

Shoreland Zoning

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Shoreland Zoning Policy
Coordinator

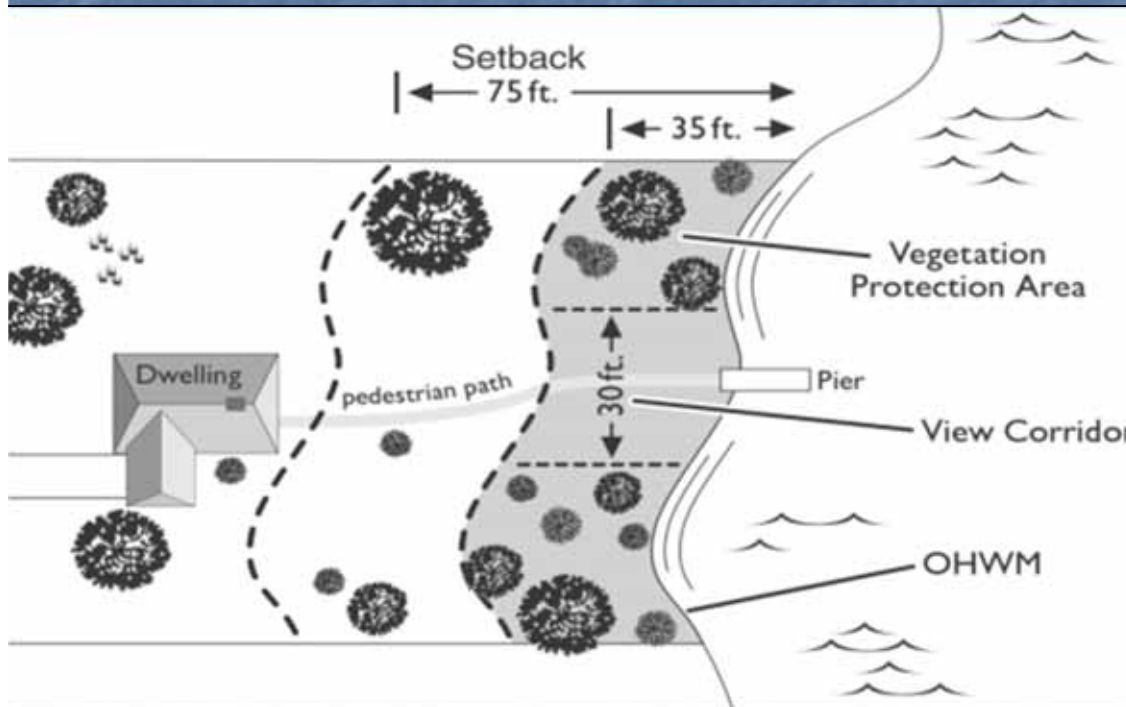
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Purposes of shoreland zoning include...

- Prevent and control water pollution
- Protect spawning grounds, fish and aquatic life
- Reserve shore cover and natural beauty

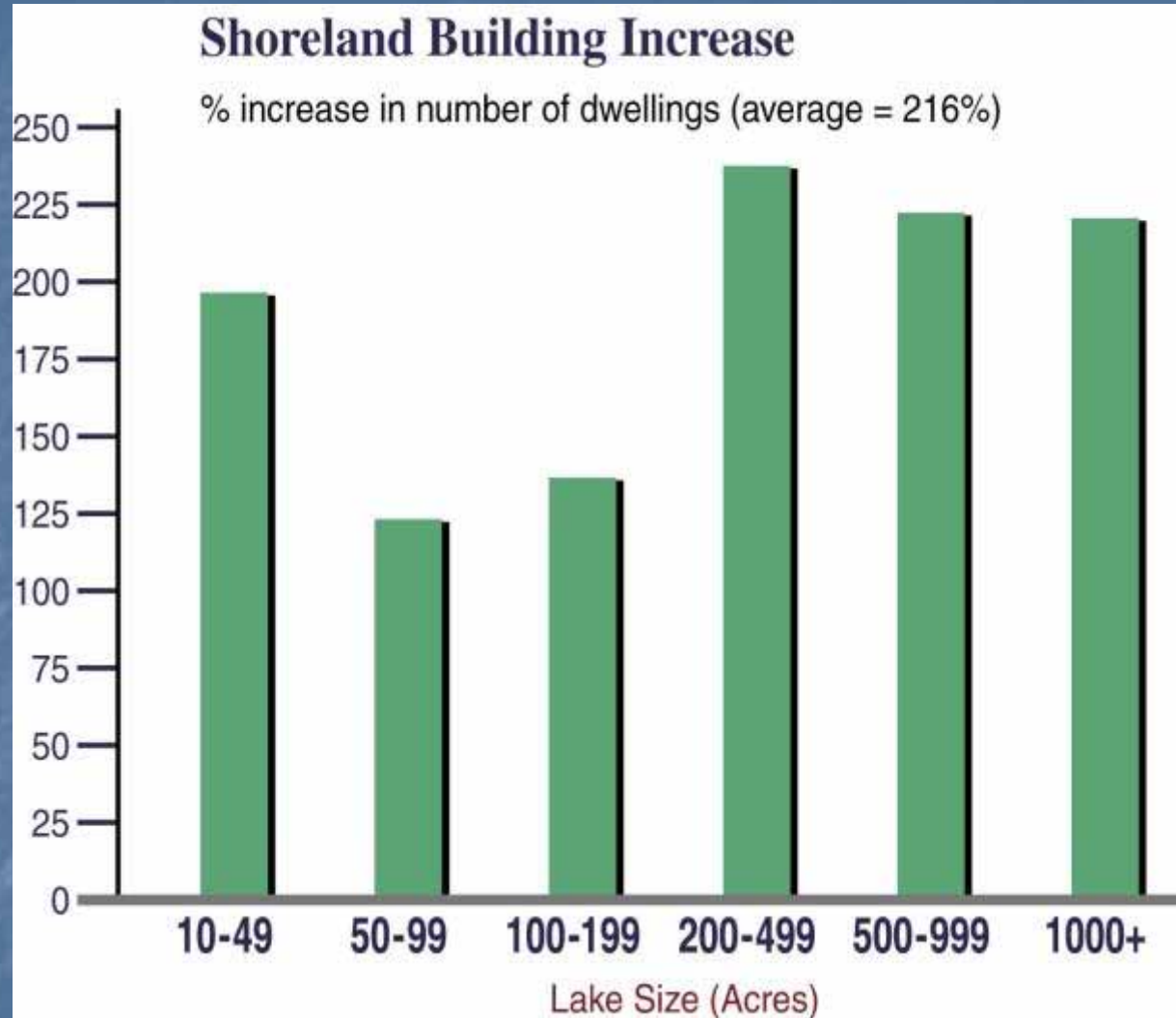
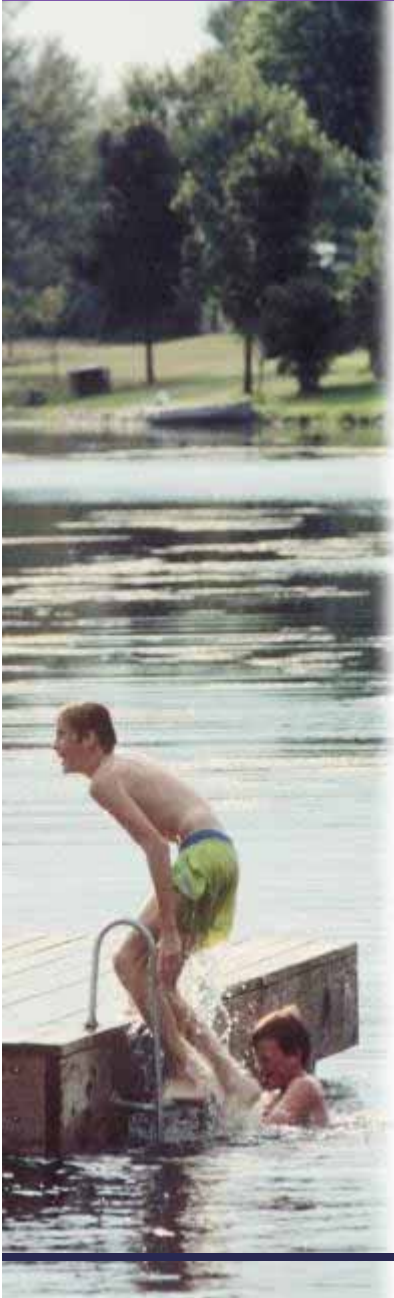


