

ARTICLE XV. SHORELAND REGULATIONS AND PROVISIONS

Sec. 94.223. Jurisdiction.

Shorelands shall include all lands within the following distances from the ordinary high-water mark of navigable waters as defined in Wis. Stats. §§ 30.10 and 281.31:

- (1) One thousand feet from the ordinary high-water mark of a lake, pond or flowage. If the navigable water is a glacial pothole lake, the distance shall be measured from the high-water mark thereof.
- (2) Three hundred feet from the ordinary high-water mark of a river or stream or to the landward side of the floodplain, whichever distance is greater.

(Ord. No. 17-98-1, § 1(e), 11-16-1998)

Sec. 94.224. Shorelands regulated.

The following shorelands shall be regulated: The shorelands along the reaches of rivers, streams, lakes, flowages, ponds and sloughs which are navigable under law and the floodplains of navigable waters of this village.

(Ord. No. 17-98-1, § 1(e), 11-16-1998)

Sec. 94.225. High-water mark, navigability and wetland boundary determination.

(a) *High-water mark.* The zoning administrator shall have the authority to determine the ordinary high-water mark and the boundaries between the mouth of waterways and standing bodies of water or flowages where such determinations are not otherwise established.

(b) *Navigability.* Only rivers, streams, lakes, flowages and ponds that are navigable in fact under Wis. Stats. §§ 30.10 and 281.31 are navigable waters in this village. The zoning administrator shall have the authority to determine navigability if evidence to the contrary is presented. When the zoning administrator's determination of the ordinary high-water mark or a stream's navigability is questioned or he is unable to make the determination, the state department of natural resources shall do so.

(c) *Wetland boundary determination.*

- (1) When an apparent discrepancy exists between the shoreland-wetland district shown on the official wetlands inventory maps and actual field conditions at the time the maps were adopted, the zoning administrator shall contact the appropriate field office of the

state department of natural resources to determine if the shoreland-wetland district as mapped is in error. If the department staff concur with the zoning administrator that a particular area was incorrectly mapped as a wetland, the zoning administrator shall have the authority to immediately grant or deny a land use permit in accordance with the regulations applicable to the correct zoning district.

- (2) To correct wetland mapping errors shown on the official zoning map, the zoning administrator shall be responsible for initiating a shoreland-wetland map amendment within a reasonable period of time.

(Ord. No. 17-98-1, § 1(e), 11-16-1998)

Sec. 94.226. Site restrictions.

(a) No land shall be used or structure erected which requires a zoning permit under this chapter where the land is held unsuitable for such structure by the zoning administrator by reason of flooding, concentrated runoff, inadequate drainage, adverse soil conditions or rock formation, unfavorable topography, slow percolation rate, low bearing strength, erosion susceptibility, or other feature likely to be harmful to the health, safety, esthetics and the general welfare of the village. The zoning administrator, in applying the provisions of this section shall, in writing, state the particular facts upon which he bases his conclusions that the land is not suitable.

(b) The applicant, if he desires, shall be allowed to present evidence to the zoning board of appeals contesting such declared unsuitability.

(Ord. No. 17-98-1, § 1(e), 11-16-1998)

Sec. 94.227. General shoreland zoning provisions.

These zoning provisions apply to the jurisdictional area. (See section 94.223.)

(1) Waterline setbacks.

- a. All buildings and structures, except elevated stairs, piers and wharves shall be set back at least 75 feet from all points along the ordinary high-water mark and two feet above the experienced high-water mark unless otherwise specified by the floodplain section of this chapter. Where a building site for a habitable, commercial or industrial structure abuts the floodplain, the following standards shall apply.
 1. Where the proposed design for the lowest floor includes a walk-out or any floor exposed to finished grade, the floor elevation shall be two feet above the flood protection elevation.
 2. The structure shall be set back a minimum of 15 feet from the floodplain boundary.

Finished grade for 15 feet in all directions from the structure shall be at least one foot above the regional flood elevation.

