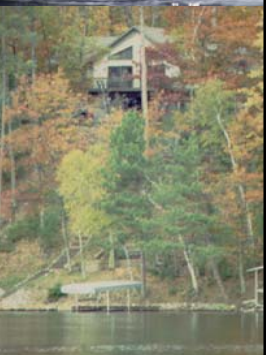


**Wisconsin's Shoreland
Management Program
NR115 Rule Revision Update**

Main Points

- Brief History of Program
- Review Process
- Main Issues
 - OHWM Setbacks and Buffers
 - Nonconforming Structures
 - Development Density
 - Flexibility & Mitigation
- Urbanized Waters Proposal





Program History

- 1966 - WI Waters Resources Act creates shoreland program
 - At that time, only 10 counties were actively enforcing zoning ordinances
 - Required all counties to adopt shoreland zoning ordinances that met or exceeded minimum standards in NR115
- 1980 - Minimum standards for shoreland-wetland zoning added to NR115



Program History (cont.)

- 1981 - Cities & villages required to zone shoreland-wetlands (NR117)
- 1982 - Cities & villages must enforce shoreland ordinance provisions for lands annexed after May 7, 1982
- 1994 - Cities & villages must enforce shoreland ordinance provisions if incorporated after April 30, 1994



NR115 Review Process

2002 - 2003

- 28 Member Advisory Committee (AC)
- AC has reviewed issues and recommendations and developed preferred options for 4 main issues
- Options will be presented to public at listening sessions around the state this fall
- Summary Report will be prepared based on input from AC and listening sessions



NR115 Review Process (cont.)

2004

- Prepare rule package & Natural Resources Board (NRB) request for public hearings
- Conduct 8 public hearing
- Finalize rule package based on comments
- Request final approval from NRB
- Legislative review begins

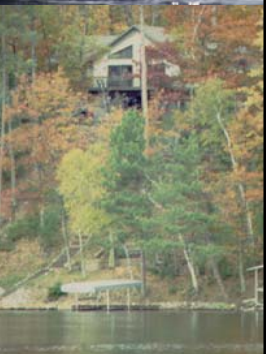


OHWM Setbacks & Buffers

- Current Standard
 - Primary buffer = OHWM to 35 feet inland
 - Secondary buffer = 35 to 75 feet inland
 - OHWM setback = 75 feet from OHWM
- Preferred Options
 - Option 1: Current standard
 - Option 2:
 - Primary buffer = OHWM to 50 feet inland
 - Secondary buffer = 50 to 75 feet inland
 - OHWM setback = 75 feet inland

Nonconforming Structures

- Current standard
 - 50% rule
 - Counties have option of using 50% rule or other method to regulate nonconforming structures
 - Option is not available to cities and villages





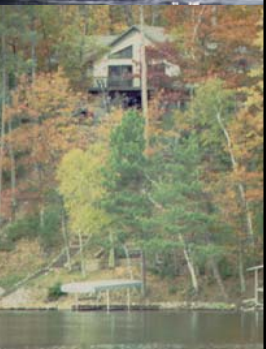
Nonconforming Structures (cont.)

- Preferred Option

- No expansion of NCS within primary buffer
- Limited expansion of NCS within secondary buffer
- Unlimited ordinary maintenance & repairs allowed
- Replacement structures must be built in compliant location
- Primary buffer must be restored if permit issued to work on NCS
- Other mitigation may also be required

Lot Size

- Current Standard
 - Sewered = 10,000 square ft., 65 ft. wide
 - Unsewered = 20,000 square ft., 100 ft. wide
- Preferred Options
 - Option 1: Current Standards
 - Option 2:
 - 20,000 square feet, 100 feet wide, & at time of platting, lot shall have at least 5,000 square feet that is not wetland or in the floodway