Minimum WI shoreland standards (NR 115)



- Adopted in 1968
- Lot size
- Vegetation protection area (buffer)
- Shoreline setback
- Filling/grading
- Sanitary codes
- Subdivision review

Shoreland building increase, 1965-1995



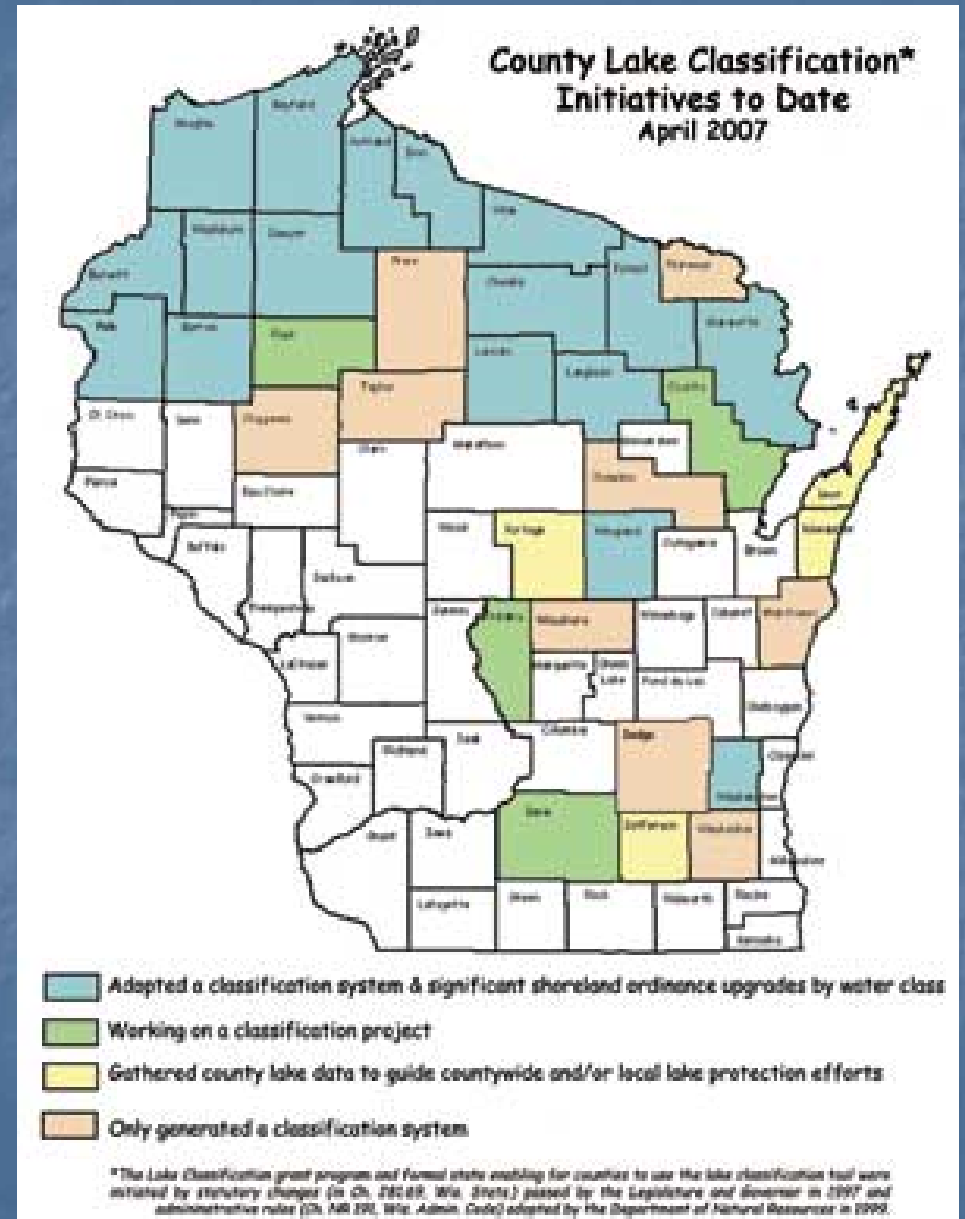
Source: Wisconsin Dept. of Natural Resources

