreland-Wetland Districts, and;

WHEREAS, the Common Council wishes to add provisions related to the protection of wetland areas.

NOW, THEREFORE, the Common Council of the City of Oconomowoc, Waukesha County, Wisconsin, creates §17.116 to read as follows:

SECTION I. §17.116 Wetland Regulations

- (1) **STATUTORY AUTHORIZATION.** This section is adopted pursuant to the authority granted by Wisconsin Statute §62.23.
- (2) **FINDINGS OF FACT AND PURPOSE.** Healthy wetlands aid in the regulation of water flow across the landscape. By providing services such as promoting biodiversity, minimizing erosion, and filtering pollutants, wetlands contribute to thriving ecosystems and safe communities. The wetland regulations laid out in this section are therefore established to:
 - a. Reduce flooding and flood hazards.
 - b. Prevent and control water pollution.
 - c. Prevent soil loss and erosion of stream beds and banks.
 - d. Preserve natural drainage features and minimize the need to construct, repair, maintain, or replace structural water management systems.
 - e. Maintain and support stream base flow and temperature, lake levels, and shallow groundwater supplies.
 - f. Preserve and improve fish and wildlife habitat, recreational opportunities, and open space.
- (3) **WETLAND MAPPING.** The areas determined by the Wisconsin Department of Natural Resources (DNR) to be wetlands greater than .25 acres in size shall be displayed on the City Wetland Map and shall be subject to zoning regulations outlined in §17.116 of the Zoning Code.
- (4) **GENERAL REQUIREMENTS.** In all zoning districts, the following provisions shall apply:
 - a. **WETLAND SETBACK.** No land disturbing activity shall be permitted within 10 ft. from a designated wetland except for those land disturbing activities

permitted by right in §17.116(4)(b). Setbacks shall be measured from the wetland boundaries shown on a wetland delineation map.

- b. PERMITTED USES. The following uses are permitted by right in a wetland setback area:
 - i. Temporary and moveable structures which may include but are not limited to:
 - 1. Kayak and canoe racks
 - 2. Lawn furniture and moveable fire pits
 - 3. Duck blinds
 - ii. Single walkways, stairways, boardwalks, or piers, provided that no filling, flooding, dredging, draining, ditching, tiling, excavating, or other land disturbing activity is conducted and that the walkway, stairway, boardwalk, or pier does not extend into the designated wetland area. Walkways, stairways, boardwalks, and piers located in the wetland setback shall be no wider than 60 inches in width.
 - iii. Moveable dog kennels.
 - iv. Hiking, walking, fishing, and other recreational activities that do not alter the designated wetland.
 - v. Unfenced or raised-bed gardens, provided that the total garden area does not exceed 20% of the property's overall wetland setback area.
 - vi. Public projects which may include but are not limited to:
 - 1. Utilities
 - 2. Raised boardwalks
 - 3. Emergency vehicle access points
 - vii. Tree and shrubbery planting.
 - viii. Grass cutting.
 - ix. Development and land disturbing activities for which a Wisconsin Department of Natural Resources (DNR) permit has been obtained.
- c. PROHIBITED USES. Any land disturbing activities not permitted in §17.116(4)(b) are prohibited. Prohibited uses include but are not limited to:
 - i. Dwelling units of any kind, accessory structures, boathouses, and sheds.
 - ii. Livestock grazing and chicken coops.
 - iii. Sport courts.
 - iv. Permanent playground equipment.
 - v. Fences.
 - vi. Flagpoles.
 - vii. Tree cutting and shrubbery clearing except in the case of dead or diseased vegetation.

(5) EXEMPTIONS. Structures and land disturbing activities approved by the City of Oconomowoc prior to the effective date of this ordinance and which are not in compliance with §17.116 are hereby considered legal nonconforming.

SECTION II. DEFINITIONS

The following definitions shall be added to §17.904 of the Zoning Code:

- a. Wetland: Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
- b. Land Disturbing Activity: Any human-made land alterations, disturbances, or construction activities including, but not limited to: clearing and grubbing, grading, excavation, drainage, and the discharge of dredged or fill material, that results in a change to existing topography, drainage patterns, rates of soil erosion, or hydrologic conditions.

SECTION III. SEVERABILITY

Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any other provisions of this ordinance.

SECTION IV. EFFECTIVE DATE

This ordinance shall become effective upon passage and publication as required by law.

DATED: _____

CITY OF OCONOMOWOC

By: _____

Robert P. Magnus, Mayor

ATTEST:

Diane Coenen, Clerk

Adopted: _____

Published: _____

Effective Date: _____