

Waukesha County Shoreland Zoning Advisory Committee

Project Overview



Waukesha Co. Planning & Zoning Division, 1/20/2016

Project Objectives

- Implement revised State shoreland rules (NR 115)
- Comply with revised State law (59.692)
- Improve & modernize County zoning provisions

NR 115, State Law & County Shoreland Ordinance

- Water Resources Act (1966) Ch. 281
 - Ch. 59 Wis. Stats. » NR 115 Wis. Adm. Code
 - Ch. 87 Wis. Stats. » NR 116 Wis. Adm. Code
- Areas regulated-“shoreland”
- Purpose and Intent
- Example regulations

Why Did DNR Propose Updates to NR 115?

- Standards not sufficient in protecting water – (Comprehensive Program Assessment, -1997)
 - Phosphorus and sediment
 - Shoreline buffers control nutrients, storm water runoff, fecal bacteria, sedimentation, & promote wildlife habitat.
 - Impervious surface decreases # of fish & insect species, & increases erosion, pollutants entering water, & algae growth.

Increasing impervious surface in the watershed
Decreasing number of fish & fish species

Fish found in streams when impervious surface in the watershed was:

Less than 8%

8 - 12%

Greater than 12%





Why Did DNR Propose Updates to NR 115?

- Counties expressed frustration w/standards
 - Vague or undefined
 - Require considerable interpretation
 - Inflexible, discouraging innovative regulatory programs
- Property owners frustrated w/ standards
 - 50% rule for nonconforming structures not equitable
 - Reduced setbacks or improvements to nonconforming structures should not require a variance.

NR 115 Update Sequence

- '02-'10 – Advisory committee, 14,000 comments
- 2010 - revised rule effective- 2-yr. deadline
- 2012 - deadline extended - Feb. 1, 2014
- County input & economic analysis
- Sept. 2014 - revised rule published- 2-yr. deadline (Oct. 2016)

Waukesha County Input

- Shore parcel size
- Impervious surface - 40 properties analyzed
- # of permits issued annually
- Hypothetical 15% impervious threshold

What is Changing per NR 115?

- Impervious surface limits
- Flexibility - nonconforming principal structures
- Mitigation requirements
- General standards, i.e. boathouses, height, vegetation removal, substandard lots

2015 State Law Changes (Act 55)

- Minimum shoreland rules became **maximum**
- Loosening of NR 115 provisions
- Counties retain authority – shoreland matters not included in NR115

Impervious Surface Limits

Previous rule – none (County code has minimal rules)

NR115 – 15-30% rural, 30-40% highly developed, 40-60 commercial

ACT 55 - %'s are same, but must exempt "treated impervious surfaces"



Prospect Ave

SS

Prospect Ave

SS

Edgewood Ave

Prospect Ave

Bing maps

50 fe

Nonconforming Structures

Previous rule – 50%

NR 115 – Vertical & horizontal expansions of principal structures w/in setback

ACT 55 – Must allow vertical expansions up to 35 ft. for all structures

Nonconforming Structures – County Provisions

- Floor area ratio/footprint
- Road setback
- Offset
- Height
- Nonconforming uses



Bing maps

Mitigation

- Measure to maintain/enhance water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty
- Measures shall be proportional to the amount and impacts of "new" project

Types of Mitigation Measures

- Vegetative buffers
- Stormwater management practices
- Removal/relocation of nonconforming accessory structures
- Removal of impervious surfaces
- Neutral or earth tone colors
- Shoreline modifications
- Restoration of wetlands

Vegetative Buffers





JUL 6 2004

Rain Gardens



Mitigation

No existing rules

NR 115 – Vertical & horizontal expansion w/in shore setback & when IS % between low & high range

ACT 55 – Horizontal expansion w/in shore setback & when IS % between low & high range

Shore Setbacks

No change in NR 115 since 1968 rule

ACT 55 –

- Counties can't be more restrictive than 75 ft. rule (Delafield Shoreland Overlay)
- Must allow averaging, boathouses exempt



Example of existing pattern of development –
150 ft. shore setback on Pewaukee Lake