Shoreland zoning From the 1990's until today



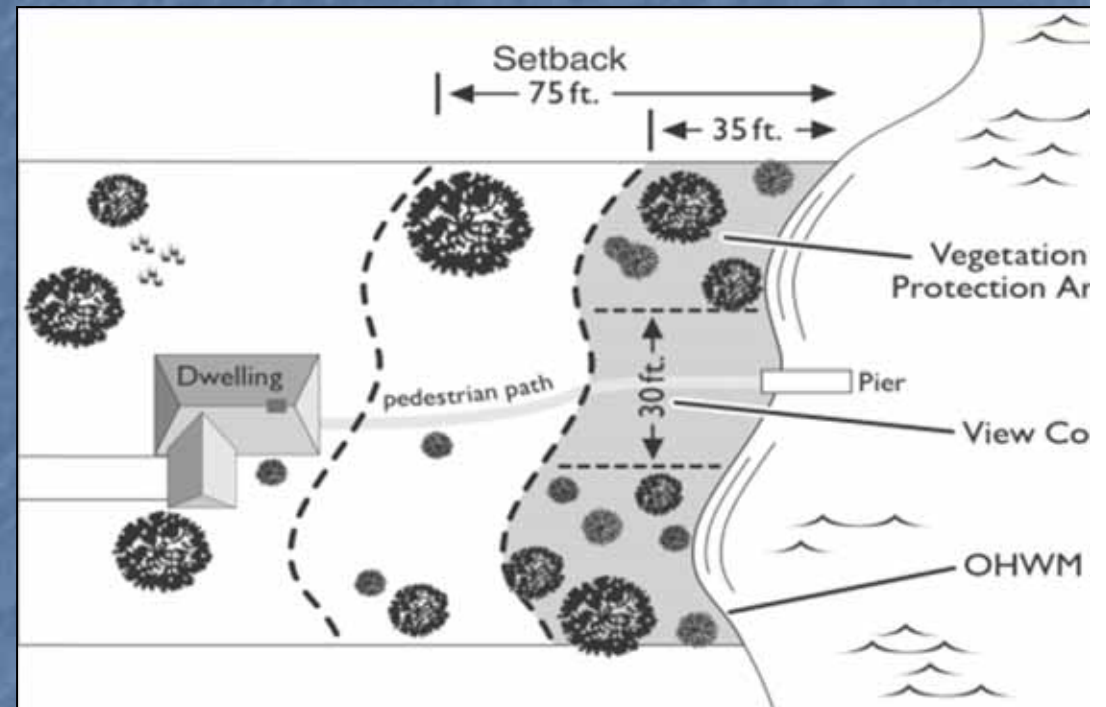
Counties led...

- Many counties recognized inadequacies in 1968 state SL zoning law
- Starting in 1990s, counties adopted higher standards



Higher standards adopted by counties...

- Larger lot sizes
- Larger shoreland setbacks
- Larger shoreland buffer sizes
- Impervious surface standards (16 counties)
- NC structures
- Mitigation (27 counties)



Changes to state minimums

Process to upgrade state shoreland standards from 2002-2010 resulted in agreement to changes from lake, river, realtor and builder groups

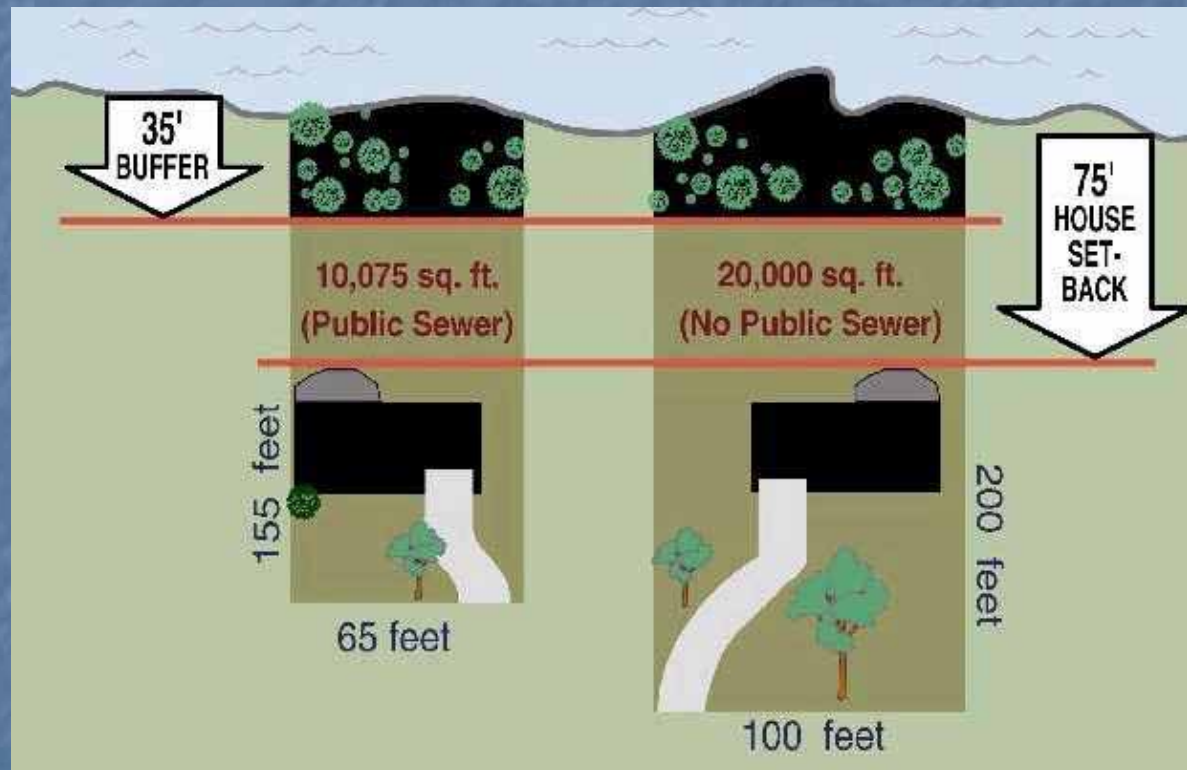
Changes again in 2013 was based on input from county zoning staff and legislators

Compromise in setting statewide minimum standards

What stayed the same and what changed?

