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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE SUBSTITUTE AMENDMENT ,
TO SENATE BILL 183

D-Note

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1 AN ACT *to repeal* 59.692 (2m) (c), 59.692 (7), 66.0203 (10), 66.0213 (2) (b), 66.0215
2 (7) (b) and 66.0216 (8) (b); *to renumber* 66.0213 (2) (a), 66.0215 (7) (a) and
3 66.0216 (8) (a); *to amend* 59.692 (6m), 66.0217 (8) (a), 66.0219 (6) and 66.0223
4 (1); and *to create* 59.692 (8) of the statutes; **relating to:** shoreland zoning
5 ordinances that apply to shoreland ^s areas that are annexed by a city or village
6 or that are part of a town incorporated as a city or village *and making an appropriation*

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

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7 SECTION 1. 59.692 (2m) (c) of the statutes is repealed.
8 SECTION 2. 59.692 (6m) of the statutes is amended to read:
9 59.692 (6m) For an amendment to an ordinance enacted under this section that
10 affects an activity that meets all of the requirements under s. 281.165 (2), (3) (a), or

1 (4) (a), the department may not proceed under sub. (6) ~~or (7) (b) or (e)~~, or otherwise
2 review the amendment, to determine whether the ordinance, as amended, fails to
3 meet the shoreland zoning standards.

4 **SECTION 3.** 59.692 (7) of the statutes is repealed.

5 **SECTION 4.** 59.692 (8) of the statutes is created to read:

6 59.692 (8) (a) In this subsection:

7 1. "County shoreland area" means a shoreland area that prior to annexation by
8 a city or village was subject to a county shoreland zoning ordinance or that prior to
9 incorporation as a city or village was part of a town that was subject to a county
10 shoreland zoning ordinance.

11 2. "Principal building" means the main building or structure on a single lot or
12 parcel of land and includes any attached garage or attached porch.

13 (b) No city or village may annex a county shoreland area unless the city or
14 village enacts, prior to annexation, an ordinance that applies to annexed county
15 shoreland areas, except as provided in par. ^(g) ~~(a)~~. *INSERT 2-15*

16 (c) A city or village that is incorporated under s. 66.0203, 66.0211, 66.0213, or
17 66.0215 *after April 30, 1994* shall, on or before the first day of the 7th month beginning after the effective
18 date of this subsection [LRB inserts date], enact an ordinance that applies to any
19 county shoreland area that prior to incorporation was subject to a county shoreland
20 ordinance, except as provided in par. ^(g) ~~(f)~~.

21 (d) A city or village ordinance enacted under par. (b) or (c) shall include *at least* all of
22 the following:

23 1. A provision establishing a shoreland setback area of at least 50 feet from the
24 ordinary high water mark, except as provided in subd. 2.

1 2. A provision authorizing construction or placement of a principal building
2 within the shoreland setback area established under subd. 1. if all of the following
3 apply:

4 a. The principal building is constructed or placed on a lot or parcel of land that
5 is immediately adjacent on each side to a lot or parcel of land containing a principal
6 building.

7 b. The principal building is constructed or placed within a distance equal to the
8 average setback of the principal building on the adjacent lots or 35 feet from the
9 ordinary high water mark, whichever distance is greater.

10 3. A provision requiring a person who is authorized under subd. 2. to construct
11 or place a building on property within a shoreland setback area to preserve or
12 establish a vegetative buffer zone along the entire shoreline of the property and
13 extending 35 feet inland from the ordinary high water mark of the navigable water,
14 unless the removal of invasive species results in a vegetative buffer zone extending
15 less than 35 feet inland from the ordinary high water mark of the navigable water.

16 4. A provision allowing a person who is required to preserve or establish a
17 vegetative buffer zone under subd. 3. to remove all of the vegetation in a part of that
18 zone in order to establish a viewing or access corridor if the shoreline frontage of the
19 corridor is no greater than 30 feet wide ^{for every 100 feet of shoreline frontage} and the corridor extends no more than 35 feet
20 inland from the ordinary high water mark.

