2013 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB75)

Received:	**7/15/2013**	Received By:	**rkite**
Wanted:	**As time permits**	Same as LRB:	
For:	**Nick Milroy (608) 266-0640**	By/Representing:	**Mary Lou Keleher**
May Contact:		Drafter:	**rkite**
Subject:	**Nat. Res. - wet/shore/flood**	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
Requester's email: **Rep.Milroy@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Shoreland zoning in annexed or incorporated shoreland areas

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	rkite 7/15/2013			_____ _____			
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FE Sent For:

<END>

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FE Sent For:

<END>

Kite, Robin

From: Keleher, Marylou
Sent: Monday, July 15, 2013 1:11 PM
To: Kite, Robin
Subject: Amendment request to AB 75

Hi Robin,

The Assembly Committee on Natural Resources & Sporting Heritage is having an Exec on AB 75 this Wednesday at 10:00 am. Rep. Milroy has been working with the River Alliance and would like to have the language in the attached document (Sections 1 & 2) drafted as an amendment. We need to have the amendment ready by 10:00 am TOMORROW morning in order for it to be considered for the Exec on Wednesday. If you have any questions, give me a call at 6-0640 or (even better!) you can call Helen at the River Alliance at 257-2424, ext 112.

AB 75
Amendment Lan...

As always, thank you for all your help!!

Mary Lou

Mary Lou Keleher
Aide to Rep. Nick Milroy
Room 11 W, State Capitol
PO Box 8953
Madison WI 53708-8953
608-266-0640
888-534-0073 (toll-free using WI based phone)

Repeal of s. 59.692(7)
Shoreland zoning for Annexed and Incorporated Areas

Content of Bill & Implications

- Repeals all provisions requiring cities and villages to implement shoreland zoning on lands that are annexed or incorporated after the dates specified in the statute. Repeals references to shoreland zoning in s. 59.692 and Ch. 66, Wis. Stats.
    - The purpose of these statutory requirements is to ensure some consistency by maintaining water quality, fish and wildlife habitat and natural scenic beauty of our waterways for areas that have been regulated under county shoreland zoning for over 40 years but have been annexed within the past two decades.
    - This legislation would encourage annexation or incorporation of areas to avoid shoreland zoning and would allow numerous communities statewide,who are currently enforcing shoreland zoning, to repeal their ordinance.
    - This legislation would result in significant degradation of our waterway. Shoreland zoning requires minimum lot sizes, setback, maintenance of shoreland vegetation. Numerous studies have shown that these standards are important to protect the water resources of Wisconsin.

Recommendations

- Simplify the statutory language but do not completely eliminate all requirements for cities and villages to implement shoreland zoning regulations for annexed or incorporated lands.
    - This would clarify that cities and villages are only required to adopt an ordinance that complies with the minimum statewide standards at the time of annexation or incorporation but do not need to be at least as restrictive as the county's shoreland zoning ordinance.
    - It would ease administration and implementation because the city or village would not need to keep track of which county ordinance was in place and the city or village would not have to implement different ordinances for each annexed area.
    - This would maintain the basic minimum standards and protections afforded to our state water resources under the shoreland zoning program.

Section 1. Amend s. 59.692(6m) to read:

59.692(6m) For an amendment to an ordinance enacted under this section that affects an activity that meets all of the requirements under s. 281.165 (2), (3) (a), or (4) (a), the department may not proceed under sub. (6) or (7) (b) ~~or (c)~~, or otherwise review the amendment, to determine whether the ordinance, as amended, fails to meet the shoreland zoning standards.

Section 2. Instead of repealing it entirely, s. 59.692(7), should be amended to read:

59.692(7) (a) Provisions of a county shoreland zoning ordinance that are enacted under this section that were applicable, prior to annexation, to any shoreland area annexed by a city or village after May 7, 1982, shall continue in effect and shall be enforced after annexation by the annexing city or village unless ~~any~~ either of the following occurs:

1. The city or village enacts, administers and enforces a zoning ordinance, for the annexed area, that complies with the shoreland zoning standards. ~~and that is at least as restrictive as the county shoreland zoning ordinance.~~

~~**2.** After annexation, the city or village requests the county to amend the county shoreland zoning ordinance as it applies to the annexed area to delete or modify provisions that meet the specifications under par. (ag), the county enacts the amendment and the city or village administers and enforces the amended ordinance as it applies to the annexed area.~~

~~**3.**~~ 2.After annexation, the city or village requests that the county shoreland zoning ordinance, as it applies to the annexed area, continues to be in effect and enforced by the county and the county agrees to enforce the ordinance.

(ad) Provisions of a county shoreland zoning ordinance that are enacted under this section that were applicable, prior to incorporation, to any shoreland area that is part of a town that incorporates as a city or village under s. 66.0203, 66.0211, 66.0213 or 66.0215 after April 30, 1994, shall continue in effect and shall be enforced after incorporation by the incorporated city or village unless ~~any~~ either of the following occurs:

1. The city or village enacts, administers and enforces a zoning ordinance that complies with the shoreland zoning standards. ~~and that is at least as restrictive as the county shoreland zoning ordinance.~~

~~**2.** After incorporation, the city or village requests the county to amend the county shoreland zoning ordinance as it applies to the incorporated area to delete or modify provisions that meet the specifications under par. (ag), the county enacts the amendment and the city or village administers and enforces the amended ordinance.~~

~~**3**~~ 2. After incorporation, the city or village requests that the county shoreland zoning ordinance, as it applies to the incorporated area, continues to be in effect and enforced by the county and the county agrees to enforce the ordinance.