3. The zoning administrator may require certification of compliance.
 - b. A reduced setback may be permitted when one or both abutting lots have principal buildings that are built to less than the required setback. In such cases, when adjacent lots on both sides of the building site have principal buildings, the setback shall be the average of the setback distances of these existing buildings. When only one adjacent lot has a principal building on it, the setback shall be the average of the setback of the existing building and the required setback. Principal buildings located more than 100 feet from the proposed building site or closer than 25 feet from the ordinary high-water mark shall not be used in computing a reduced setback. This determination shall be made and permits granted or denied by the zoning administrator. For the purpose of this section, measurements shall be the shortest distance from the ordinary high-water mark (OHWM in this section) to the building foundation or that part of the building which is totally enclosed. The intent is to discount such additions or appurtenances (not limited by enumeration) as roof overhangs, patios, decks, landings, open porches, stoops, etc. All buildings and structures shall be constructed landward of the averaged building setback line. Construction between the averaged building setback line and the OHWM may only be authorized by a variance pursuant to village code.
 - c. Reduced setbacks necessitated by substandard lots, topographic or soil conditions or . for other reasons may be permitted by a variance granted by the zoning board of appeals after a public hearing.
- (2) *Boathouse (existing)*. Boathouses are not permitted within 75 feet of the OHWM. In no case shall any boathouse be allowed to exceed the dimensional, location or use standards set forth in this section. Routine maintenance shall be permitted, but shall not include improvements such as installation of patio doors, plumbing, fireplaces, furniture or any features inconsistent with or superfluous to the use of the structure for the storage of watercraft.
 - a. *Dimensional standards*.
 1. Maximum height, 15 feet measured from the lowest grade to the highest point of the structure.
 2. Maximum width, 12 feet measured paralleled to the shoreline.
 3. Maximum length, 20 feet.
 - b. *Construction limitations*.
 1. The main door shall face the water.

2. When it is necessary to build the boathouse into a hillside there may be a railing on the roof to prevent its use, provided that the railing is not solid in appearance and is within the height limitations.
3. Boathouse roofs shall not be designed or used as decks, observation platforms or for other similar uses.

c. *Location.*

1. Minimum side yard, seven feet.
2. Minimum waterline setback, five feet.

d. *Use limitations.*

1. Habitation is prohibited.
2. The structure shall be built and used in compliance with floodplain regulations where applicable.

(3) Lots not served by public sewer; standard lots.

- a. The minimum lot area for each principal building shall be no less than 20,000 square feet and the minimum width at the building line and at the ordinary high-water mark shall be 100 feet as measured at right angles to the lot line or the lot line extended.
- b. Lot size greater than 20,000 square feet shall be provided where soil conditions require larger lots for subdivisions of land under the provisions of Wis. Admin. Code COMM chs. 83 and 85.
- c. Lot sizes greater than 20,000 square feet shall be provided where necessary to protect natural characteristics (such as scenic beauty) or existing high quality development.

(4) Lots served by public sewer

- a. The minimum lot area for each principal building shall be no less than 10,000 square feet and the minimum lot width at the building line shall be no less than 80 feet. However, if any portion of a sewerred lot is within 150 feet of the ordinary high-water mark (OHWM) it must be 100 feet wide at the OHWM and at the building line, and be at least 20,000 square feet in area.
- b. Except as provided in subsection (4)a of this section, lot sizes greater than 10,000 square feet shall be provided where necessary to protect natural characteristics such as scenic beauty or existing high quality development.

(5) *Conservation.* Conservation practices such as, but not limited to, diversions, terraces,

sod waterways or subsurface drainages shall be installed where required to prevent surface water runoff from construction sites, buildings, parking or other impervious surface covers from causing accelerated erosion or pollution of navigable waters.