21 5. A provision that requires a person who is authorized to establish a viewing
22 or access corridor as provided under subd. 4 to avoid the removal of trees in the
23 vegetative buffer zone to the extent practicable in order to protect the land from
24 erosion.

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1 ~~(f)~~ (f) Provisions of a county shoreland zoning ordinance that were applicable
 2 prior to incorporation to any shoreland area that is part of a town that incorporates
 3 as a city or village under s. 66.0203, 66.0211, 66.0213, or 66.0215 ^{after April 30, 1994} shall continue in
 4 effect and shall be enforced after incorporation by the incorporated city or village
 5 until the effective date of an ordinance enacted by the city or village under par. (c).
 6 ~~(f)~~ (g) An ordinance enacted under par. (b) or (c) does not apply to the shoreland
 7 of an artificially constructed drainage ditch ^{pond} or stormwater retention basin if the
 8 drainage ditch ^{pond} or retention basin is not hydrologically connected to a natural
 9 navigable water body.

10 SECTION 5. 66.0203 (10) of the statutes is repealed.

11 SECTION 6. 66.0213 (2) (a) of the statutes is renumbered 66.0213 (2).

12 SECTION 7. 66.0213 (2) (b) of the statutes is repealed.

13 SECTION 8. 66.0215 (7) (a) of the statutes is renumbered 66.0215 (7).

14 SECTION 9. 66.0215 (7) (b) of the statutes is repealed.

15 SECTION 10. 66.0216 (8) (a) of the statutes is renumbered 66.0216 (8).

16 SECTION 11. 66.0216 (8) (b) of the statutes is repealed.

17 SECTION 12. 66.0217 (8) (a) of the statutes is amended to read:

18 66.0217 (8) (a) An ordinance for the annexation of the territory described in the
 19 annexation petition under sub. (3) may be enacted by a two-thirds vote of the elected
 20 members of the governing body not less than 20 days after the publication of the
 21 notice of intention to circulate the petition and not later than 120 days after the date
 22 of filing with the city or village clerk of the petition for annexation or of the
 23 referendum election if favorable to the annexation. If the annexation is subject to
 24 sub. (6) the governing body shall first review the reasons given by the department
 25 that the proposed annexation is against the public interest. ~~Subject to s. 59.692 (7),~~

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1 ~~an~~ An ordinance under this subsection may temporarily designate the classification
2 of the annexed area for zoning purposes until the zoning ordinance is amended as
3 prescribed in s. 62.23 (7) (d). Before introduction of an ordinance containing a
4 temporary classification, the proposed classification shall be referred to and
5 recommended by the plan commission. The authority to make a temporary
6 classification is not effective when the county ordinance prevails during litigation as
7 provided in s. 59.69 (7).

8 **SECTION 13.** 66.0219 (6) of the statutes is amended to read:

9 66.0219 (6) TEMPORARY ZONING OF AREA PROPOSED TO BE ANNEXED. An interim
10 zoning ordinance to become effective only upon approval of the annexation at the
11 referendum election may be enacted by the governing body of the city or village.
12 ~~Subject to s. 59.692 (7), the~~ The ordinance may temporarily designate the
13 classification of the annexed area for zoning purposes until the zoning ordinance is
14 amended as prescribed in s. 62.23 (7) (d). The proposed interim zoning ordinance
15 shall be referred to and recommended by the plan commission prior to introduction.
16 Authority to make a temporary classification is not effective when the county zoning
17 ordinance prevails during litigation as provided in s. 59.69 (7).