No changes to 1968 standards on

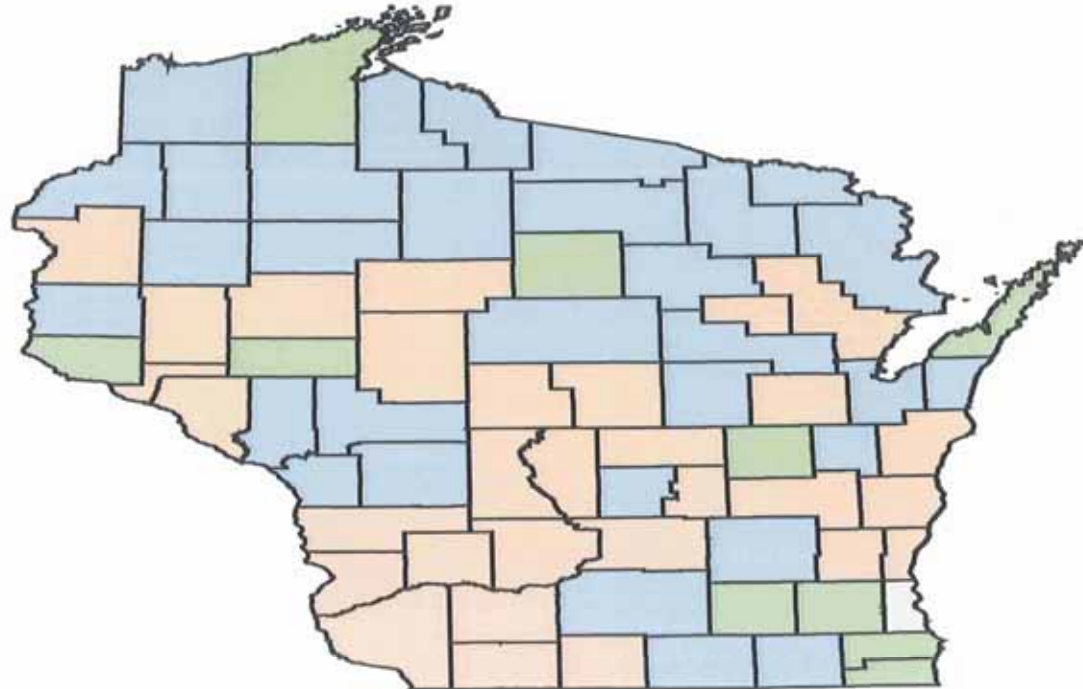
- Lot sizes
- Buffer size
- Setbacks







Required Lot Size

- Unsewered lots need to be 100' wide and 20,000 square feet in area
- Sewered lots need to be 65' wide and 10,000 square feet in area
- Counties may be more restrictive
 - Substandard lots can be used for construction purposes if never reconfigured/combined, never developed with structure over lot line, and all other ordinance requirements are met

Shoreland Lot Area Standards



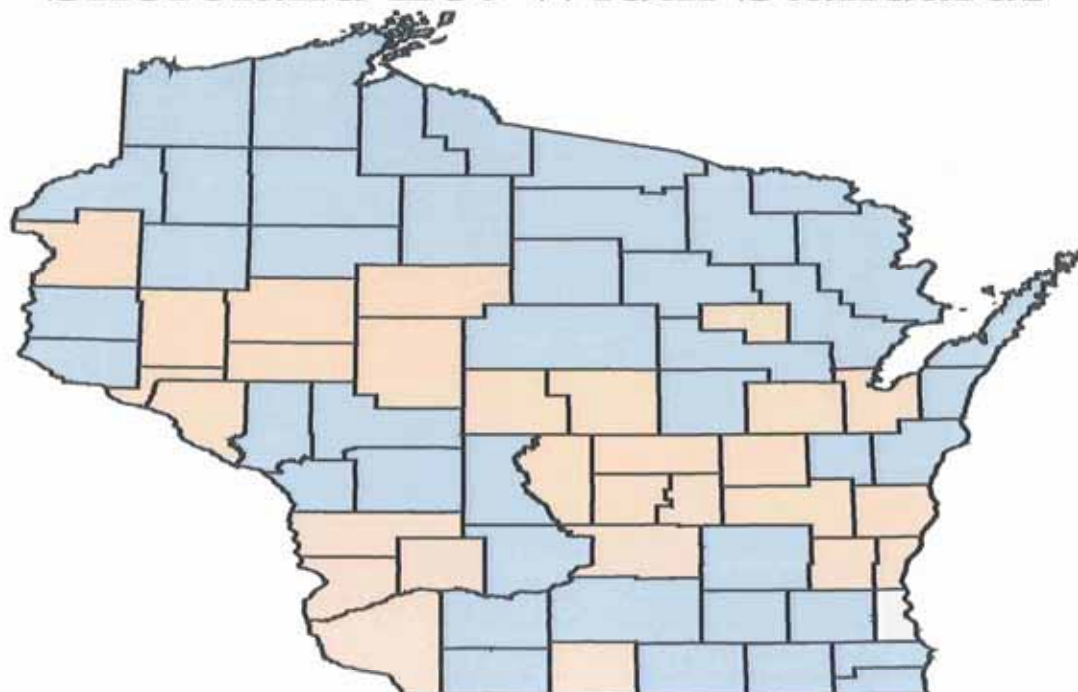
-  County is not regulated under NR 115.
-  County meets minimum lot area requirements from NR 115.
-  County exceeds minimum lot area requirements from NR 115 on all or some lakes, rivers, and streams.
-  County uses underlying zoning districts to determine minimum lot areas, which meet or exceed NR 115 requirements.




