



Item 12b.

SHORELAND ZONING TASK FORCE RECOMMENDATIONS

ISSUE: In July 2015, Governor Walker signed into law 2015 Wisconsin Act 55 (Act 55), the 2015-17 state biennial budget bill. Act 55 significantly modified shoreland zoning provisions contained within Wis. Stat. § 59.692. Prior to Act 55, counties had the general authority to enact shoreland zoning ordinances that were more restrictive (but not less restrictive) than the shoreland standards established by the Wisconsin Department of Natural Resources in Wis. Admin. Code Chapter NR 115. Following Act 55, counties are prohibited from enacting shoreland zoning ordinances that are more restrictive than the NR 115 shoreland standards. Predictably, the complete reversal of regulatory authority has posed problems for counties and other stakeholders. In response to the Act 55 changes, WCA worked with its membership, key stakeholders, legislative leaders, and state agencies through its Shoreland Zoning Task Force to develop proposed statutory changes related to shoreland zoning.

The Task Force met on five different occasions and gathered a significant amount of information from various stakeholders. Based upon the Task Force's review of the information, it was determined that there are several key initiatives that WCA prioritize from a lobbying standpoint in order to preserve county and stakeholder interests. The initiatives are identified in the recommendations below. In addition to the initiatives, the Task Force also recommends that staff and WCA legal counsel work with stakeholders to identify opportunities for public education surrounding shoreland zoning regulation.

SHORELAND ZONING TASK FORCE RECOMMENDATION: The WCA Shoreland Zoning Task Force recommends that the WCA Board of Directors adopt the following recommendations:

Support legislation that gives county zoning departments the opportunity to inspect and review replacement, repair/remodel, and vertical expansions of structures (and allow a county to charge a modest fee for the service) for compliance with shoreland, floodplain, wetland, and general zoning standards. Property owners, title insurers and lenders would all benefit from certification of zoning compliance.

Support legislation clarifying that counties may adopt a shoreland zoning ordinance that restricts the height of any structure other than a principal structure within the 75-foot setback from the Ordinary High Water Mark (OHWM). Retain language that

would allow vertical expansion of a principal structure up to 35 feet only if the structure is at least 35 feet from the OHWM.

Support legislation specifying that a non-conforming structure located within the 75-foot setback from the OHWM may not be expanded beyond its existing height (3-D building envelope). A principal structure may be expanded vertically up to 35 feet if located at least 35 feet from the OHWM.

Support legislation allowing counties to implement lakes classification if the county had adopted a lakes classification ordinance prior to July 13, 2015 (effective date of Act 55).

Support legislation allowing counties to apply setback averaging as an option. Further, remove the mandatory requirement for setback averaging.

RECOMMENDATION: It is recommended that the WCA Board of Directors adopt the following recommendations from the Shoreland Zoning Task Force:

Support legislation that gives county zoning departments the opportunity to inspect and review replacement, repair/remodel, and vertical expansions of structures (and allow a county to charge a modest fee for the service) for compliance with shoreland, floodplain, wetland, and general zoning standards. Property owners, title insurers and lenders would all benefit from certification of zoning compliance.

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In addition to the platform positions, encourage staff and legal counsel to continue their work with stakeholders in educating the public on shoreland zoning regulation and related issues.

Captions:

Environment and Land Use

K.12 – K.16

Shoreland Zoning

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