General Provisions

NR 115

- Height
- PUD standards
- Substandard lots
- Vegetation removal requirements

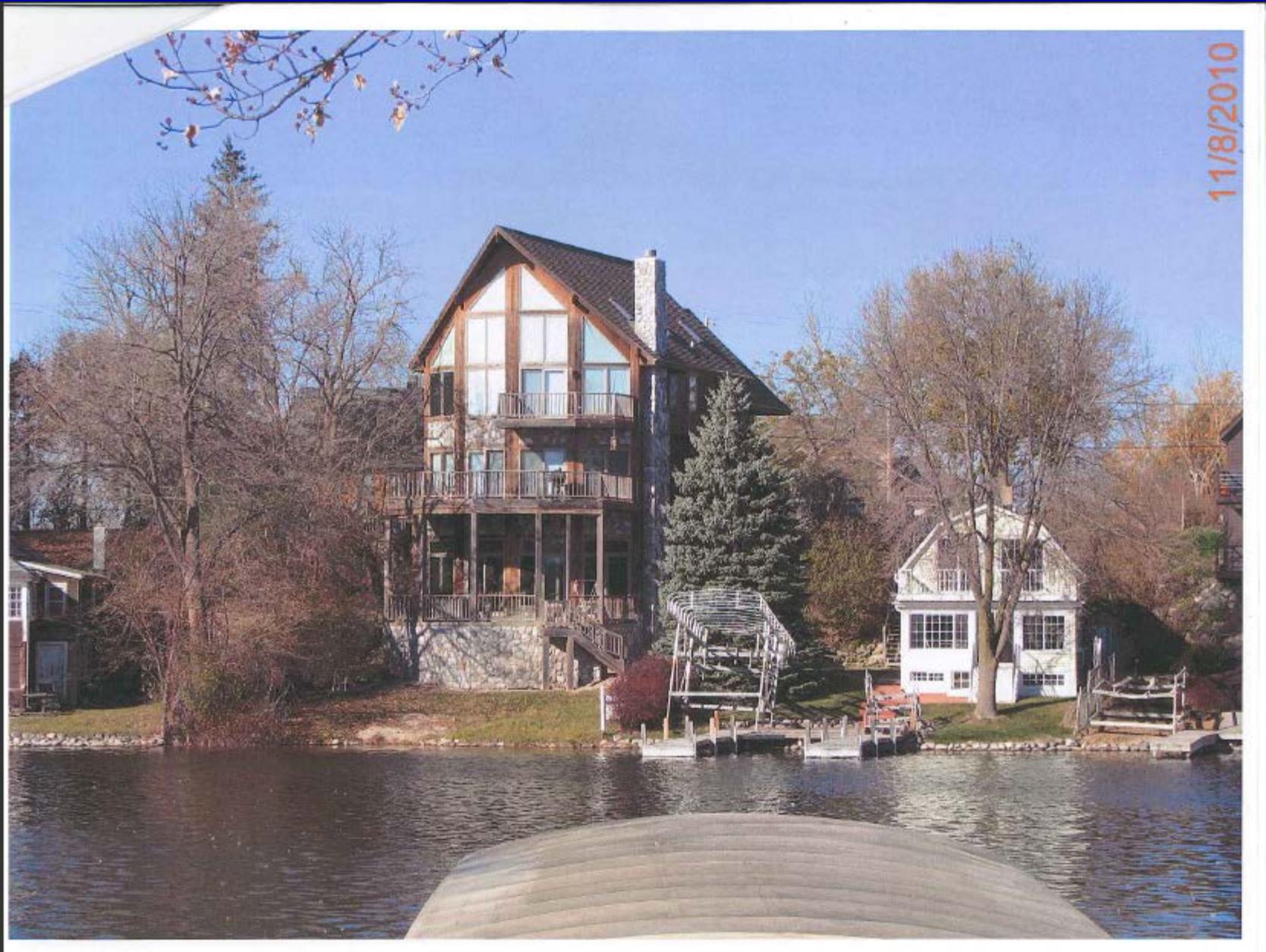
ACT 55

- Lot size and width

General Provisions Cont.

County requirements

- Floor area ratio & open space
- Accessory building size
- Boathouse size
- Definition of lot
- Offset reduction formula
- Road setback



11/8/2010





22'6" X 30', 675 SQ. FT.

Anticipated Outcomes

- More flexibility-nonconforming structures
- Fewer variances
- Improved FAR/open space provisions
- Increased development w/in shoreland zone
- Potential increase in natural shorelines
- Potential increase in water/habitat quality

References

- WDNR publications
- Wisconsin Shoreland Zoning Revision
NR 115 Guidebook
- Shoreland Mitigation Memo–DNR (3/30/11)
- Center for Land Use Education
- County, City, Village and Town Ordinances
- Experiences