



# CITY OF APPLETON

## MEMORANDUM

**Date:** October 8, 2025  
**To:** Plan Commission  
**From:** Don Harp, Principal Planner  
**Subject:** Public Hearing Presentation of Proposed Shoreland-Wetland, Shoreland Zoning Text and Shoreland District Map Amendments – Chapter 23 of the Municipal Code

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## BACKGROUND

August 27, 2025 – Staff presented the Draft Shoreland-Wetland, Shoreland Zoning Text and Shoreland District Map Amendments to the Plan Commission.

September 24, 2025 - The Plan Commission held the public hearing open (no action was taken on the proposed text amendments) to allow staff time to further clarify the language in Section 23-752 (b) (1), (2) and (3) of the existing Shoreland District regulations related to “Probable Navigable Streams” and “Navigable Streams”. Staff revised the language to clarify the criteria and references used to determine whether or not a waterway is navigable.

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## GENERAL INFORMATION

The Department of Public Works, Engineering Division, City Attorney’s Office and Community Development Department Planning staff collaborated on the proposed draft Chapter 23 Zoning text and Shoreland District Map amendments.

On August 13, 2025, the Wisconsin Department of Natural Resources (DNR) confirmed the attached draft text amendments are in compliance with the minimum requirements of Wisconsin State Statutes 62.231 Zoning of wetlands in shorelands and NR 115 Shoreland protection and NR 117 Shoreland-wetland protection.

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## PURPOSE OF MUNICIPAL CODE TEXT AMENDMENTS

The DNR notified the City of the presence of wetlands that are five (5) acres or greater in size within the City corporate limits.

Pursuant to Wisconsin State Statute 62.231 and NR 117.05, cities must adopt zoning ordinances that protect shoreland wetlands of 5 acres or more, as identified on the Wisconsin Wetland Inventory and located within City limits.

Shoreland areas are defined as:

- Within 1,000 feet of navigable lakes, ponds, and flowages

- Within 300 feet of navigable rivers or streams, or to the edge of the floodplain whichever is greater

The proposed regulations limit the types of activities allowed in these wetlands. Certain uses, such as road construction, limited filling or excavation for public boat ramps, and utility line installation, may be permitted with City approval.

The amendments include the following sections:

1. Create Article XI. Section 23-326 Shoreland-Wetland Zoning District Regulations.
2. Amend Article XIX. Shoreland Zoning, delete text language located in Section 23-752 (b)(1), (2) and (3) related to the reference "Probable Non-Navigable Stream" and associated text.

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## PROPOSED DRAFT TEXT/MAP AMENDMENTS

The text recommended to be added is underlined. The text recommended for deletion is identified by ~~strikethrough~~.

The Shoreland District Map is updated to:

- Add wetlands 5 acres or greater (from DNR surface viewer),
- Remove outdated "Probable Non-Navigable Stream" references,
- Clearly identify navigable, non-navigable, and enclosed waterways,
- Exclude enclosed storm sewer waterways from Shoreland zoning,
- Include newly annexed City lands.

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## RECOMMENDATION

Staff recommends the proposed text/map amendments to Chapter 23 Zoning of the Municipal Code, **BE APPROVED** for the following Chapters, Articles, and Sections:

1. Article XI. Section 23-326 Shoreland-Wetland Zoning District Regulations.
2. Article XIX. Shoreland Zoning, Section 23-752 (b)(1), (2) and (3).
3. Article XIX. Shoreland Zoning, Section 23-755 (a)(1).