For more information, contact Carmen Wagner,
WI DNR, Shoreland Zoning Specialist, 608-267-7694.

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Shoreland Lot Width Standards



-  County is not regulated under NR 115.
-  County meets minimum lot width requirements in NR 115.
-  County exceeds minimum lot width requirements in NR 115 on all or some lakes, rivers, and streams.

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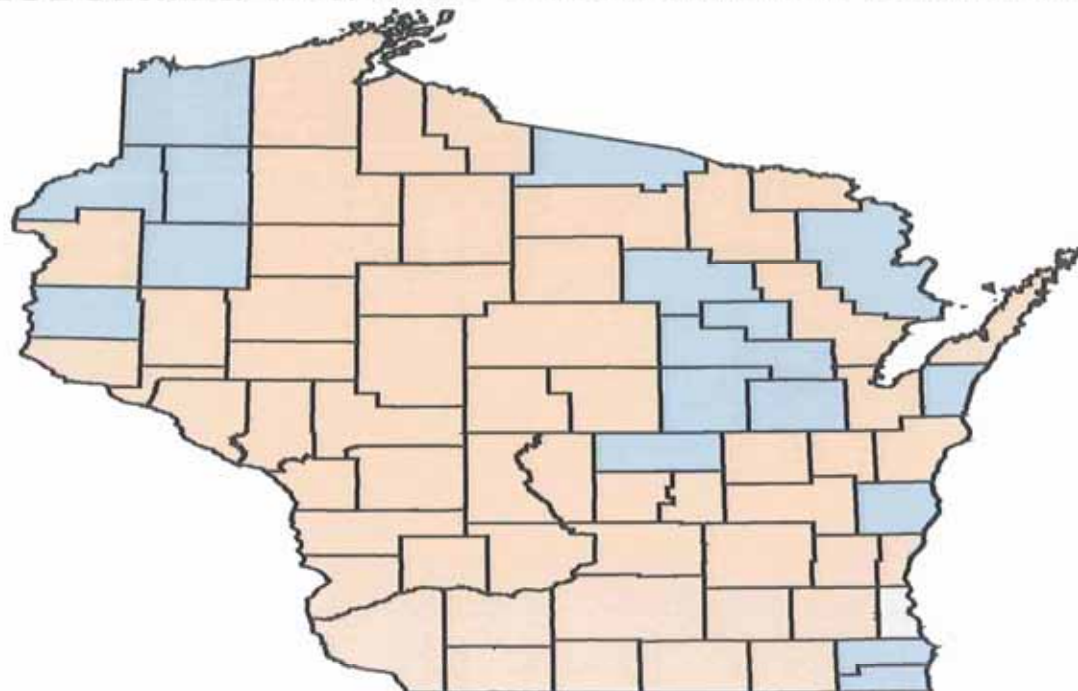
May 22, 2000

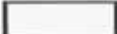


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Vegetative Buffer

- 35 ft. buffer required
- Viewing and access corridor may not exceed lesser of 30% of shore frontage or 200 feet
- Damaged, invasive, exotic, safety hazard can be removed provided replaced by replanting in same area
- Counties may be more restrictive

Shoreland Buffer Dimension Standards



-  County is not regulated under NR 115.
-  County requires a 35 foot buffer paralleling the OHWM for lakes, rivers, and streams.
-  County requires buffers greater than 35 feet for all or some lakes, rivers, and streams.

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Shoreline buffers

1968 law

- First 35 foot no clear-cut zone
 - No definition for clear-cut

Current

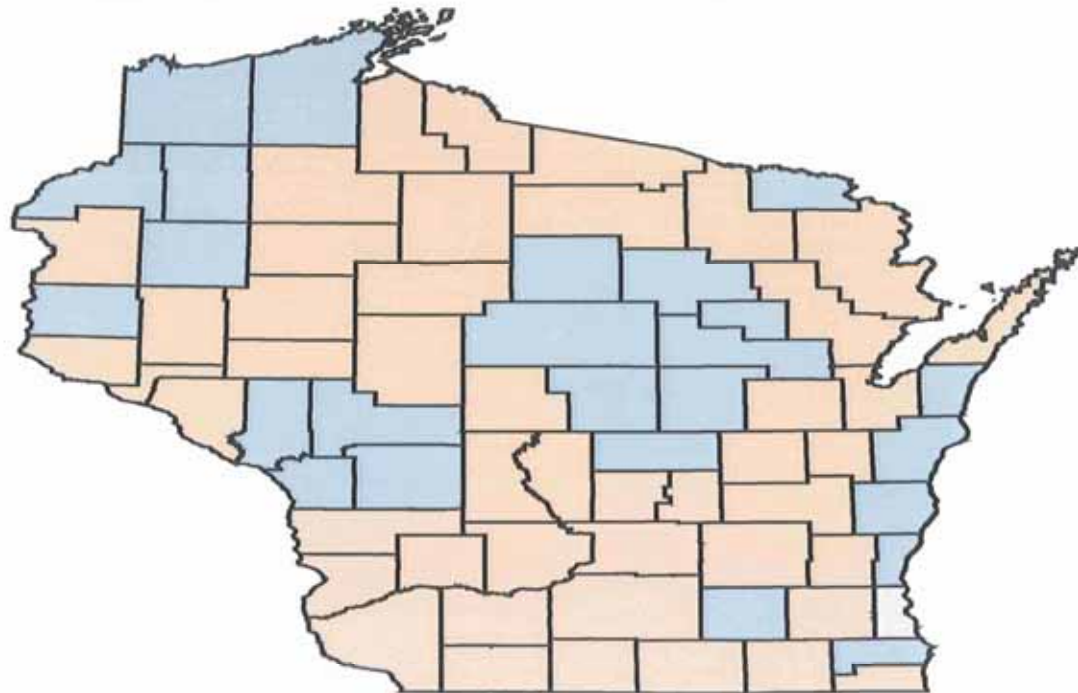
- First 35 feet, no vegetation removal except
 - Access and viewing corridors
 - Shoreline restoration activities & invasive species control
 - Dead, dying or diseased when replaced with native vegetation
 - Sound forestry practices on larger tracts of land
 - Where mowing currently occurs counties may allow “keep what you have”






Setbacks

- Required 75' setback stayed the same however the way averaging is done has been changed
- Need adjacent principal structure on each side to demonstrate there is an existing development pattern

Shoreland Setback Standards



-  County is not regulated under NR 115.
-  County meets the minimum shoreland setback requirement in NR 115.
-  County exceeds the minimum shoreland setback requirement in NR 115 on all or some lakes, rivers, and streams.

