



PREPARED FOR THE PLAN COMMISSION

**Proposal:** Zoning Text Amendment

**Legistar File ID #:** [33807](#)

**Prepared By:** Planning and Zoning Staff

The following is a staff summary of the proposed zoning text amendment for Plan Commission consideration.

---

**33807 – Shoreland Zoning Required by 2013 Wisconsin Act 80**

2013 Wisconsin Act 80 requires cities to create an ordinance regulating defined “shorelands” annexed by incorporated areas after May 7, 1982, which prior to annexation were subject to county shoreland zoning ordinances in place at the time of annexation. Prior to 1982, a property that was annexed into an incorporated area dropped any shoreland zoning requirements. In 1982, the state regulation was changed to require unincorporated lands to carry pre-existing shoreland zoning restriction forward when annexed into an incorporated area. The current change continues a shoreland zoning condition on an annexed property, but unifies the regulation under a common set of rules.

“Shoreland” is defined in Sec. 28.211 as “Lands within the following distances from the ordinary high-water mark of navigable waters: one thousand (1,000) feet from a lake, pond or flowage; three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.” Shoreland zoning was originally introduced for rural lakefront property developing in northern Wisconsin, where regulation of water quality and scenic beauty was of primary focus.

Most of the lands in the City that meet this definition have been in the city since long before 1982, including all incorporated lands on Lake Mendota, Lake Monona, Lake Wingra and the Yahara River. Those lands typically meeting the definition of shoreland are found near intermittent streams, drainage ditches, creeks, and similar features that have been determined “navigable” by the DNR or its agents. These are typically edge areas, part of the planned growth of the City.

Previous versions of the county shoreland zoning ordinances required far greater lot size and lot coverage than is typical with the development in the City, or the density the City typically attempts to achieve with new development. However, 2013 Wisconsin Act 80 allows for cities to adopt zoning requirements to accommodate more urban development. The city’s shoreland zoning ordinance must include a minimum setback from the Ordinary High Water Mark (OHWM) and specific regulations related to vegetation removal and preservation. Other regulations that have been created since the advent of Shoreland Zoning, such as the City’s stormwater detention requirements, erosion control permits, and DNR erosion control and grading permits required for development in proximity to water bodies remain in full effect, and are not affected by the requirements of Act 80.

This amendment creates the ordinance required by 2013 Wisconsin Act 80, and staff supports the amendment.