18 **SECTION 14.** 66.0223 (1) of the statutes is amended to read:

19 66.0223 (1) In addition to other methods provided by law and subject to sub.
20 (2) and ss. ~~59.692 (7),~~ 66.0301 (6) (d), and 66.0307 (7), territory owned by and lying
21 near but not necessarily contiguous to a village or city may be annexed to a village
22 or city by ordinance enacted by the board of trustees of the village or the common
23 council of the city, provided that in the case of noncontiguous territory the use of the
24 territory by the city or village is not contrary to any town or county zoning regulation.
25 The ordinance shall contain the exact description of the territory annexed and the

1 names of the towns from which detached, and attaches the territory to the village or
 2 city upon the filing of 7 certified copies of the ordinance in the office of the secretary
 3 of state, together with 7 copies of a plat showing the boundaries of the territory
 4 attached. Two copies of the ordinance and plat shall be forwarded by the secretary
 5 of state to the department of transportation, one copy to the department of
 6 administration, one copy to the department of natural resources, one copy to the
 7 department of revenue and one copy to the department of public instruction. Within
 8 10 days of filing the certified copies, a copy of the ordinance and plat shall be mailed
 9 or delivered to the clerk of the county in which the annexed territory is located.
 10 Sections 66.0203 (8) (c) and 66.0217 (11) apply to annexations under this section.

11 **SECTION 15. Nonstatutory provisions.**

12 (1) A shoreland area in a city or village that was made subject to a county
 13 shoreland zoning ordinance under section 59.692 (7) (a), 2011 stats., section 59.692
 14 (7) (ad), 2011 stats., section 66.0203 (10), 2011 stats., section 66.0213 (2) (b), 2011
 15 stats., section 66.0215 (7) (b), 2011 stats., or section 66.0216 (8) (b), 2011 stats., is not
 16 subject to that county shoreland zoning ordinance on or after the effective date of this
 17 subsection.

18 (END)

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1 **SECTION 1.** 20.370 (3) (ma) of the statutes is amended to read:
2 20.370 (3) (ma) *General program operations — state funds.* From the general
3 fund, the amounts in the schedule for regulatory and enforcement operations under
4 chs. 30, 31 and 280 to 299 and ss. 44.47, 59.692, 59.693, 61.351, 61.353, 61.354,
5 62.231, ~~62.233~~⁶², 62.234 and 87.30, for reimbursement of the conservation fund for
6 expenses incurred for actions taken under s. 323.12 (2) (c); for review of
7 environmental impact requirements under ss. 1.11 and 23.40; and for enforcement
8 of the treaty-based, off-reservation rights to fish, hunt and gather held by members
9 of federally recognized American Indian tribes or bands.

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22m to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50, 175, 276, 365, 373; 2011 a. 32, 103, 118, 148, 151, 169, 208; 2011 a. 257 s. 56; 2013 a. 1; 2013 a. 20 ss. 214, 217, 218, 219, 220, 221, 276 to 289j; s. 13.92 (1) (bm) 2.

10 **SECTION 2.** 30.2022 (1) of the statutes is amended to read:
11 30.2022 (1) *Activities affecting waters of the state, as defined in s. 281.01 (18),*
12 that are carried out under the direction and supervision of the department of
13 transportation in connection with highway, bridge, or other transportation project
14 design, location, construction, reconstruction, maintenance, and repair are not
15 subject to the prohibitions or permit or approval requirements specified under s.
16 29.601, 30.11, 30.12, 30.123, 30.19, 30.195, 30.20, 59.692, 61.351, 61.353, 62.231,
17 62.233, or 87.30 or chs. 281 to 285 or 289 to 299. However, at the earliest practical
18 time prior to the commencement of these activities, the department of transportation
19 shall notify the department of the location, nature, and extent of the proposed work
20 that may affect the waters of the state.

History: 2003 a. 118 ss. 48 to 53, 129; 2005 a. 347; 2011 a. 118.