For more information, contact Carmen Wagner,
WI DNR, Shoreland Zoning Specialist, 608-266-0061



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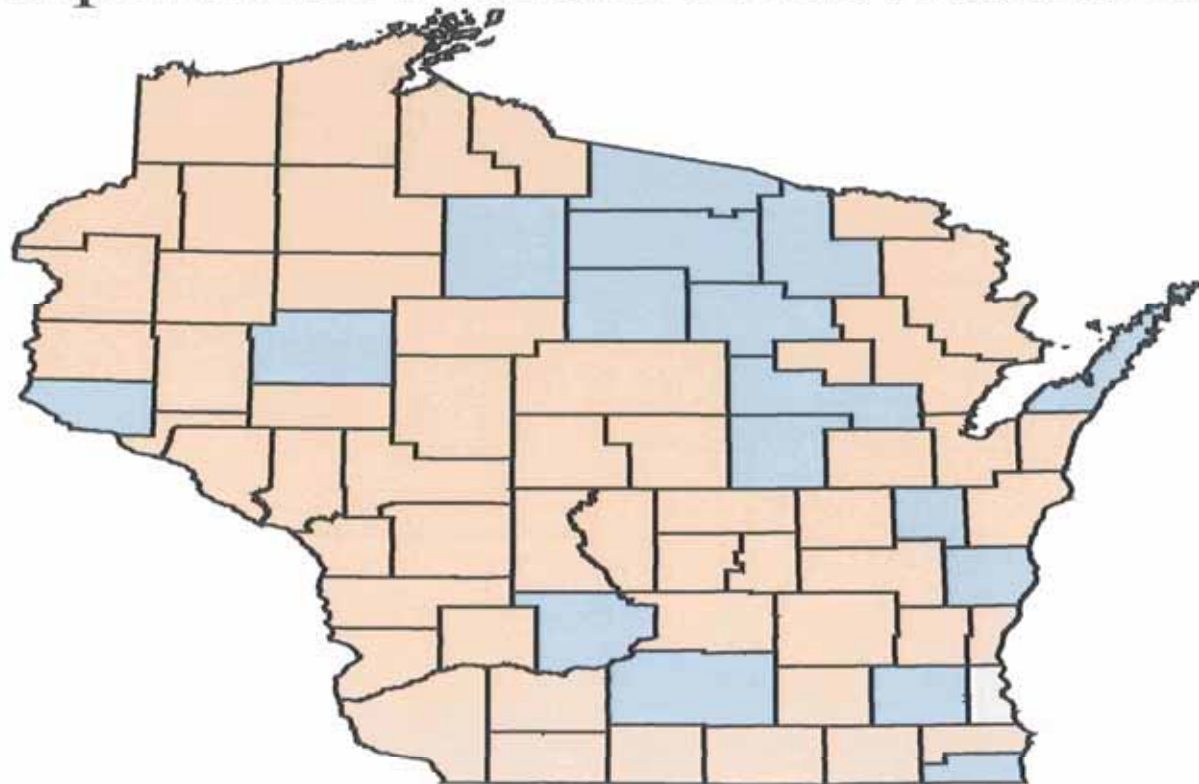
What's been changed or is new?

- Impervious Surface Standards
- Nonconforming Principal Structure – flexibility (maximum – Act 170)
- Mitigation
- Vegetative buffer standards clarified
- Substandard lots (maximum – Act 170)
- Height

2010 Impervious surface standards

- What is an impervious surface?
 - An area that releases all or a majority of the precipitation that falls on it.
 - Includes rooftops, sidewalks, driveways, parking lots, etc.
- What are the geographical boundaries of this standard?
 - Applies to property within 300-feet of any waterway
- **What is the standard?**
 - Keep what you have
 - For riparian lots or non-riparian lots that are entirely within 300 feet of the OHWM
 - Up to 15% impervious no permit is needed
 - Between 15% - 30% ok with a permit and mitigation

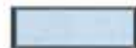
Impervious Surface Area Standards



County is not regulated under NR 115.



County does not place limitations on impervious surface area for shoreland lots.



County limits impervious surface area for shoreland lots.

