

Shoreland & Shoreland Wetland Zoning Standards

Department of Natural Resources
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“To NR 115 & Beyond”

- Revision
1997-2010
- Law Passed
February 1, 2010
- County Ordinance Ammendments
2010-2012
- Implementation
2012 and Beyond

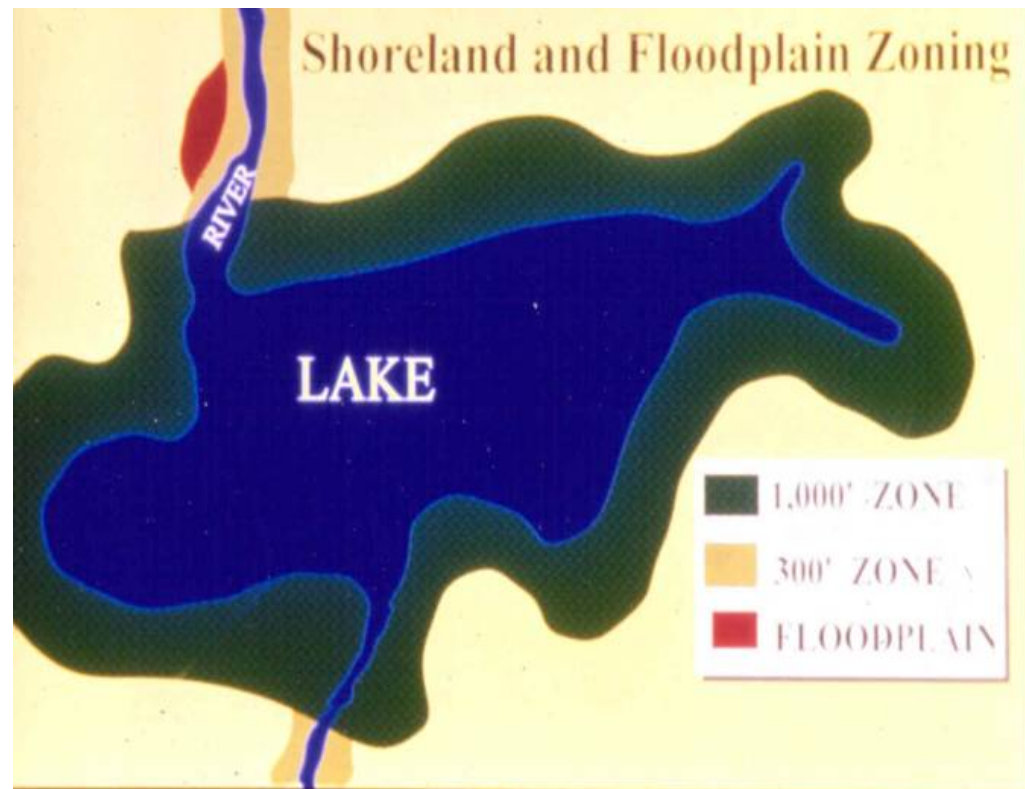


Final Rule

- **REAL**
- Reasonable
- Enforceable
- Attainable
- Logical

Shoreland Zone

- Clarified that the rule applies to unincorporated areas
- Annexed after 1982
- Incorporated after 1994





Added Definitions

- Building Envelope
- Existing development pattern
- Impervious surface
- Mitigation
- Routine maintenance of vegetation
- Means the three dimensional space within which a structure is built
- Means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline
- Means an area that releases as runoff all or a majority of the precipitation that falls on it. “Impervious surface” excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious.
- Means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities
- Means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance



Shoreland Wetland

- Revised to reflect map *amendment* process, not adoption
- Added wetland boundary dispute resolution process
- Clarified communication process between wetland regulatory agencies



Required Setback

1968 Law

- 75-feet from the Ordinary High Water Mark (OHWM)

2010 Law

- 75-feet from the OHWM



Counties may exceed any statewide MINIMUM standard



Structures Exempt from Setback

1968 Law

- Piers
- Boathouses
- Boat hoists

2010 Law

- **Boathouses, only when in access & viewing corridor**
- **Open sided structures s. 59.692(1v), stats**
- **Fishing rafts on Wolf/Mississippi Rivers**
- **Broadcast signal receivers**
- **Utilities**
- **Walkways, stairways, or rails for access**
- **Note-Piers below the OHWM are not subject to minimums in this code however counties may regulate them**





Nonconforming

1968 Law

- 50% rule - limits cumulative structural repairs, alterations or other modifications
- Rebuilding is allowed under statutory exemption where damage is caused by violent wind, ice, mold, infestation, vandalism, or snow.

