

As your Town Chairman, I have been attending meetings of the Sheboygan County Shoreland Zoning Stakeholder Group since April of 2010. The Sheboygan County Planning and Resources Department administers the Sheboygan County Shoreland Ordinance and the Sheboygan County Floodplain Ordinance. This ordinance applies to all areas of the county, including all of the Town of Wilson that is within 1,000 feet of the ordinary high water mark (OHWM) of navigable lakes, ponds and flowages, and within 300 feet of the OHWM of navigable rivers, streams and intermittent streams, or to the landward edge of the floodplain. A property does not have to have frontage on the water to be covered under the ordinance.

In 2002, the Wisconsin Department of Natural Resources began the process of revising chapter NR115 of the Wisconsin Administrative Code, which dictates the minimum standards for shoreland zoning. In December of 2009, the Wisconsin State Legislature adopted the proposed changes and published them on February 1, 2010. Within 2 years from that date, or February 1, 2012, counties are required to update their shoreland ordinances to be consistent with or exceed the minimum standards set by the state. About a month ago that deadline was extended to on or before February 1, 2014. Sheboygan County is looking at adopting the new ordinance in the first part of 2012.

The County Stakeholders Group has spent the last 18 months, of which I am an attending member, reviewing the current ordinance and discussing the proposed new minimum standards along with proposed mitigation standards. Some of the changes may make it easier to remodel and expand upward using the original footprint of the current home and impervious surfaces, and some may make it more difficult.

The current ordinance allows for a maximum 20% lot coverage for all impervious surfaces including house, garage, roofs, overhangs, patios and any walkways over 4 feet in width. Driveways and walkways under 4 feet in width were excluded in the current ordinance when determining the 20% lot coverage.

Under the new proposed ordinance the maximum lot coverage for impervious surfaces areas, which now also includes all walks and driveways, will be 15%. There will be some things you can do to earn points to offset the impact when going above 15% but still under 30% of impervious lot coverage. Options include things like rain gardens, shoreline restoration, natural vegetative buffers, rain gutter collection systems, and other items.

Shoreland ordinances apply to all properties within the above 1000'/300' setback areas, even if they don't have any frontage on the waterway. Existing structures and impervious surfaces are proposed to be grandfathered, meaning that if you make no changes you normally can continue to use the areas you currently have. You may have specific instances when that may not apply. You may be in compliance under the current ordinance but out of compliance under the proposed ordinance as it quite complex. If you make any changes you will need to verify if a County Shoreland permit is required in addition to any applicable Town of Wilson permits.

The new ordinance requires a permit for all areas within 1,000 feet of the OHWM of a lake, but a change in the new ordinance will be that the 15% coverage rule uses only the land area of the first 300 feet from the water. Currently the 20% rule uses all of the property to figure the percentage of coverage.

Structural improvement to a structure in the current ordinance only allows the cost of those structural improvements to be no more than 50% of the current market value of the structure if the improvements are in the first 75 to 100 feet of setback from the OHWM. The proposed ordinance may give greater flexibility for some doing improvements in the setback area by allowing them to exchange current areas for new areas and by allowing to build up and above the current areas without any cost restrictions. The ordinance also covers vegetation and tree cutting and planting in the first 75 feet from the water. It is about 25 pages plus a section on mitigation if you exceed the 15% allowed impervious surface coverage area.

We will be reviewing final drafts of the Proposed County Shoreland Ordinance at the next County Stakeholder Group meeting on December 2nd. If it is approval by the committee at that time, a public hearing and informational meeting will be scheduled, probably in later December or January. After the public input it is reviewed by the County and then submitted to the County Board of Supervisors for their review and potential passage. Implementation could be as early as February or March of 2012. Once the new ordinance is passed all county shoreland permits will be issued with the new standards.

If you are contemplating remodeling it may be wise to check with the County Planning Department at 920-459-3060 and see how the current ordinance or the proposed new ordinance may affect your project or the use of your property. If you have concerns or want to be part of the input process watch the county schedule for when the countywide informational meeting and public hearing will be held. If the draft is available we will try to make the link available on the town website, or you may check the Sheboygan County website. Government works best when its citizens are involved during the input process. That is why I took the time to share these details with you hoping that it will trigger interest for those that are affected as there is still time for your input.

David L. Jantzen
Town of Wisconsin Chairman