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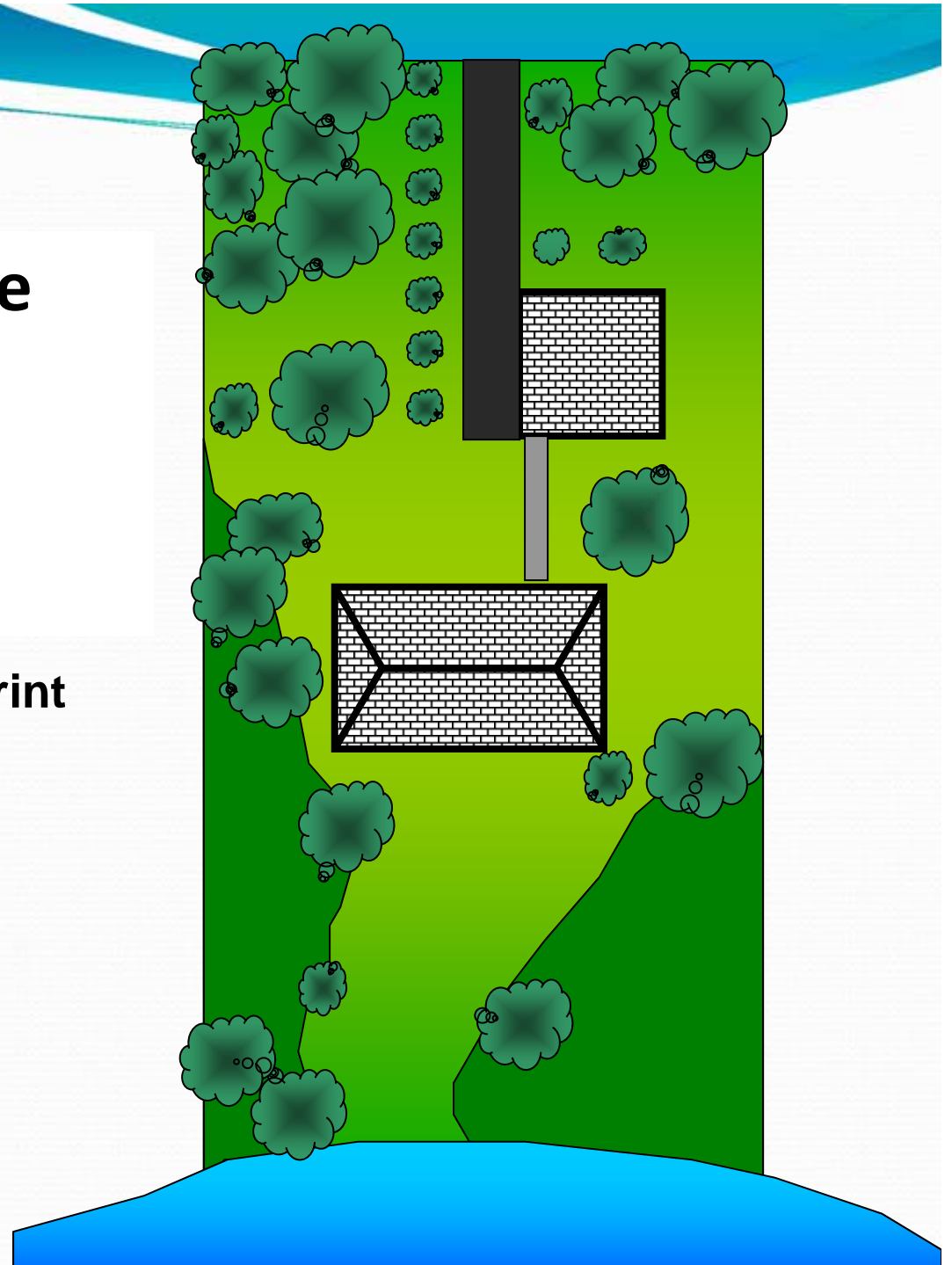
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Impervious Surface Example

15% of 20,000 sq. ft. lot

1500 sq. ft. house footprint
740 sq. ft. garage
660 sq. ft. driveway
100 sq. ft. sidewalk
3000 sq. ft. total



2013 relaxations of impervious surface standards

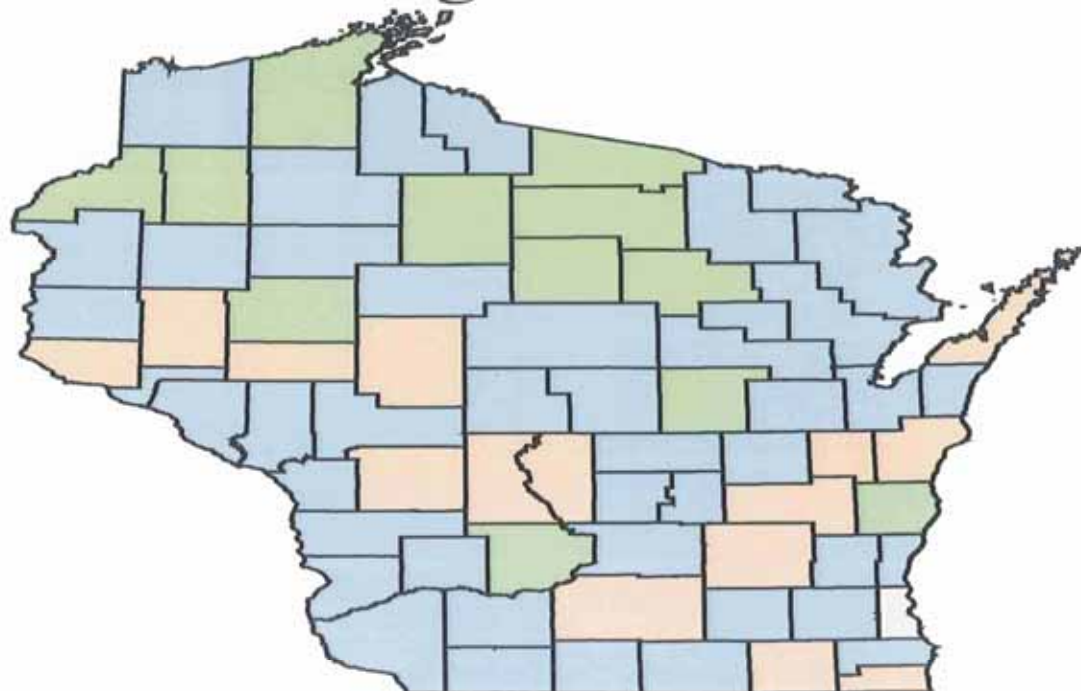
- Counties may create “highly developed shorelines”
 - Urbanized Areas or Urbanized Clusters in 2010 US Census
 - Commercial, Industrial or Business land use
- Counties may add additional areas if all of the following standards are met
 - At least 500 feet of shoreline
 - Majority of lots exceed 30% impervious OR
 - Lots are located on a lake that is sewerred





2013 Impervious Surface Standards

- For Highly Developed Shorelines
 - Impervious surface standard (IS):
 - No permit needed for
 - residential land use with less than 30% IS
 - commercial, industrial or business land use with under 40% IS
 - Permit with mitigation for expansion over the standard
 - Maximum impervious surface standard:
 - 40% IS for residential land use
 - 60% IS for commercial, industrial or business land use



Nonconforming Structure Standards



-  County is not regulated under NR 115.
-  County uses a variation of the 50% rule to regulate additions and alterations to nonconforming structures.
-  County requires alterations or additions to nonconforming structures to comply with shoreland ordinance or to not increase nonconformity.
-  County regulates nonconforming structures based on distance of structure to OHWM and/or total area of structure.

