

NR 115 Update

Proposed Changes Summary:

Vegetative Management Standards

- Within the vegetative buffer – 35' from the OHWM the Department is clarifying that no permit is necessary for the removal of exotics, invasive, diseased or hazardous species as long as the area is re-vegetated.

Reporting Standards

- Eliminates the requirement that counties must provide copies of permits for nonconforming structures to the Department. The remaining reporting requirements reflect what has been required from counties since 1968.

Impervious Surface Standards

- Standards only apply to riparian lots, or non-riparian lots entirely within 300' of OHWM.
- Areas that do not directly drain to a waterway or drain to a treatment system do not need to be counted toward property's impervious surface limits.
- Counties may develop an ordinance providing higher impervious surface standards, for highly developed shorelines
 - o Highly developed shorelines defined as:
 - land located within an Urbanized Area or Urbanized Cluster from 2010 US Census info
 - commercial, industrial, or business land uses
 - additional areas the county may add if certain criteria is met
 - o Properties may have up to 30% imp. for residential and 40% imp. for industrial, commercial, or business land use without a permit.
 - o A permit with mitigation required for properties that expand and have between 30-40% imp. for residential land uses or 40-60% imp. for industrial, commercial & business zoning

Nonconforming Structure Standards

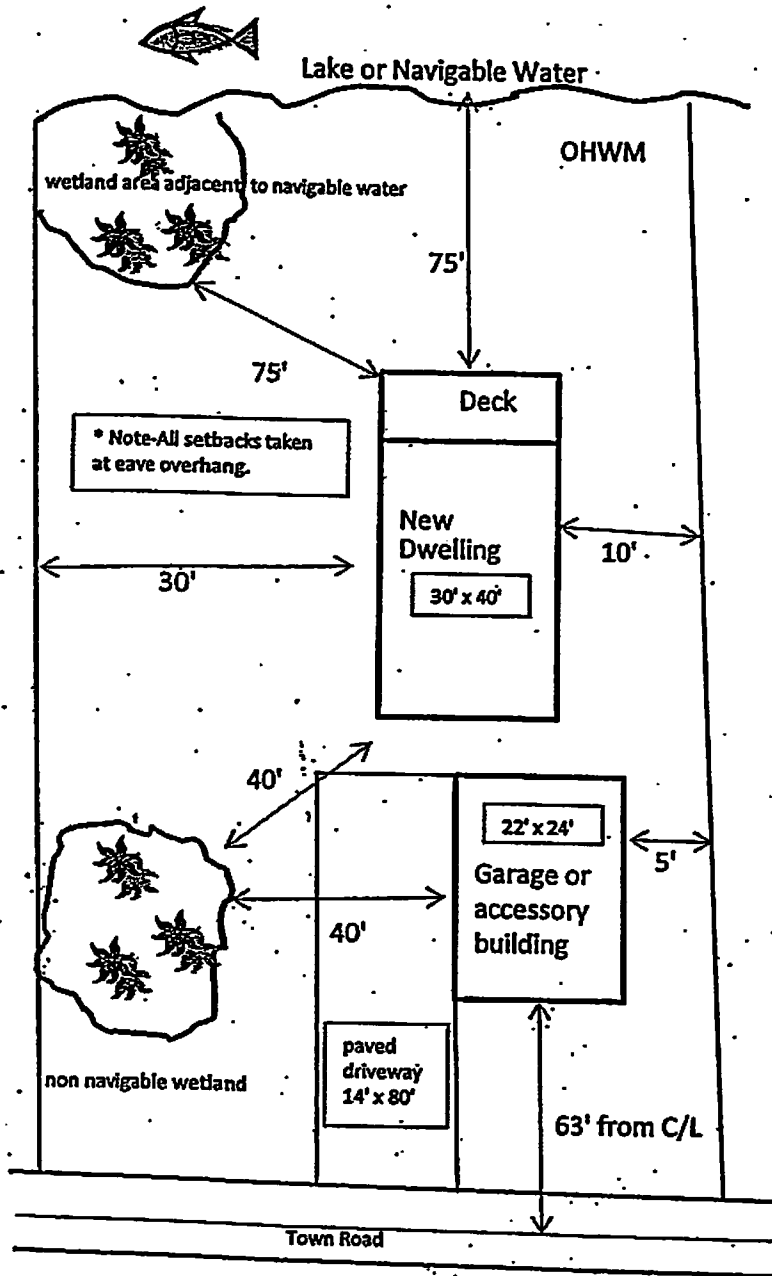
- Clarifying language that counties may regulate dry boat houses

