

Effects of Statutory Revisions that Impacted Shoreland Zoning

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My Background

- ❖ Attended the University of Wisconsin Stevens Point September 2002 – May 2006.
- ❖ Treehaven Summer 2004
- ❖ Internship with Fond Du Lac County Summer 2005.
- ❖ Graduated with a Bachelors Degree in Soil and Land Management in May 2006.
- ❖ Started working for the Shawano County Planning and Development Department in January 2007.

What Has Changed

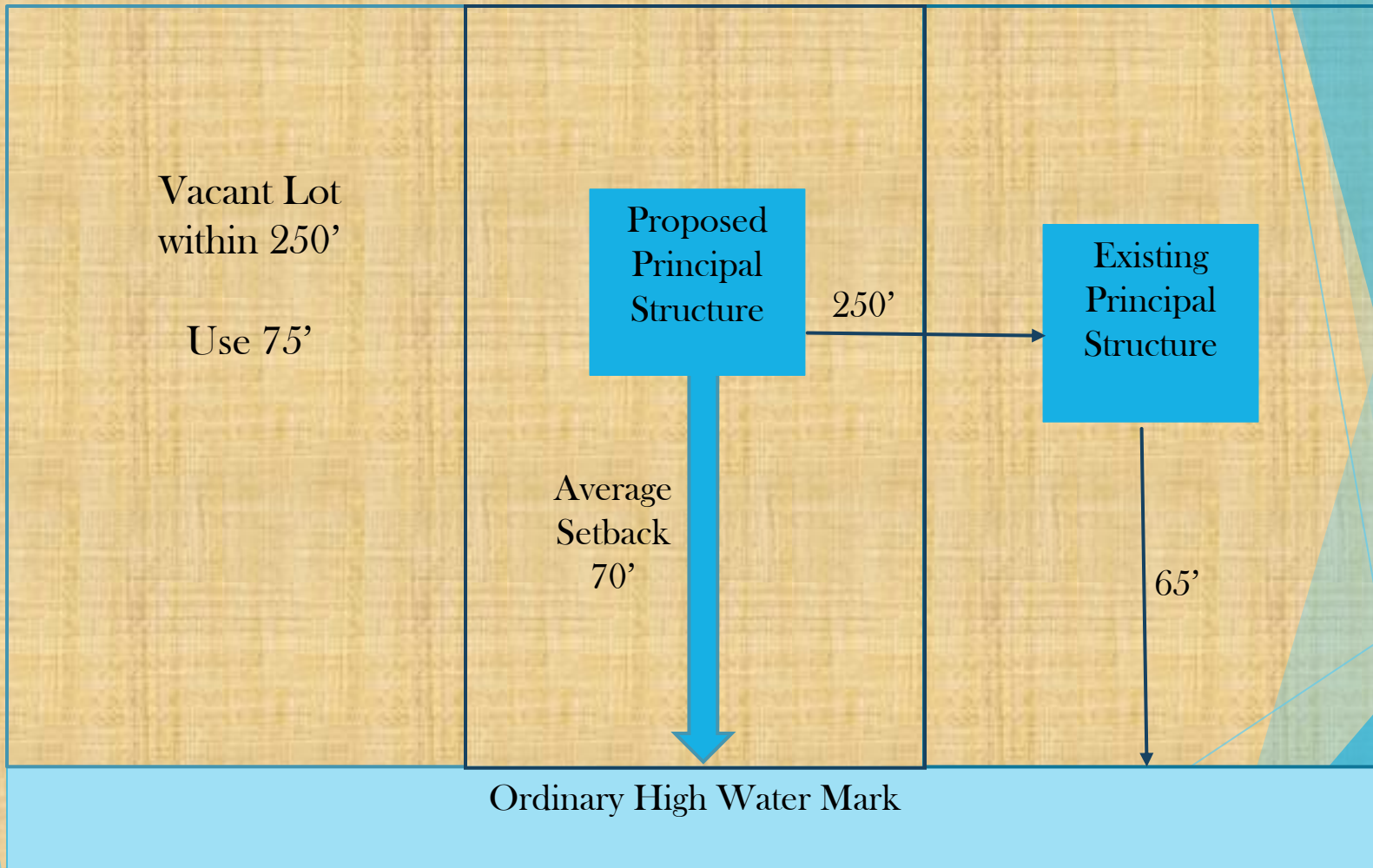
- ❖ Average Setbacks
- ❖ Impervious Surface and Mitigation
- ❖ Non-Conforming Structures
- ❖ Vegetative Buffer