1 SECTION 3. 41.41 (8) of the statutes is amended to read:

2 41.41 (8) ZONING. Notwithstanding ss. 13.48 (13) (a), 59.69 (4), 60.61 (2), 60.62
3 (1), 61.35 and 62.23 (7), the Kickapoo valley reserve is not subject to the zoning
4 ordinance of any county or municipality, except that any ordinance enacted under s.
5 59.692, 61.351, 61.353, 62.231, 62.233, or 87.30 governing the zoning of floodplains,
6 shorelands or wetlands in shorelands and any ordinance that is required by law
7 under s. 59.693, 61.354 or 62.234 governing construction site erosion control or storm
8 water management applies in the reserve.

History: 1993 a. 349; 1995 a. 27 ss. 279, 9116 (5); Stats. 1995 s. 41.41; 1995 a. 201, 216, 225; 1997 a. 194; 1999 a. 9; 2001 a. 103; 2007 a. 20; 2011 a. 32; 2013 a. 20.

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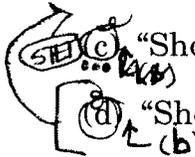
9 SECTION 4. 61.353 of the statutes is created to read:

10 61.353 Zoning of annexed or incorporated shorelands. (1) In this
11 section:

12 (a) "County shoreland area" means an area of shoreland that prior to
13 annexation by a village was subject to a county shoreland zoning ordinance under
14 s. 59.692 or that was part of a town that, prior to incorporation as a village, was
15 subject to a county shoreland zoning ordinance under s. 59.692.

16 (b) "Principal building" means the main building or structure on a single lot or
17 parcel of land and includes any attached garage or attached porch.

18 (c) "Shoreland setback area" has the meaning given in s. 59.692 (1) (bn).



19 (d) "Shorelands" has the meaning given in s. 59.692 (1) (b)

20 (2) Every village shall, on or before the first day of the 7th month beginning
21 after the effective date of this subsection ... [LRB inserts date], enact an ordinance
22 that applies to all of the following shoreland areas:

1 (a) A shoreland area that was annexed by the village after May 7, 1982 and that
2 prior to annexation was subject to a county shoreland ^{zoning} ordinance under s. 59.692. ✓

3 (b) A shoreland area that, before the village incorporated under s. 66.0203, ✓
4 66.0211, or 66.0213, was part of a town that was subject to a county shoreland
5 ^{zoning} ordinance under s. 59.692. ✓

6 [^] (3) A village ordinance enacted under this section shall include at least all of
7 the following provisions:

8 (a) A provision establishing a shoreland setback area of at least 50 feet from
9 the ordinary high [⊖] water mark, except as provided in par. (b).
[^]

10 (b) A provision authorizing construction or placement of a principal building
11 within the shoreland setback area established under par. (a) if all of the following
12 apply:

13 1. The principal building is constructed or placed on a lot or parcel of land that
14 is immediately adjacent on each side to a lot or parcel of land containing a principal
15 building.

16 2. The principal building is constructed or placed within a distance equal to the
17 average setback of the principal building on the adjacent lots or 35 feet from the
18 ordinary high [⊖] water mark, whichever distance is greater.
[^]

19 (c) 1. A provision requiring a person who owns shoreland property that
20 contains vegetation to preserve and maintain that vegetation in a vegetative buffer
21 zone along the entire shoreline of the property and extending 35 feet inland from the
22 ordinary high [⊖] water mark of the navigable water, except as provided in subd. 2.
[^]

23 2. If the vegetation in a vegetative buffer zone contains invasive species or dead
24 or diseased vegetation, the owner of the shoreland property may remove the

1 vegetation, except that if the owner removes all of the vegetation in the vegetative
2 buffer zone, the owner shall establish a vegetative buffer zone with new vegetation.

3 (d) A provision allowing a person who is required to preserve, maintain, or
4 establish a vegetative buffer zone under par. (c) to remove all of the vegetation in a
5 part of that zone in order to establish a viewing or access corridor that is no greater
6 than 30 feet wide for every 100 feet of shoreline frontage and that extends no more
7 than 35 feet inland from the ordinary high water mark.

