

SHORELAND ZONING AND WATER QUALITY PROTECTION: IMPLEMENTATION AND ENFORCEMENT

(fact sheet #21 of the Shoreland Management and Lake Classification Series)



Elements of an effective shoreland management and water quality protection program include:

- ❖ **Consistent enforcement of shoreland zoning standards at local, regional and state levels and strict observance of ordinance policy objectives.**
- ❖ **Regular delivery of educational programs to lakefront property owners, realtors and other parties on such topics as development impacts, watershed and lake ecology, shoreland restoration techniques, septic systems and local land use planning process and procedure.**
- ❖ **Periodic training workshops for local zoning officials and administrators.**
- ❖ **Periodic assessment and evaluation through state and local monitoring of water quality status and trends.**

Implementation is one of the most important and challenging aspects of completing a lake classification project. A well developed plan is of little use if it is never realized in the field. It is critical that the public not only accept the rationale behind the new policies, but that local zoning staff be consistent and thorough in the administration and enforcement of the newly adopted zoning standards. Above all implementation should be viewed as a cooperative effort in which both county zoning staff, lakefront property owners, DNR staff and others in the watershed do their part to make the project a success.

THE PARTIES

Numerous parties are involved in the implementation of a county shoreland zoning and protection program. The obvious players consist of the zoning administrator, responsible for handling permit applications, making inspections and assessing overall compliance with a shoreland zoning ordinance; the Board of Adjustment, which rules on appeals and handles requests for special exceptions and variances; and the corporation counsel who prosecutes ordinance violations and informs zoning staff of relevant legal opinions. Other parties may include the county land and water conservation department as well as state agency staff.

Needless to say, the degree of compliance and acceptance by property owners, realtors, contractors and others is key in terms of determining the success of a shoreland zoning and water quality protection program.

THE CONSIDERATIONS

County staff and lakefront property owners may consider the following ideas:

Education and training for lake front property owners, realtors, contractors and others:

- ❖ The rationale for a shoreland and water quality protection program should always be clear. Educational material in the form of fact sheets, slide programs and pamphlets which discuss lake and watershed ecology and development impacts should be available from county offices. Regular public informational meetings in which experts are invited to speak on a host of issues from shoreland habitat to buffer restoration and local land use planning and process can be effective in terms of keeping the relevant issues in the forefront and providing valuable training to citizens.
- ❖ An easy to read manual can be developed describing the county classification system, relevant state and local laws, the local permitting process, and tips on care of lakefront property. An example of such a publication can be found in the Waupaca County Shoreland Protection Manual.
- ❖ Informational fact sheets summarizing major ordinance provisions and county initiatives should also be made available to interested parties.
- ❖ Units of government and/or lake groups can cooperate with state agencies and local landscapers to create shoreline demonstration projects showing effective habitat and shore buffer restoration within the county and watershed.
- ❖ When property changes hands, the opportunity to educate is significant. Lake associations and lake districts can form “welcoming committees” and deliver information relating to zoning standards and effective stewardship practices to new lakefront property owners. Realtors can give packages of information to buyers at the time of closing. This “package” can consist of the book, *Life on the Edge* (UWEX 1994).
- ❖ A county can host training sessions on ordinance standards, relevant state regulations and local code revisions for specific audiences such as realtors, contractors, surveyors and others. Waushara County is hosting a series of workshops for realtors, builders and surveyors with DNR water management staff, wardens and county zoning staff presenting.

Shoreland zoning administration and enforcement

- ❖ The purposes of the county shoreland zoning ordinance—to prevent and control water pollution, protect spawning grounds, fish and aquatic life, preserve shore cover and natural beauty—should be strictly observed.
- ❖ The zoning staff should strive for consistent follow up on all questions, complaints and reported violations.
- ❖ Effective implementation is often contingent on consistent and detailed documentation of violations and enforcement actions. Patterns in violations and problems with ordinance language should be tracked through appropriate forms and recording practices. The ordinance can then be modified at the next opportunity.
- ❖ Statutory criteria for the granting of variances and special exceptions should be strictly observed. It is critical that each entity with responsibility for overseeing a certain part of the zoning process such as the appeal or variance request, exercise its functions responsibly and according to the mandates of the law. Towards this end, regular training sessions to review statutory and common law criteria and ensure consistency in administrative and enforcement procedures may be beneficial.
- ❖ A county may consider hiring additional staff to assist with the workload.
- ❖ Assistance in the implementation of a shoreland protection program can come from unlikely sources. Lake associations and lake districts can form committees to watch for possible zoning violations. Lake associations and lake districts may also consider hiring staff to track zoning violations, provided these individuals do not assume too much responsibility and/or work under the close supervision of the local zoning office.

Other Sources of Assistance:

Dresen, M. 1994. *Law of the Land. A Citizen's Guide*. Wisconsin Lakes Partnership. University of Wisconsin-Extension.

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For more information, contact your regional Department of Natural Resources lake coordinator, the Wisconsin Association of Lakes [800/542-5253] or UWEX/UW-Stevens Point [715/346-2116].