Average Setback - One Sided (optional)

Where there is an existing principal structure in only one direction, the setback shall equal the average of the distance that the existing principal structure is setback from the ordinary high water mark and the required setback of 75' from the ordinary high water mark provided all of the following are met:

- ❖ The existing principal structure is located on an adjacent lot to the proposed principal structure.
- ❖ The existing principal structure is located within 250' of the proposed principal structure.
- ❖ The existing principal structure is located less than 75' from the ordinary high water mark.
- ❖ The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.

One Sided Average (optional)

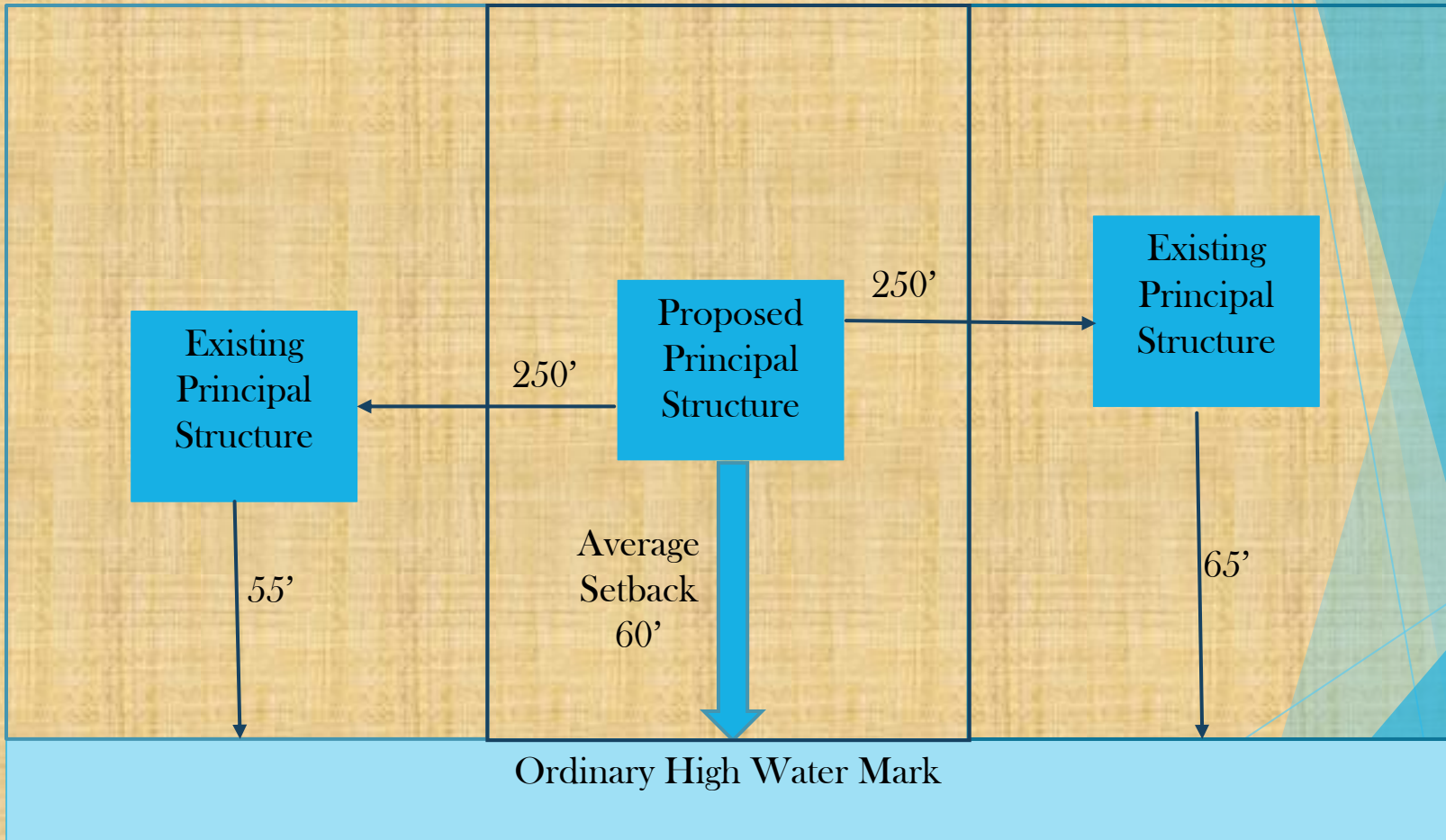


Average Setback – Two Sided (required)

Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing structures are set back from the ordinary high water mark provided all of the following are met:

- ❖ Both of the existing principal structures are located on an adjacent lot to the proposed principal structure.
- ❖ Both of the existing principal structures are located within 250' of the proposed principal structure.
