



2021 ASSEMBLY BILL 387

June 7, 2021 - Introduced by Representatives MURSAU, TAUCHEN, THIESFELDT, SCHRAA and KNODL, cosponsored by Senators FELZKOWSKI and BALLWEG. Referred to Committee on Local Government.

1 **AN ACT** *to amend* 59.692 (1k) (am) 3.; and *to create* 59.692 (1) (ar) and 59.692
2 (1n) (d) 7. of the statutes; **relating to:** county shoreland zoning ordinances
3 relating to fences near public highways.

Analysis by the Legislative Reference Bureau

This bill provides that a county shoreland zoning ordinance may not prohibit within a shoreland setback area the construction of a fence 1) that is no taller than 15 feet; 2) that is located at least two feet landward of the ordinary high-water mark, entirely outside of a highway right-of-way, no less than 10 feet from the edge of a roadway, and no more than 40 feet from the edge of a roadway or highway right-of-way, whichever is greater; and 3) that is generally perpendicular to the shoreline. Under current law, a roadway is the area that is between the regularly established curb lines or that is improved, designed, or ordinarily used for vehicular travel, excluding the berm or shoulder.

Current law requires each county to zone by ordinance all shorelands in its unincorporated area. The Department of Natural Resources is required to promulgate by rule shoreland zoning standards, and a county shoreland zoning ordinance may not regulate a matter more restrictively than the matter is regulated by a shoreland zoning standard.

Current law defines "shoreland setback area" to mean an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under a county shoreland zoning ordinance. Current law requires a county shoreland zoning