- (6) *Livestock housing.* Buildings, pens and structures used for the housing, sheltering or feeding of livestock shall be located no less than 100 feet from navigable waters and designed or constructed to prevent animal waste material from entering watercourses, waterways or other navigable waters.
- (7) *Docks, wharves and piers.* Docks, wharves and piers extending beyond the ordinary high-water mark or a lawfully established bulkhead line shall be so constructed as to allow the free movement of water underneath and in such a manner as will not cause the formation of land upon the bed of any navigable water. Docks, piers and wharves serving residential lots shall be no wider than six feet, measured perpendicular to the long axis.
- (8) *Tree and shrubbery cutting.*
 - a. Tree and shrubbery cutting throughout the shorelands shall be carried out in a manner that will maintain or improve water quality. Soil conservation and timber harvesting practices shall be used which are effective in controlling erosion and in preventing pollutants from entering navigable waters.
 - b. Slash materials shall be disposed of in accordance with Wis. Stats. § 26.12(6) and (7).
 - c. Within a strip paralleling the shoreline and extending 35 feet inland from all points along the ordinary high-water mark of the shoreline, tree and shrubbery cutting shall be limited. For agriculture and forestry purposes or uses, only selective cutting which does not create a clearcut strip other than for logging roads with a width of 16 feet or less, is permitted, and such cutting practices shall leave sufficient trees and other vegetative cover to meet the provisions stipulated in subsection (8)d.3 of this section.
 - d. For all other uses requiring access to the water, the following provisions shall apply:
 1. No more than 30 percent of the length of the 35 feet strip (as measured along the ordinary high-water mark or channel) shall be clear-cut to the depth of the strip.
 2. Provided, further, that cutting of this 30 percent shall not create a clear-cut opening in this strip greater than 30 feet wide on any 100 feet along the shoreline.
 3. In the remaining 70 percent of this strip tree and shrubbery removal or pruning shall be limited to dead, diseased or dying trees and shrubs. It is the intent of this section to further the goals named in Wis. Stats. § 281.31 to:
 - i. Screen uses on the landward side of the strip as seen from the land and water opposite the shore.

- ii. Maintain shore or channel bank stabilization.
- iii. Retard the flow of pollutants from shorelands to protect spawning grounds, fish and aquatic life.
- iv. Protect aesthetic values by preserving shore cover and natural beauty.

(9) Earth disturbances.

- a. Earth disturbances which do not equal or exceed 10,000 square feet such as the removal of natural deposits, grading, filling, road construction and the construction of ponds with less than one acre of surface area are all permitted provided that:
 - 1. All final slopes as a result of excavation or filling shall not exceed one foot vertical to three feet horizontal.
 - 2. All exposed ground surfaces, except actual roadways, shall have topsoil applied and be seeded or planted to minimize erosion.
 - 3. A zoning permit is obtained from the zoning administrator.
 - 4. Within the required shoreline setback area, all earth disturbances, except for waterline riprap, shall be reclaimed by revegetation. Earth disturbances shall not be allowed where the resulting slopes would be too steep to be stabilized with vegetation. This provision may be waived where there is ongoing bank erosion, and structural methods are the only feasible means of stabilization.
- b. Earth disturbances which equal or exceed 10,000 square feet, such as the removal of natural deposits, grading, filling, road cutting and ditching, channel clearing, the construction, altering or enlargement of waterways and soil and water conservation structures are special uses requiring a public hearing and issuance of a special exception permit by the zoning board of appeals, in addition to any permit required from the DNR having jurisdiction under Wis. Stats. ch. 30, and/or the U.S. Army Corps of Engineers. Such a special exception permit shall be contingent upon assurance of adequate protection against erosion, sedimentation and impairment of fish and wildlife habitat. Nonmetallic mining shall comply with the terms of this chapter, as applicable.

(10) *Houseboats*. Houseboats on land shall not be used for human habitation.

(11) *Dumps, sanitary landfills, salvage yards*. Dumps, sanitary landfills, junk and salvage yards are prohibited within the protected shorelands unless written permission for such location is obtained from the state department of natural resources and a special exception permit is granted by the zoning board of appeals after a public hearing.

- (12) *Dumping and disposal.* The dumping or disposal of any toxic fluids or materials, and lagooning or burial of sewage or similar waste effluents is prohibited within the shoreland jurisdiction. This subsection does not include the use of fertilizers and farm chemicals when applied in a manner that will not contaminate navigable waters.

(Ord. No. 17-98-1, § 1(e), 11-16-1998)

Sec. 94.228. Shoreland-wetland zoning provisions.

(a) *Statutory authorization.* This article is adopted pursuant to the authorization in Wis. Stats. §§ 61.35, 61.351, 87.30 and 281.31.

(b) *Finding of fact and purpose.* Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the village would adversely affect the public health, safety, convenience and general welfare, and impair the tax base. The state legislature has delegated responsibility to all municipalities to:

- (1) Promote the public health, safety, convenience and general welfare;
- (2) Maintain the stormwater and floodwater storage capacity of wetlands;
- (3) Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (4) Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habits;
- (5) Prohibit certain uses detrimental to the shoreland-wetland area; and
- (6) Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth-moving activities.