8 (e) A provision that requires a person who removes vegetation in a vegetative
9 buffer zone in order to establish a viewing or access corridor as provided under par.
10 (d) to avoid the removal of trees in the vegetative buffer zone to the extent practicable
11 in order to protect the land from erosion.

12 (4) If any village does not enact an ordinance before the date specified in sub.
13 (2) or if the department of natural resources, after notice and hearing, determines
14 that a village enacted an ordinance that fails to meet the requirements under sub.
15 (3), the department of natural resources shall enact an ordinance for the village.

16 (5) Provisions of a county shoreland zoning ordinance that were applicable,
17 prior to annexation, to any shoreland area annexed by a village after May 7, 1982,
18 shall continue in effect and shall be enforced after annexation by the annexing
19 village until the effective date of an ordinance enacted by the village under sub. (2)
20 or by the department of natural resources under sub. (4).

21 (6) Provisions of a county shoreland zoning ordinance that were applicable
22 prior to incorporation to any shoreland area that is part of a town that incorporates
23 as a village under s. 66.0203, 66.0211, or 66.0213 after April 30, 1994 shall continue
24 in effect and shall be enforced after incorporation by the incorporated village until

1 the effective date of an ordinance enacted by the village under sub. (2) or by the
2 department of natural resources under sub. (4).

3 (7) An ordinance enacted under sub. (2) or (4) does not apply to lands adjacent
4 to an artificially constructed drainage ditch, pond, or stormwater retention basin if
5 the drainage ditch, pond, or retention basin is not hydrologically connected to a
6 natural navigable water body.

7 SECTION 5. 62.233 of the statutes is created to read:

8 **62.233 Zoning of annexed or incorporated shorelands.** (1) In this
9 section:

10 (a) "County shoreland area" means an area of shoreland that prior to
11 annexation by city was subject to a county shoreland zoning ordinance under s.
12 59.692 or that was part of a town that, prior to incorporation as a city, was subject
13 to a county shoreland zoning ordinance under s. 59.692.

14 (b) "Principal building" means the main building or structure on a single lot or
15 parcel of land and includes any attached garage or attached porch.

16 (c) "Shoreland setback area" has the meaning given in s. 59.692 (1) (bn).

17 (d) "Shorelands" has the meaning given in s. 59.692 (1) (b).

18 (2) Every city shall, on or before the first day of the 7th month beginning after
19 the effective date of this subsection [LRB inserts date], enact an ordinance that
20 applies to all of the following shoreland areas:

21 (a) A shoreland area that was annexed by the city after May 7, 1982 and that
22 prior to annexation was subject to a county shoreland zoning ordinance under s. 59.692.

23 (b) A shoreland area that, before the city incorporated under s. 66.0203,
24 66.0211, 66.0213, or 66.025 was part of a town that was subject to a county shoreland
25 zoning ordinance under s. 59.692.

1 than 30 feet wide for every 100 feet of shoreline frontage and that extends no more
2 than 35 feet inland from the ordinary high ^{water} water mark.

3 (e) A provision that requires a person who removes vegetation in a vegetative
4 buffer zone in order to establish a viewing or access corridor as provided under par.

5 (d) to avoid the removal of trees in the vegetative buffer zone to the extent practicable
6 in order to protect the land from erosion.

7 (4) If any city does not enact an ordinance before the date specified in sub. (2)
8 or if the department of natural resources, after notice and hearing, determines that
9 a city enacted an ordinance that fails to meet the requirements under sub. ²³ (2), the
10 department of natural resources shall enact an ordinance for the city.

11 (5) Provisions of a county shoreland zoning ordinance ^{under s. 59.692} that were applicable,
12 prior to annexation, to any shoreland ^{the} area annexed by a city after May 7, 1982, shall ^{STET}
13 continue in effect and shall be enforced after annexation by the annexing city until
14 the effective date of an ordinance enacted by the city under sub. (2) or by the
15 department of natural resources under sub. (4).