- ❖ Both of the existing principal structures are located less than 75' from the ordinary high water mark.
- ❖ The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.

Two Sided Averaging (required)



Impervious Surfaces

- ❖ A riparian lot or parcel and,
- ❖ A non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

Impervious Surface Standards

Impervious Surface Standards Summary

Location	Allowed Impervious Surface Area	Permitted Impervious Surface area with Mitigation
General	15%	30%
Highly Developed Shorelands- Residential	30%	40%
Highly Developed Shorelands- Commercial/ Business	40%	60%

Table illustrates a summary of section 11.3 and 11.4 in the Shawano County Shoreland Zoning Ordinance.

Calculating Impervious Surface (IS)

(Existing and Proposed IS within 300' of the OHWM)

Total Surface Area x 100 = Percent IS

- ❖ Existing Impervious Surface = 1,000 square feet
- ❖ Proposed Impervious Surface = 1,000 square feet
- ❖ Total Surface Area = 43,560 square feet
- ❖ $2,000 (1,000 + 1,000) / 43,560 \times 100 = 4.59\%$ Impervious Surface

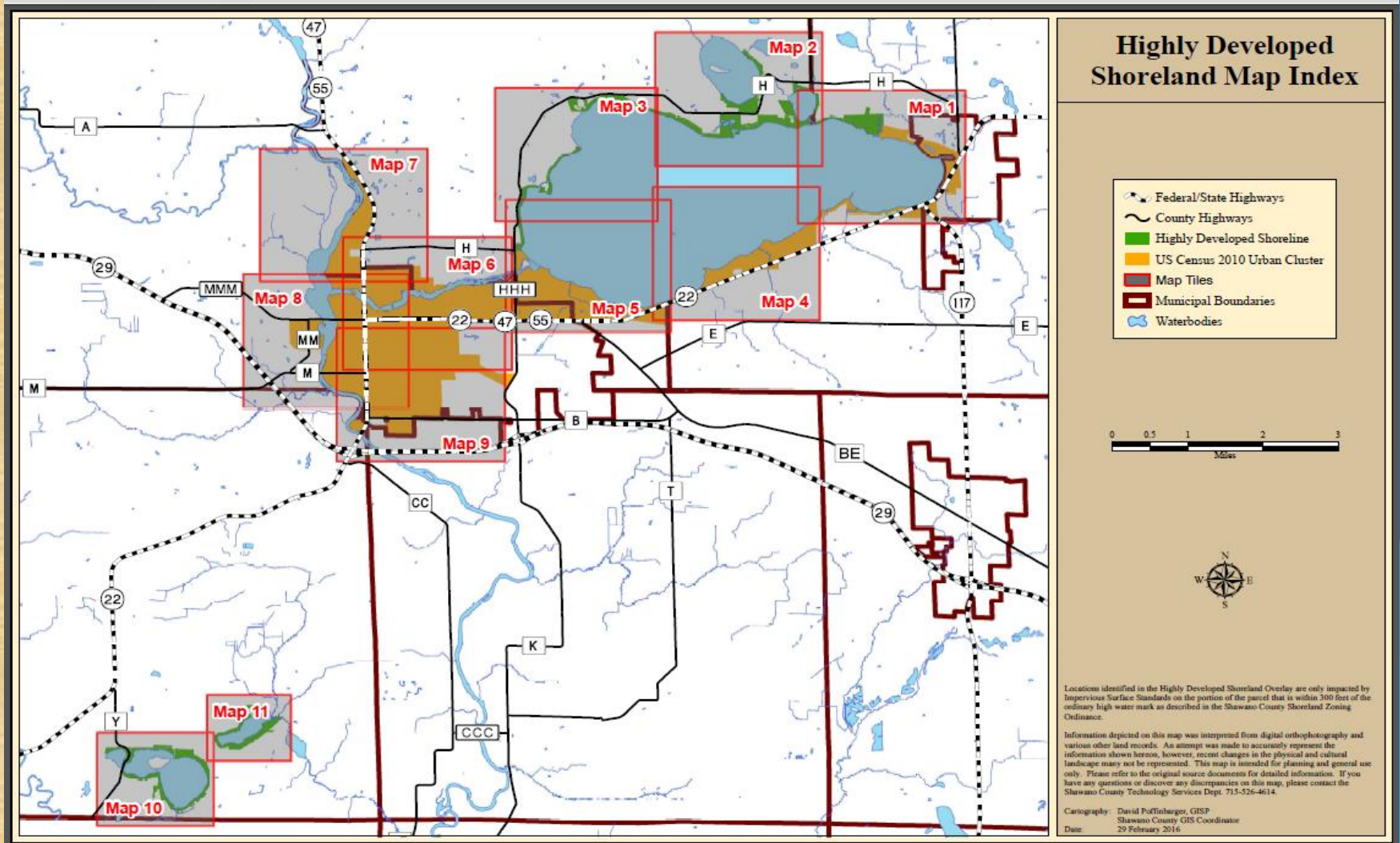
Mitigation:

Shawano Counties Shoreland Ordinance requires a 1:1 ratio.

If Impervious Surface is exceeded by 200 sq. ft. then 200 sq. ft. of mitigation is required.

Mitigation Practices	Square Feet Implemented to Mitigation Achieved
Establishing a vegetation buffer ¹ consisting of ground, shrub, and canopy layers	1:1
Establishing a vegetation buffer ¹ consisting of uncut grass or other ground cover without shrub and canopy layers	2:1
Establishing a side yard buffer along the property consisting of ground, shrub, and canopy layers	1:1
Reducing the width of the view / access corridor	1:1

Highly Developed Shorelands in Shawano County



Non-Conforming Structures

- ❖ An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback.
- ❖ Non-conforming structures may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint, unless required to comply with applicable State or Federal requirements
- ❖ Can be expanded to 35' in height
- ❖ Structures located at less than the shoreland setback by variance before July 13, 2015 also follow these non-conforming structure rules

Non-Conforming Structures

- ❖ Permits, fees and mitigation are not required; however, permits and fees can be imposed through other ordinances such as Floodplain, General Zoning, Sanitary, Building Codes and Stormwater Erosion Control
- ❖ Illegally constructed structures are not subject to the allowances created for non-conforming structures.

Lateral Expansion of Non-Conforming Principal Structures

- ❖ The existing principal structure is at least 35' from the OHWM
- ❖ Expansions are limited to 200 sq. ft. over the life of the structure and cannot be built any closer to the OHWM than the existing principle structure.
- ❖ Mitigation is required
- ❖ The use of the structure has not been discontinued for a period of 12 months or more if a non-conforming use

Expansion Beyond the Setback

- ❖ An existing principal structure that was lawfully placed when constructed but does not comply with the required OHWM setback may be expanded horizontally or vertically provided that the expanded area meets the required 75' OHWM setback.
- ❖ No mitigation required, unless required for impervious surface

Vegetative Management

- ❖ Vegetative Buffer = land that extends from the ordinary high water mark to a minimum of 35 feet inland
- ❖ Allow a viewing corridor of 35 feet for every 100 feet of shoreline frontage
- ❖ The viewing corridor may run contiguously for the entire maximum width of shoreline frontage owned.
- ❖ i.e. 200 feet of lot frontage = 70 foot wide viewing corridor.
- ❖ i.e. 50 feet of lot frontage = 17.5 foot wide viewing corridor

Any Questions?

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