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2010: Nonconforming Principal Structures

Nonconforming structure is

- An existing structure that was constructed but that does not meet water setback
- Known in some counties as "grandfathered structures"

NR 115 provides increased flexibility for structures in exchange for

- Vertical expansion
- Horizontal and/or vertical expansion
- Shoreline setback
- Replacement or relocation
- Counties may be more restrictive

2012: Act 170 goes into effect

For NC structures, counties, cities or villages may NOT be more restrictive than state standards.

This is the first time that state shoreland zoning standards became a cap or upper limit, instead of a lower limit for protection, which they had been since 1968.

2013 NC Principal Structures - changes

- Clarify that maintenance and repair includes exterior remodeling, replacement or enhancement of plumbing, electrical, windows etc...
- **lateral expansion within setback**
 - 200 sq. ft. expansion no closer to OHWM.
 - Could still do vertical expansion
- Clarify discontinuance language
 - Only structures with a nonconforming use
- Eliminate
 - Requirement to remove NC accessory structures for replacement/relocation of NC principal structure.

2010: Shoreland mitigation

- Definition

- “balancing measures that restore natural resources and function to restore natural resources that are otherwise lost through human activities

- What natural functions?

- Water quality, near-shore wildlife habitat and natural resources

- Mitigation is triggered by

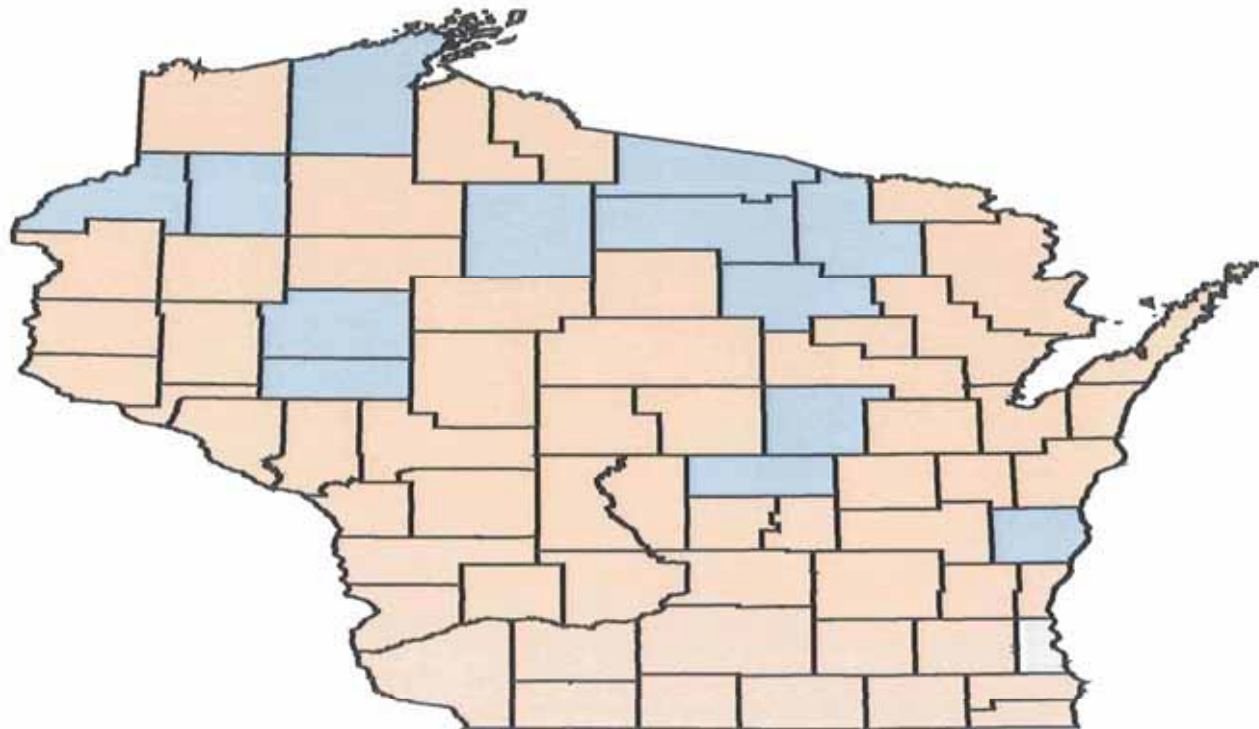
- Increasing impervious surfaces over 15%
- Expanding nonconforming structures




2013

Mitigation only applies on highly developed shorelines when:

- IS increases above 30% for residential land use
- IS increases above 40% for commercial, industrial or business land use

Shoreland Mitigation Standards



-  County is not regulated under NR 115.
-  County does not require shoreland mitigation.
-  County requires shoreland mitigation when constructing, altering or remodeling new or existing structures.

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Mitigation examples

- Restoring vegetative buffer or portions of
- Infiltration techniques/devices
- Rain gardens
- Removal of accessory structures within shoreland setback
- Increase in setback from OHWM
- Removal of impervious surfaces

Shoreland mitigation - flexibility

- A menu approach is common in 21 counties with mitigation
- Example

Mitigation practice	Points
Buffer restoration 35 feet from OHWM	3 points
Buffer restoration 10 feet from OHWM	1 point
Rain garden to capture runoff	1 point
Removing accessory structures less than 75' from OHWM	1-3 points
Narrowing viewing corridor	1 point
Reducing shoreland lighting	1 point
Removing shoreline structures such as firepits, beaches	1 point
Other practices agreed to by zoning administrator	Up to 2 points

- Name a mitigation measure that would help offset the impacts of additional impervious surfaces?
- Rain gardens
- Stormwater detention ponds
- Re-vegetating the buffer or increasing the buffer depth

Substandard lots

A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

- The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
- The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
- The substandard lot or parcel is developed to comply with all other ordinance requirements.

-

Height

- 35' height maximum within the shoreland setback area
- Applies to first 75 feet from OHWM, to protect natural scenic beauty

- Name one of the standards where counties can be more restrictive?
- Water setback
- Height
- Impervious Surfaces
- Vegetative Buffer width

Counties may be more restrictive

- Counties may be more restrictive with exception of regulating NC principal structures and substandard lots
- Locally can address diverse and unique water resources based on existing and proposed development patterns
- Lake classification

Questions? Comments?

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