

# Act 170

## What is Act 170?

- Effective in April 2012, the Wisconsin Legislature changed how state law regulates non-conforming structures and substandard lots in the shoreland.
- A direct reversal of past practice, Act 170 prohibits regulating nonconforming structures and substandard lots in a more restrictive manner than the current state shoreland zoning standards in NR 115.
- In addition, can no longer regulate changes to non-conforming structures based on the cost of the work being done.

## In order to comply.....

- Created new shoreland chapter to implement Act 170.
- Mitigation will be required for expansion of nonconforming structures.
- Mitigation handbook created as a separate document.
- The revisions not subject to town approval/disapproval.

## Nonconforming Standards

- Maintenance of nonconforming principal structure
- Vertical expansion of nonconforming principal structure allowed – requires mitigation
- Expansion of nonconforming principal structure beyond the setback
- Replacement or relocation of nonconforming principal structure – requires mitigation

## Maintenance of nonconforming principal structure

- This includes activities such as interior remodeling, plumbing, insulation, and replacement of similar sized windows and doors, siding, roof, and nonstructural components.

## Vertical expansion of nonconforming structure

- Use not discontinued for 12 months or more.
- Structure is at least 35' from the ordinary high water mark.
- Limited to 35' in height.
- Mitigation permit and plan required. Plan is recorded at Register of Deeds.
- All other provisions of the ordinance are met.

# Vertical Expansion > 35' from OHWM



## Expansion of nonconforming structure beyond OHWM setback

- Expanded horizontally, landward, or vertically provided if meets the setback from the ordinary high water mark and all other ordinance provisions are met.
- Mitigation not required solely for this type of expansion.

## Horizontal Expansion $\geq 75'$ from OHWM & Vertical Expansion $> 35'$ from OHWM



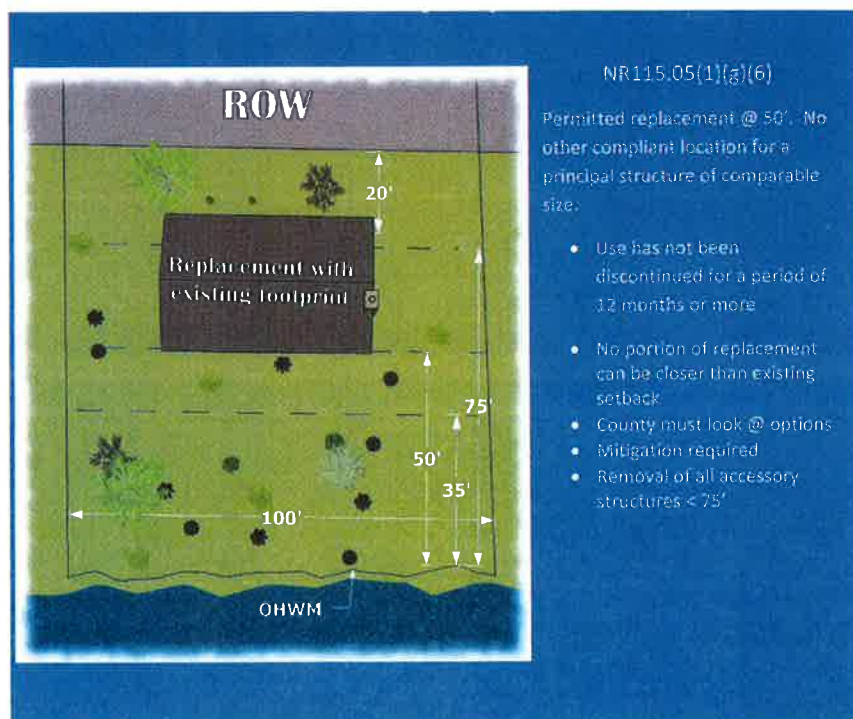
## Replacement or relocation of principal structure

- Use of structure not discontinued for 12 months or more.
- Structure is at least 35' from the ordinary high water mark.
- No portion located any closer to the ordinary high water mark than the closest point of the existing structure
- County determines no other location is available on the property to rebuild a similar principal structure (within 10% of the square footage of the original structure) that meets the shoreland setback.

## Replacement or relocation of principal structure, continued

- A mitigation permit issued and plan shall be issued and recorded in the office of Register of Deeds.
- All other structures that do not comply with the shoreland setback requirement shall be removed.
- All other provisions of the ordinance shall be met.

### Replace Home > 35' from OHWM



## Nonconforming lots (substandard)

- Act 170 prohibits regulating construction on a substandard lot that is more restrictive than NR 115.
- Previously had “grandfathering” provisions.
- A legally created lot that met minimum area and width when created but does not meet current lot requirements may be used as a building site provided a variance has been granted by the Board of Adjustment or if all of the following apply:

## Substandard lots, continued

- The substandard lot was never reconfigured or combined with another parcel by plat, survey, or consolidation by the owner into one parcel.
- The substandard lot has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel; and
- The substandard lot is developed to comply with all other ordinance requirements.

# Mitigation

- Based on a point system, proportional to the development proposed.
- Menu of options available to achieve the required number of points.
- Goal of mitigation options: feasible, realistic, effective and measureable.

## Mitigation Examples

- Maintaining and/or restoration of shoreland buffer
- Removal of nonconforming structures
- Decreased viewing corridor
- Increased OHWM setbacks for structures
- Method of collecting and diverting surface runoff



# Timeframe

- DNR and final Corporation Counsel review
- Public Hearing in March
- County Board adoption in April

## Proposed Changes to NR115

- Nonconforming structure = one time horizontal expansion of 200 square feet – requires mitigation
- Impervious surface ratios change
- Timeframe – by May 2016.

# Questions?