(Ord. No. 17-98-1, § 1(e), 11-16-1998)

Sec. 94.229. General shoreland-wetland provisions.

(a) *Compliance.* The use of wetlands and the alteration of wetlands within the shoreland area of the village shall be in full compliance with the terms of this article and other applicable local, state or federal regulations. (However, see section 94.230(f) for the standards applicable to

nonconforming uses.) All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this article.

(b) *Municipalities and state agencies regulated.* Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this article and obtain all necessary permits. State agencies are required to comply if Wis. Stats. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the state department of transportation are exempt when Wis. Stats. § 30.12(4) (a) applies.

(c) *Abrogation and greater restrictions.*

- (1) This article supersedes all the provisions of any municipal zoning ordinance enacted under Wis. Stats. §§ 61.35 or 87.30 which relate to floodplains and shoreland-wetlands, except that where another municipal zoning ordinance is more restrictive than this article, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (2) This article is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this article imposes greater restrictions, the provisions of this article shall prevail.

(d) *Interpretation.* In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of the village and shall not be deemed a limitation or repeal of any other powers granted by the state statutes. Where a provision of this article is required by a standard in Wis. Admin. Code NR ch. 117, and where the article provision is unclear, such provision shall be interpreted in light of the Wis. Admin. Code NR ch. 117 standards in effect on the date of the adoption of this article or in effect on the date of the most recent text amendment to this article.

(e) *Annexed areas.* The county shoreland zoning provision in effect on the date of annexation remain in effect administered by the village for all areas annexed by the village after May 7, 1982. These annexed lands are described on the village's official zoning map. The county shoreland zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the village zoning administrator.

(Ord. No. 17-98-1, § 1(e), 11-16-1998)

Sec. 94.230. Shoreland-wetland zoning district.

(a) *Shoreland-wetland zoning maps.* The following maps are hereby adopted and made part of this article and are on file in the office of the municipal clerk:

- (1) State wetland inventory maps stamped "final" on August 25, 1989.
- (2) Floodplain zoning maps titled "Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRM)" and dated August 3, 1981.
- (3) Zoning maps titled "Village of Weston Existing Zoning" and dated February, 1997.

(b) *District boundaries.*

- (1) The shoreland-wetland zoning district includes all wetlands in the village which are five acres or more and are shown on the final wetland inventory map that has been adopted and made a part of this article and which are:
 - a. Within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the village shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this article.
 - b. Within 300 feet of the ordinary high-water 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 either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this article. Floodplain zoning maps adopted in section 94.230(a)(2) shall be used to determine the extent of floodplain areas.
- (2) Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate district office of the department for a final determination of navigability or ordinary high-water mark.
- (3) When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and actual field conditions at the time the maps were adopted, the zoning administrator shall contact the appropriate district office of the department to determine if the shoreland-wetland district boundary as mapped, is in error. If department staff concur with the zoning administrator that a particular area was incorrectly mapped as a wetland, the zoning administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in this section, the zoning administrator shall be responsible for initiating a map amendment within a reasonable period.

(c) *Filled wetlands; wetlands landward of a bulkhead line.* Wetlands which were filled prior to January 27, 1983, the date on which the village received final wetland inventory maps, in a manner which affects their wetland characteristics to the extent that the area can no longer be

defined as wetland, are not subject to this article. Wetlands located between the original ordinary high-water mark and a bulkhead line established prior to May 7, 1982, under Wis. Stats. § 30.11, are not subject to this article.

(d) *Permitted uses.* The following uses are permitted subject to the provisions of Wis. Stats. chs. 30 and 31 and the provisions of other local, state and federal laws, if applicable:

(1) Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:

- a. Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;
- b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is no injurious to the natural reproduction of such crops;
- c. The practice of silviculture, including the planting, thinning and harvesting of timber;
- d. The pasturing of livestock;
- e. The cultivation of agriculture crops; and
- f. The construction and maintenance of duck blinds.