2010 Law

- Unlimited repair & maintenance for all houses within 75 feet
- 0-35 feet no expansion or complete reconstruction
- 35-75 feet complete reconstruction allowed if:
 - No portion of the house is closer than 35 feet
 - No compliant location on the lot
 - Install mitigation measures
- 35-75 Feet vertical expansion allowed when less than 35 feet

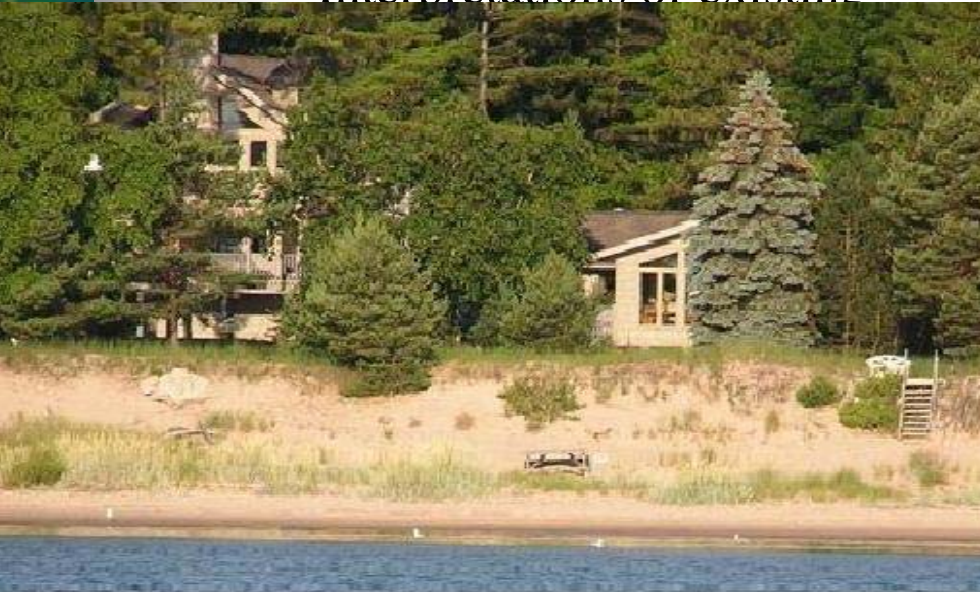




Setback Reduction

1968 Law

- Allows setback averaging wherever an existing development pattern is present
 - Interpretations of existing



2010 Law

- Defined existing development pattern
 - **Means a pattern of existing principal structures within 250 feet in both directions of a proposed structure.**



Vegetation

1968 Law

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

2010 Law

- First 35 feet counties must prohibit vegetation removal except
 - Where this activity currently occurs “keep what you have”
 - Access and viewing corridors with a 200 foot maximum
 - Shoreline restoration activities & invasive species control
 - Dead, dying or diseased when replaced with native vegetation
 - Sound forestry practices on larger tracts of land





Height Restrictions

1968 Law

- None
 - **The majority of counties already regulate this**

2010 Law

- 35 feet maximum height for first 75 feet from the ordinary high water mark
 - This allows at least a typical two story residence





Lot Size

1968 Law

- Unsewered – 20,000 ft² with an average width of 100 feet
- Sewered – 10,000 ft² with an average width of 65 ft

2010 Law

- No change in lot sizes
- Allow development of substandard lots when
 - Lot was not reconfigured or combined with another parcel by platting, survey, or consolidation by tax parcel
 - Lot has never been developed with one or more structures placed partially on another lot





Impervious Surface

1968 Law

- No impervious surface requirement

2010 Law

- Impervious Surface Requirement
- “Keep What you have”
 - No consideration when the impervious surfaces are equal to or less than 15% of the lot size
 - More than 15% but less than 30% mitigation is required
 - Pre-existing surfaces maintain the percentages on the lot
 - When a project requires permitting mitigation is then required





Mitigation

1968 Law

- No mitigation options



2010 Law

- Mitigation is:
 - Balancing measures to restore natural functions lost through human activities.
- County establishes proportionality
 - Flexibility in “How to” meet performance goals





Land Disturbing Activities

1968 Law

- A system of permits regulating activities within the shoreland zone

2010 Law

- No changes are proposed





Department Duties

- Must issue a certificate of compliance in order for an ordinance to go into effect
- Provide technical assistance to counties
- Provide a model ordinance that will clarify intentionally vague language
- Provide tools for mitigation measuring and other implementation items