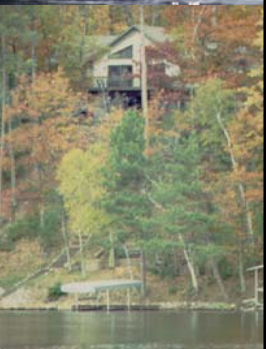
Nonconforming Lots

- Current Standard
 - No standard
- Preferred Option
 - May use compliant location if available
 - If one is not available, the roadway & OHWM setbacks may be reduced to create a 30-foot deep building envelope.
 - Primary buffer must be restored & other mitigation practices may be required
 - May also apply to conforming lots without a compliant building location



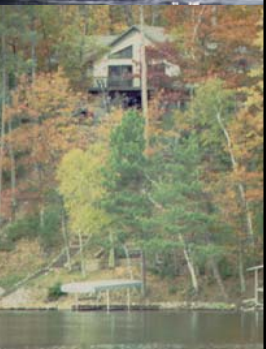
Setback Averaging

- Current Standard
 - Unless an existing pattern of development exists, ...
- Preferred Options
 - Option 1: No setback averaging
 - Option 2: There must be principal structures within 100 feet on both sides of proposed building site that are built at less than required setback. Setback shall be the (a) average or (b) closest of two the setbacks.



Impervious Surface Limits

- Current Standard
 - No standards
- Preferred Options
 - Option 1: Impervious surfaces shall not exceed 2,500 square ft. or 20% of the lot within the shoreland zone unless BMPs control 90% of post-construction runoff
 - Option 2: Impervious surfaces shall not exceed 10% of the lot within the shoreland zone unless BMPs control 90% of post-construction runoff
 - Option 3: No limit



Flexibility & Mitigation

- Incorporated throughout process
 - Mitigation when expanding NCSs; prolonging life of structure, but implementing practices to limit impact of structure
 - Reduce need for variances by creating opportunities to permit projects by zoning administrator or planning & zoning committee if certain standards or criteria are met.



Proposed Sub-chapters

- Agriculture
- Forestry
- Alternative Development
 - Resorts, condominiums, conservation subdivisions
- Recreational Areas
 - Campgrounds, boat landings, marinas
- Urbanized Waters





Purpose of Urbanized Waters

- To develop standards for lakes and rivers developed at densities greater than currently allowed in NR115
- To provide flexibility to counties regulating the nonconforming structures and lots in urban settings
- To provide more flexibility to property owners when remodeling or redeveloping shoreland property in urban settings

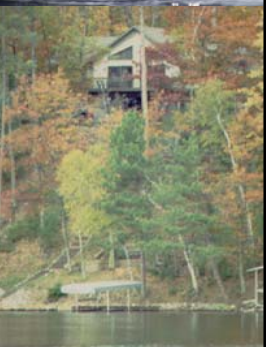
Problems Associated with Urbanized Waters

- Historic development patterns at densities greater than allowed by NR115
- Nonconforming lots
- Nonconforming structures
- Transition from small summer cottages to large year-round homes on small lots
- Building size restrictions
- Investment in property
- Traffic issues



Nonconforming Lots

- Current Standard
 - No standard
- Preferred Option
 - May use compliant location if available
 - If one is not available, the roadway & OHWM setbacks may be reduced to create a 30-foot deep building envelope.
 - Primary buffer must be restored & other mitigation practices may be required
 - May also apply to conforming lots without a compliant building location





Existing lots of record smaller than 7,000 s.f., can be developed if...

- The lot is sewerred
- No accessory structures other than a detached garage or a s. 59.692(1v) structures
- Restore a primary buffer allowing a 15-foot envelope around structure as lawn
- Max. 1500 s.f. including habitable living area of the house (excluding basement), garage and decks/patios/gazebos if built at 35 feet from OHWM
- For each 1 foot decrease in OHWM closer to OHWM, (max. 40% of depth of lot), the max. s.f. is reduced 33 s.f.
- BMPs implemented and maintained to address 90% of post-construction runoff
- Structures use Lower WI Riverway color palette or screen with vegetation

For More Information...

- www.dnr.state.wi.us
- Under “Go to some topics”, select “shoreland management”
- Select “NR115 Revision Update” from left column

