

Shoreland Zoning

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Ordinance Revision

- Summary:
 - 22 county submittals (4-partial)
 - 15 have been reviewed
- Allow adequate time for review prior to scheduling public hearings = 6 weeks
Review time dependent on: # of ordinances already submitted and ordinance format

Certification Process

- Submit draft ordinance – DNR response with comments/edits for revision. County makes revisions.
- County holds public hearing w/ P&Z comm.
 - Provide published copy of notice and proof of publication to DNR.
- County board passes resolution approving ordinance.
 - Provide copy of resolution (signed, dated, resolution or ordinance #) and proof of publication.
 - Provide certified copy of ordinance.
- DNR issues certification letter after review for required changes.

Things to remember.....

- Check your section references.
- Compare ordinance language to model.
 - Use model language or make sure your language means the same.
- Audience after adoption.
 - Public, development community, judicial system
 - Can it pass the counter test?
 - Confusing language and combining of sections.
 - Break up long paragraphs.

Do create definitions

- Comparable size – tie it into square footage.
- Previously developed –land that has had a structure defined by this chapter legally placed upon it.
- Average lot width – need to define how this will be measured, see policy options.
- Accessory structure – can be attached and/or detached.
- Footprint – need to define, see policy option.

Can create criteria.....examples

For Boathouses

- pitched roofs
- side wall height
- overall size
- color & appearance
- not to exceed one-story
- one boathouse is permitted

Open-sided structures

- Earth toned colors
- Base of structure no higher than 12'' -24'' above pre-construction grade



2016/03/25

Don't create.....

- Additional exempt structures than those listed in NR 115.
- Height limitations for exempt structures, open structures, accessory structures within the shoreland area.
- Slope limitations for exempt structures that would prohibit their construction.
- Additional uses allowed/not allowed within wetland district.
- Definitions that are different than those in NR 115.
- Standards that are more restrictive than those in NR 115.

Highly Developed Shoreline

- Highly Developed area is optional – omit this section from your ordinance if none identified.
 - If you use HD – be sure to provide documentation: submit maps and information required.

Averaging – ex. language

- When a new principal structure qualifies for a reduced building setback, unenclosed accessory structures (functional appurtenances), such as open decks or patios, if built in conjunction with the principal structure are allowed to be constructed at the reduced setback.

Model Ordinance

- Revised to correct grammatical and formatting issues.
- Revised to add legislative changes.

Complications/Considerations

- One ordinance – recommend separating general from shoreland from floodplain.
 - Definitions are not always the same.
 - Floodplain & Shoreland
 - Separating shoreland from general when there are inconsistencies.

Checklist

- Submitting a combined ordinance?
 - Checklist to fill out
 - Shortens review time
 - Ensures completeness on county end

Recent Legislative Changes

- Act 167 (AB 603)
- AB 582 (to be signed by Governor)

Act 167 (3/1/2016)

- Exempt structures (boathouses, walkways, etc) same allowances as NC structures within footprint and 3-dimensional building envelope.
- Clarified setback averaging.
 - Both of the existing principal structures are located less than 75' from OHWM.
 - Allows one-sided averaging as an option
 - Allows increased setback averaging as an option
- Expands the area for a HD shoreline.
- Clarifies that public roads/sidewalks are not to be counted as impervious.

AB 582

- Surveyor in certain circumstances can set the OHWM for shoreland regulatory purposes.
- Roof of a flat boathouse may be used as a deck (no side walls or screens).
- Structures of which any part were authorized by variance same allowances as NC structures within footprint.
- Device/system that retains runoff exempt from OHWM setback.
- Utilities exempt if authorized by DNR.

Utilities

- Exempt from shoreland ordinances if activity is authorized by the dept.
- There are activities that don't need authorization by the dept.
- Request from the utility that they provide dept. verification and provide dept. contact.

Summary:

- Act 55 – allows NC structures w/in footprint, vertical expansion up to 35'
- Act 167 – allows exempt structures w/in footprint and 3-dimensional building envelope
- Act 582 - allows structures of which any part were allowed by variance same allowances as NC structures w/in footprint, vertical expansion up to 35'

Reminders

- BOA requests to continue receiving letters containing an opinion –
 - Heard from only approx. 25 counties
- Continue sending public hearing notices for variances, text/map amendments and CUP
- Continue sending decision documents

Reminders

- Be sure to explain the “why” behind the standard- more important now than ever.
- The single biggest problem in communication is the illusion that it has taken place.

Questions? Comments?

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