

**LAND USE DIVISION**  
**FALL NEWSLETTER 2015**

**SHORELAND ZONING CODE REVISION  
& ACT 55 OF STATE BUDGET BILL**

**Are you planning to build a new house, an addition to an existing house or landscaping to your property in a shoreland zoning district?**

By October 2016 Washington County along with all counties in the state must revise their Shoreland Zoning Ordinance to meet new Department of Natural Resources (DNR) rules. The DNR revised State Administrative Code NR 115 including impervious area limits for building projects. This requirement has been complicated by the State Legislature passage of the budget bill which is where ACT 55 originated.



*Example of a vegetated buffer using tree and shrubs along with ground cover plants.*

The new code allows a property owner to keep what they have. However, if a change to a building or property is proposed the new code will have to be complied with in order for the county to issue a permit or approval for the change. This could involve building a new home, adding an addition to an existing home or remodeling that involves structural changes to the

existing home. The new code would also have to be complied with if driveways, sidewalks or other impervious surfaces are proposed or modified.

An existing part of the current code that remains unchanged is the 75 foot setback of most new structures to the water. Also, the minimum lot size for a new lot remains unchanged at 20,000 square feet for properties on a Private Onsite Wastewater Treatment System (POWTS) and 10,000 square feet for properties served by a public sewer system.

One change in the new code is allowing greater flexibility in allowing an addition to an existing home within the 75 foot setback. Washington County currently allows the use of setback averaging within 75 feet of the water, however averaging cannot be used to allow an addition to a house closer than 50 feet from the water. Under ACT 55 averaging will now be allowed within the 50 foot setback.

In 2001 Washington County adopted a Shoreland Zoning Ordinance that utilized waterbody classification. ACT 55 will make waterbody classification irrelevant since ACT 55 does not allow counties to be more restrictive. Therefore, all Ordinance language that deals with waterbody classification will be removed.

In early 2016, the Washington County Planning, Conservation and Parks Committee will hold a public hearing for the revised Washington County Shoreland Zoning Ordinance. The County Attorney along with the Land Use Division staff will prepare a draft ordinance. The DNR will have to review and approve the revised ordinance prior to our public hearing and County Board review and approval.