(2) Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided as follows:

- a. The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
- b. The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
- c. The maintenance and repair of existing drainage systems to restore preexisting levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;
- d. The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
- e. The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;

- f. The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district, provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in this section; and
 - g. The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- (3) Uses which are allowed upon the issuance of a conditional use permit and which may include wetland alterations only to the extent specifically provided as follows:
- a. The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under this section, provided that:
 - 1. The road cannot, as a practical matter, be located outside the wetland;
 - 2. The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in this section;
 - 3. The road is designed and constructed with the minimum cross sectional area practical to serve the intended use;
 - 4. Road construction activities are carried out in the immediate area of the roadbed only; and
 - 5. Any wetland alteration must be necessary for the construction or maintenance of the road.
 - b. The construction and maintenance of nonresidential buildings, provided that:
 - 1. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
 - 2. The building cannot, as a practical matter, be located outside the wetland;
 - 3. The building does not exceed 500 square feet in floor area; and
 - 4. Only limited filling and excavating necessary to provide structural support for the building is allowed.
 - c. The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed

areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:

1. Any private development allowed under this subsection (d)(3)c of this section shall be used exclusively for the permitted purpose;
 2. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;
 3. The construction and maintenance of roads necessary for the uses permitted under this subsection (d)(3)c are allowed only where such construction and maintenance meets the criteria in this section; and
 4. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- d. The construction and maintenance of electric and telephone transmission lines, water, and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad liens, provided that:
1. The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 2. Only limited filling or excavating necessary for such construction or maintenance is allowed; and
 3. Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in this article.

(e) *Prohibited uses.*

- (1) Any use not listed in subsection (d) of this section is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this article in accordance with subsection (g) of this section.
- (2) The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

(f) *Nonconforming structures and uses.* The lawful use of a building, structure or property which existed at the time the ordinance from which this article is derived, or an applicable amendment to this article, took effect and which is not in conformity with the provisions of this

article, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:

- (1) The shoreland-wetland provisions of this article authorized by Wis. Stats. § 61.351 shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure or of any environmental control facility related to such a structure in existence on the effective date of the shoreland-wetland provisions. All other modifications to nonconforming structures are subject to Wis. Stats. § 62.23(7)(h) which limits total lifetime structural repairs and alterations to 50 percent of current fair market value.
 - (2) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, any future use of the building, structure or property shall conform to this article.
 - (3) Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this article adopted under Wis. Stats. §§ 61.351 or 62.231 may be continued although such use does not conform with the provisions of this article. However, such nonconforming use may not be extended.
 - (4) The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of Wis. Stats. § 30.121.
 - (5) Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.
- (g) *Amending shoreland-wetland zoning regulations.*
- (1) The board may alter, supplement or change the district boundaries and the regulations contained in this article in accordance with the requirements of Wis. Stats. § 62.23(7)(d)2., Wis. Admin. Code NR ch. 117 and the following:
 - (2) A copy of each proposed text or map amendment shall be submitted to the appropriate regional office of the department within five days of the submission of the proposed amendment to the municipal planning agency;
 - (3) All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the municipal planning agency, and a public hearing shall be held after class 2 notice as required by Wis. Stats. § 62.23(7)(d)2. The appropriate regional office of the department shall be provided with written notice of the public hearing at least ten days prior to such hearing.
 - (4) In order to ensure that this article will remain consistent with the shoreland protection objectives of Wis. Stats. § 281.31, the board may not rezone a wetland in a shoreland-

wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:

- a. Stormwater and floodwater storage capacity;
 - b. Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
 - c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - d. Shoreline protection against erosion;
 - e. Fish spawning, breeding, nursery or feeding grounds;
 - f. Wildlife habitat; or
 - g. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.
- (5) Where the regional office of the department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in subsection (g)(4) of this section, the department shall so notify the village of its determination either prior to or during the public hearing held on the proposed amendment.
- (6) The appropriate district office of the department shall be provided with:
- a. A copy of the recommendation and report, if any, of the municipal planning agency on a proposed text or map amendment, within ten days after the submission of those recommendations to the board.
 - b. Written notice of the action on the proposed text or map amendment within ten days after the action is taken.
- (7) If the department notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in subsection (g)(4) of this section that proposed amendment, if approved by the board, shall not become effective until more than 30 days have elapsed since written notice of the municipal approval was mailed to the department, as required by subsection (g)(6) of this section. If within the 30 day period, the department notifies the village that the department intends to adopt a superseding shoreland-wetland zoning article for the village as provided by Wis. Stats. §§ 62.231(6) and 61.351(6), the proposed amendment shall not become effective until the article adoption procedure under Wis. Stats. § 62.231(6) or 61.351(6), is completed or otherwise terminated.

