

# **Wisconsin's Shoreland Zoning Program**

## **Updated Model**

### **County Shoreland Zoning Ordinance**

Mike Wenholz  
Shoreland Program Coordinator  
Wisconsin Department of Natural Resources

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## Brief Introductory Overview

- Model ordinance for NR 115 & s. 59.692
- DNR is required to provide and maintain an up-to-date model ordinance for the counties
- Previous model ordinance needed updates
- Regarding the listed title of my presentation: there is NOT new NR 115 language



# Purposes of Shoreland Zoning

# Shoreland Zoning – Legal Underpinnings

- Grounded in the “Public Trust Doctrine”
  - Article IX, Section 1 of the Wisconsin Constitution (1848) – from governing of Northwest Territory
  - “navigable waters ... shall be common highways and forever free ... to the inhabitants of the state”
  - “The waters of WI belong to the people of WI”
  - State of WI has obligation to protect the public’s rights in all navigable waters including boating, fishing, swimming, hunting, observing, etc.

See 3-part video series “Champions of the Public Trust” on You Tube via DNR website

# Purposes of Shoreland Zoning

- Further the maintenance of safe & healthful conditions to promote the public health, safety, & general welfare
- Prevent & control water pollution
- Protect spawning grounds and near-shore aquatic, wetland, and upland fish & wildlife habitat
- Control building sites, placement of structures, & land uses
- Preserve shore cover & natural scenic beauty

Refer to the Purpose Statement of your Shoreland Zoning Ordinance

# Summarized Goal of Shoreland Zoning

- Goal of shoreland zoning is to limit direct and cumulative impacts of shoreland development on:
  - Water quality
  - Near-shore aquatic, wetland, and upland fish & wildlife habitat
  - Natural scenic beauty
  - Public health, safety, & welfare

Refer to the Purpose Statement of your Shoreland Zoning Ordinance



# Why the Model was Updated

# Previous Model Ordinance Needed Updates

- 5 statute changes in 2021-2022
- Fix a few errors
- Remove unnecessary language referring to “new” changes in 2015
- Better ordinance language

## Plus:

- Improved section arrangements – Easier to follow
- More useful Land Disturbance, Nonconforming Uses, PUD, and Maintenance/Repair/Replacement sections





# What Updates were Made

# Summary of Revisions - General

- Made it ordinance language throughout
  - Removed “county may”, etc.
  - Easier to cut and paste, and adopt
- Incorporate language of 5 Statute revisions
  - A & V Corridors, Fences, Bridges, Roadway
- Better ordering & separation of sections
- Better & more consistent organization within sections (e.g. “purpose”, “applicability”, etc)

## Summary of Revisions – General

- Better use of “Notes” when applicable
- Removed appendices, including policy options
- Removed unnecessary language referring to “new” changes in 2015

# Summary of Revisions – Specific Sections

- Updated Preface
  - remove unnecessary language
  - add “Misc” subsection for clarifications
- Cleaned up Shoreland-Wetland section
- Improved order in Setbacks section
- Clarification in the Vegetation section
- Much more useful Land Disturbance section
- Improved order in Impervious Surface section

## Summary of Revisions – Specific Sections

- Separated NC Uses & NC Structures for clarity
- Reincluded more useful NC Uses section
- Separate sections for Maintenance, Repair, Replacement, etc. provisions
- Improved PUD section
- Additions to the Definitions section



# Key Section Updates



# Role Out & Logistics

## Role Out & Logistics – Review Model Ordinance

- Model ordinance will be sent out soon via the WCCA district reps
- Encourage each county to read through it and compare with thier existing ordinance
- Consider what level of update you will do – minimum to full



## Role Out & Logistics – Time Blocks for Review

- Sign-up to submit your draft ordinance for review within a specific time block
  - Plan to review 11-12 quarterly over 6 quarters
  - Create efficiencies and better customer service
  - Allows a county to better work plan for this
  - Prevents shoreland zoning program from getting overloaded with too many at one time - backlogs
- Would you support signing up for your draft SLZ ordinance review during a quarterly time block?

## Role Out & Logistics – Working Sessions

- Proposing to host virtual model ordinance working sessions
  - Purpose to provide assistance in revising your ordinance
  - Cover common questions, suggestions, & process
  - Likely some time for Q & A
- Would you find a virtual model ordinance working session useful?

## Role Out & Logistics

Likely to impact shoreland zoning program level of service provided on other SLZ issues throughout the entire review period



Ordinance  
Submittal,  
Review, &  
Certification

# Shoreland Zoning Ordinance Review Process

- Submit your draft final ordinance for review
  - The draft to go to your Board and/or out for public review
  - We do not have capacity to review parts of drafts, or successive drafts
- Strongly suggest you submit the draft for review prior to public review and setting a date for Board review (explain why)

# Shoreland Zoning Ordinance Review Process

- Bring reviewed ordinance out for public review and for Board review & approval
- Following Board approval:
  - Submit approval document with date & resolution #
  - If no changes made to draft by Board a letter of certification will be issued
  - If changes made to draft by Board, submit a list of all the changes made. A letter of conditional certification may be issued.
- Adopt & implement the certified ordinance



# Comments, Questions??

**Mike Wenholtz**

DNR Shoreland Program Coordinator

[michael.wenholtz@wisconsin.gov](mailto:michael.wenholtz@wisconsin.gov)

715-919-0630