~~**(ag)** For purposes of pars. (a) 2. and (ad) 2., the types of provisions that may be deleted or modified are those that establish specified land uses or requirements that are associated with those uses and that are not necessary to effect the purposes of s. 281.31 (1) that relate to the protection of navigable waters.~~

~~**(ar)** The county may not enact an amendment under par. (a) 2. or (ad) 2. that is less restrictive than the shoreland zoning standards.~~

~~**(aw)** Any amendment enacted under par. (a) 2. shall apply only to the annexed area of the city or village requesting the amendment.~~

(b) If the department determines that a zoning ordinance enacted by a city or village under par. (a) 1. or (ad) 1. does not meet the shoreland zoning standards ~~or is not as restrictive as the county shoreland zoning ordinance~~, the department shall, after providing notice and conducting a hearing on the matter, either issue an order declaring the city or village ordinance void and reinstating the applicability of the county shoreland zoning ordinance to the annexed or incorporated area or issue an order declaring the city or village ordinance void and adopting an ordinance for the annexed or incorporated area for the city or village that does meet the shoreland zoning standards. ~~and that is at least as restrictive as the county shoreland zoning ordinance.~~

~~**(c)** If the department determines that an amendment enacted by a county under par. (a) 2. or (ad) 2. does not meet the shoreland zoning standards, the department, after providing notice and conducting a hearing on the matter, shall issue an order declaring the amendment void and shall~~

~~reinstate the applicability of the county shoreland zoning ordinance, that was in effect before amending the ordinance, to the annexed or incorporated area.~~

(d) As far as applicable, the procedures set forth in s. 87.30 apply to this subsection.

(e) Paragraphs (a) and (ad) do not apply to wetlands in shorelands that are governed by the provisions in s. 61.351 or 62.231.

Wanted Tues @ 9:00 (7/16)

State of Wisconsin
2013 – 2014 LEGISLATURE

LRBs0092/1
RNK:A:...

jld

~~PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION~~

ASSEMBLY SUBSTITUTE AMENDMENT ,

TO ASSEMBLY BILL 75

Gen

AN ACT ...; **relating to:** shoreland zoning ordinances in shoreland areas annexed by, or incorporated as, a city or village.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 59.692 (6m) of the statutes is amended to read:

59.692 **(6m)** For an amendment to an ordinance enacted under this section that affects an activity that meets all of the requirements under s. 281.165 (2), (3) (a), or (4) (a), the department may not proceed under sub. (6) or (7) (b) ~~or (c)~~, or otherwise review the amendment, to determine whether the ordinance, as amended, fails to meet the shoreland zoning standards.

History: 1979 c. 233; 1981 c. 330; 1983 a. 189 s. 329 (23); 1991 a. 39; 1993 a. 329; 1995 a. 201 s. 476; Stats. 1995 s. 59.692; 1995 a. 227; 1997 a. 27, 35, 252; 1999 a. 9; 1999 a. 150 s. 672; 2005 a. 112; 2011 a. 6, 170.

SECTION 2. 59.692 (7) (a) 1. of the statutes is amended to read:

59.692 **(7)** (a) 1. The city or village enacts, administers and enforces a zoning ordinance, for the annexed area, that complies with the shoreland zoning standards ~~and that is at least as restrictive as the county shoreland zoning ordinance~~.

History: 1979 c. 233; 1981 c. 330; 1983 a. 189 s. 329 (23); 1991 a. 39; 1993 a. 329; 1995 a. 201 s. 476; Stats. 1995 s. 59.692; 1995 a. 227; 1997 a. 27, 35, 252; 1999 a. 9; 1999 a. 150 s. 672; 2005 a. 112; 2011 a. 6, 170.

SECTION 3. 59.692 (7) (a) 2. of the statutes is repealed.

SECTION 4. 59.692 (7) (ad) 1. of the statutes is amended to read:

59.692 **(7)** (ad) 1. The city or village enacts, administers and enforces a zoning ordinance that complies with the shoreland zoning standards ~~and that is at least as restrictive as the county shoreland zoning ordinance~~.

History: 1979 c. 233; 1981 c. 330; 1983 a. 189 s. 329 (23); 1991 a. 39; 1993 a. 329; 1995 a. 201 s. 476; Stats. 1995 s. 59.692; 1995 a. 227; 1997 a. 27, 35, 252; 1999 a. 9; 1999 a. 150 s. 672; 2005 a. 112; 2011 a. 6, 170.

SECTION 5. 59.692 (7) (ad) 2. of the statutes is repealed.

SECTION 6. 59.692 (7) (ag), (ar), (aw) and (c) of the statutes are repealed.

SECTION 7. 59.692 (7) (b) of the statutes is amended to read:

59.692 **(7)** (b) If the department determines that a zoning ordinance enacted by a city or village under par. (a) 1. or (ad) 1. does not meet the shoreland zoning standards or is not as restrictive as the county shoreland zoning ordinance, the department shall, after providing notice and conducting a hearing on the matter, either issue an order declaring the city or village ordinance void and reinstating the applicability of the county shoreland zoning ordinance to the annexed or incorporated area or issue an order declaring the city or village ordinance void and adopting an ordinance for the annexed or incorporated area for the city or village that does meet the shoreland zoning standards ~~and that is at least as restrictive as the county shoreland zoning ordinance~~.

History: 1979 c. 233; 1981 c. 330; 1983 a. 189 s. 329 (23); 1991 a. 39; 1993 a. 329; 1995 a. 201 s. 476; Stats. 1995 s. 59.692; 1995 a. 227; 1997 a. 27, 35, 252; 1999 a. 9; 1999 a. 150 s. 672; 2005 a. 112; 2011 a. 6, 170.

SECTION 8. 59.692 (7) (c) of the statutes is repealed.

(END)