- Clarifies that counties may define what constitutes ordinary maintenance and repair and it may allow structural improvements.
- Eliminates the requirement to remove nonconforming accessory structures when replacing or relocating nonconforming structures.
- Allows 1 time horizontal expansion of 200 sq. ft. onto existing primary dwelling if; all portions of the structure are beyond 35' and expansion is no closer to OHWM

NR 115 Rulemaking Update

The Public Comment period has closed and it has passed the Natural Resources Board last December. It is scheduled to be heard at the State Senate Hearing in May of 2015. Counties will have until February 1, 2016 for ordinances updates to incorporate rule revisions once they are final.

NEW DWELLING SETBACKS



Dwelling- All new permanent structures and replacement structures shall be set back at least 75' from the closest point to the ordinary high-water mark of a navigable water or wetland adjacent to a navigable water and no less than 40' to a free standing wetland. (Includes fences and retaining walls.)

***exceptions -** A property owner may construct a stairway, walkway, or lift 5' maximum width that leads perpendicular to the lake shore. Landings are allowed where required for safety reasons and shall not exceed 40 sq. feet and benches, seats, tables, etc. are prohibited.

Side yard setbacks shall be at least 10' on one side and 40' minimum total for Class 1 Lakes. (See zoning for other Lake Class setbacks.) Accessory buildings, such as storage sheds or detached garages, shall be a minimum of 5' from the side lot line. Rear lot line setback is 40'. (Road setback supersedes rear lot line setback.)

Road Setbacks-

Class A: All State and US Highways, shall be 130' from the center-line or 66' from right-of-way line, whichever is greater.

Class B: All County Trunk Highways, shall be 75' from the center-line or 42' from right-of-way line, whichever is greater.

Class C: All Town Roads, shall be 63' from the center-line or 30' from right-of-way line, whichever is greater.

Private Access Easements - shall be 30' from centerline. (Does not include easement roads platted as 66' wide, apply Class C setbacks).

Impervious Surfaces-

A property is allowed 15% impervious surfaces (areas which prevent or impede normal water infiltration) within 300' of the water. (Includes all paved or paver stone areas does not include decks with 1/8" gaps.)

Example:

