
Wisconsin Legislative Council

ACT MEMO



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March 22, 2022

2021 Wisconsin Act 200 [2021 Senate Bill 867]

Construction of Bridges in a Shoreland Setback Area and Vegetative Buffer Zone Requirement

BACKGROUND

Wisconsin law requires each county to adopt a shoreland zoning ordinance to zone all shorelands within unincorporated areas of the county. The statutes codify certain shoreland zoning standards and place specific limitations on what rules the Department of Natural Resources (DNR) may promulgate in the administrative code, ch. NR 115. The statutes prohibit a county shoreland zoning ordinance from regulating a matter more restrictively than the matter is regulated by statute and the DNR rules.

2021 WISCONSIN ACT 200

Existing Vegetative Buffer Zone

A county shoreland zoning ordinance may not require a person to establish a vegetative buffer zone on previously developed land or expand an existing vegetative buffer zone.¹ However, a county shoreland zoning ordinance may require a person to maintain an existing vegetative buffer zone.² If a county shoreland zoning ordinance requires the maintenance of an existing vegetative buffer zone, prior law required the ordinance to allow the buffer zone to contain a viewing corridor that was at least 35 feet wide for every 100 feet of shoreline.

Under Act 200, if a county shoreland zoning ordinance requires the maintenance of an existing vegetative buffer zone, the ordinance must allow an access and viewing corridor. Additionally, a county shoreland zoning ordinance may not establish a maximum width along the shoreline for an access and viewing corridor that is less than 10 feet or 35 percent of the shoreline frontage, whichever is greater, except that the ordinance may not permit the width of an access and viewing corridor to exceed 200 feet.

Construction of Bridges in Shoreland Setback Area

A county shoreland zoning ordinance must contain provisions related to setbacks. A shoreland setback area is the area in a shoreland that is within a certain distance of the ordinary high water mark in which the construction or placement of a structure³ has been limited or prohibited. However, a shoreland zoning ordinance must permit the construction of the following exempted structures within the setback

¹ A vegetative buffer zone is a strip of land that extends inland from the water for at least 35 feet in which the removal of vegetation is restricted. [s. NR 115.05(1)(c) 2., Wis. Adm. Code.]

² This applies to a vegetative buffer zone that exists on July 14, 2005.

³ A structure is a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck, retaining wall, porch, or fire pit. [s. 59.692(1)(e), Stats.]

area: boathouses; certain gazebo-like structures; certain fishing rafts; certain broadcast signal receivers; certain utility structures; and walkways, stairways, or rail systems less than 60 inches wide that are necessary to provide access to a shoreland.

Act 200 adds a bridge for which the DNR has issued a permit under s. 30.123, Stats., to the list of structures under current law that a county shoreland zoning ordinance may not prohibit in the shoreland setback area.

Effective date: March 20, 2022

REL:ksm