Lot Dimension=100'x200'=20,000 sq. ft

Imp. Sur. = House=30'x40'=1,200 sq. ft

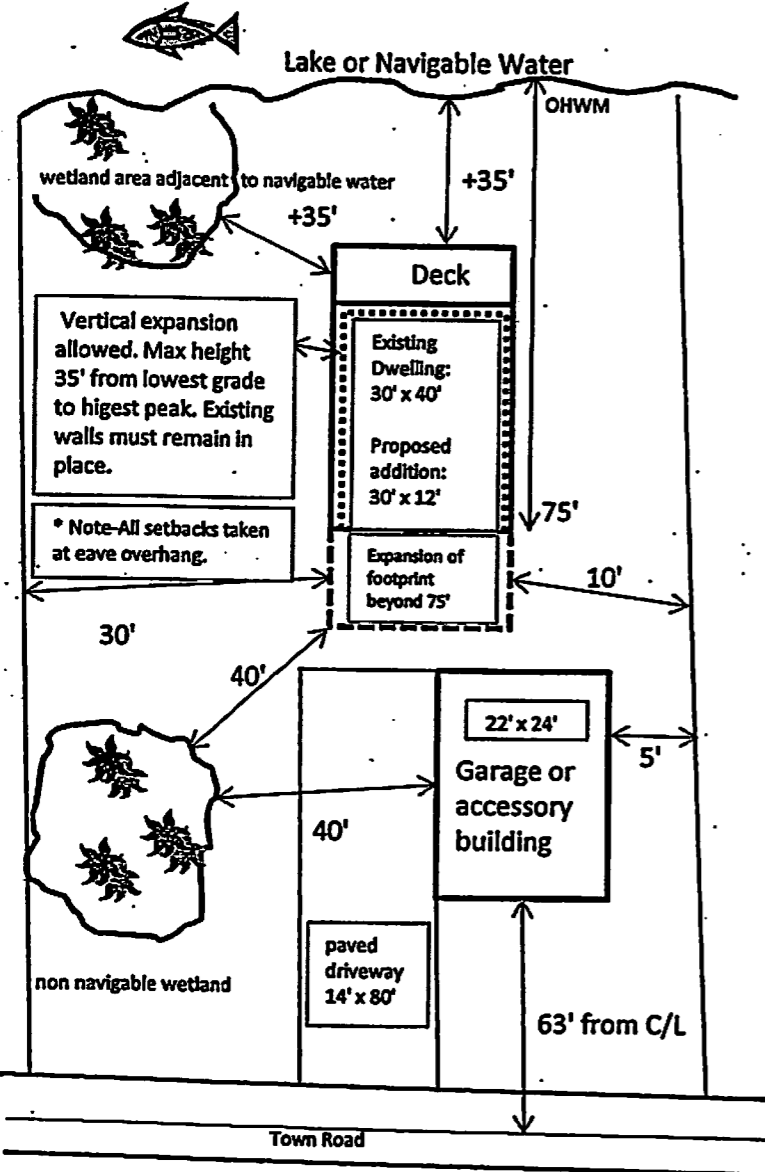
Garage=22'x24'=528 sq. ft

Driveway=14'x80'=1,120 sq. ft

Total = 2,848 sq. ft

Calculation: $2,848 / 20,000 * 100 = 14.24\%$ used

Nonconforming Structures



Dwelling- If any portion of the structure (including attached decks and eave overhangs) is closer than 35' to the ordinary high-water mark (OHWM) the structure may be maintained using Section 15.8 ORDINARY MAINTENANCE AND REPAIR. Expansion is not allowed except by variance.

For principal structures 35' or greater from OHWM vertical expansion is allowed. Max height 35' from lowest grade to highest peak, use of structure as not been discontinued for a period of 12 months or more, existing walls must remain in place, mitigation of shoreline is required.

Once beyond 75' from OHWM expansion of the footprint may occur. You cannot increase the non-conformity for side lot line setbacks. Mitigation of shoreline is required.

Road Setbacks- Class A: All State and US Highways, shall be 130' from the center-line or 66' from right-of-way line, whichever is greater.

Class B: All County Trunk Highways, shall be 75' from the center-line or 42' from right-of-way line, whichever is greater.

Class C: All Town Roads, shall be 63' from the center-line or 30' from right-of-way line, whichever is greater.

*Private Access Easements - shall be 30' from centerline. (Does not include easement roads platted as 66' wide, apply Class C setbacks).

Impervious Surfaces- A property is allowed 15% impervious surfaces, which are areas that prevent or impede normal water infiltration within 300' of the OHWM. (Includes eave line dimensions and all paved or paver stone areas. Does not include decks with 1/8" gaps.)

Example: Lot Dimension=100'x200'=20,000 sq. ft
 Imp. Sur. = House=30'x40'=1,200 sq. ft
 Garage=22'x24'=528 sq. ft
 Driveway=16'x80'=1,280 sq. ft
 Total= 3,008 sq. ft

* If additional impervious surfaces are added and the property is already over 15% you are allowed to do a no net increase.
 Addition=30'x12'=360sq. ft
 You would then need to remove 360sq. ft of paved driveway or a different impervious surface to offset amount you are adding on.

Calculation: 3,008 / 20,000 *100=15.04% used