16 (6) Provisions of a county shoreland zoning ordinance ^{under s. 59.692} that were applicable
17 prior to incorporation to any shoreland ^Q area that is part of a town that incorporates
18 as a city under s. 66.0203, 66.0211, 66.0213, or [^] 660215 after April 30, 1994 ^g shall
19 continue in effect and shall be enforced after incorporation by the incorporated city
20 until the effective date of an ordinance enacted by the city under sub. (2) or by the
21 department of natural resources under sub. (4). ✓

22 (7) An ordinance enacted under sub. (2) or (4) does not apply to lands adjacent
23 to an artificially constructed drainage ditch, pond, or stormwater retention basin if

1 the drainage ditch, pond, or retention basin is not hydrologically connected to a
2 natural navigable water body.

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3 SECTION 6. 66.1001 (3) (q) of the statutes is amended to read:

4 66.1001 (3) (q) Shorelands or wetlands in shorelands zoning ordinances
5 enacted or amended under s. 59.692, 61.351 or, 61.353, 62.231, or 62.233.

History: 1999 a. 9, 148; 1999 a. 150 s. 74; Stats. 1999 s. 66.1001; 1999 a. 185 s. 57; 1999 a. 186 s. 42; 2001 a. 30, 90; 2003 a. 33, 93, 233, 307, 327; 2005 a. 26, 208; 2007 a. 121; 2009 a. 372; 2011 a. 257.

6 SECTION 7. 70.32 (1g) of the statutes is amended to read:

7 70.32 (1g) In addition to the factors set out in sub. (1), the assessor shall
8 consider the effect on the value of the property of any zoning ordinance under s.
9 59.692, 61.351 or, 61.353, 62.231, or 62.233, any conservation easement under s.
10 700.40, any conservation restriction under an agreement with the federal
11 government and any restrictions under ch. 91. Beginning with the property tax
12 assessments as of January 1, 2000, the assessor may not consider the effect on the
13 value of the property of any federal income tax credit that is extended to the property
14 owner under section 42 of the Internal Revenue Code.

History: 1973 c. 90; 1977 c. 29, 418; 1979 c. 34; 1981 c. 20, 390; 1983 a. 36; 1983 a. 275 s. 15 (8); 1983 a. 410; 1985 a. 54, 153; 1991 a. 39, 316; 1993 a. 337; 1995 a. 27, 201, 227; 1999 a. 9; 2001 a. 109; 2003 a. 33, 230; 2009 a. 177, 235, 276, 401.

15 SECTION 8. 93.90 (3) (a) 3. of the statutes is amended to read:

16 93.90 (3) (a) 3. The proposed new or expanded livestock facility violates an
17 ordinance adopted under s. 59.692, 59.693, 60.627, 61.351, 61.353, 61.354, 62.231,
18 62.233, 62.234, or 87.30.

History: 2003 a. 235.

19 SECTION 9. 281.31 (2) (e) of the statutes is amended to read:

61.353[^]

20 281.31 (2) (e) "Regulation" means ordinances enacted under ss. 59.692, 61.351,
21 62.23 (7) and 62.231 and refers to subdivision and zoning regulations which include

and
62.233[^]
and
62.231[^]

1 control of uses of lands under, abutting or lying close to navigable waters for the
2 purposes specified in sub. (1), pursuant to any of the zoning and subdivision control
3 powers delegated by law to cities, villages and counties.

4 **History:** 1975 c. 232; 1977 c. 29; 1981 c. 330, 339; 1983 a. 189, 416; 1993 a. 246; 1995 a. 201; 1995 a. 227 s. 432; Stats. 1995 s. 281.31.

SECTION 10. 281.31 (8) of the statutes is amended to read:

^ and 62.233

5 281.31 (8) This section and ss. 59.692, 61.351 and, 61.353, 62.231 shall be
6 construed together to accomplish the purposes and objective of this section.

7 **History:** 1975 c. 232; 1977 c. 29; 1981 c. 330, 339; 1983 a. 189, 416; 1993 a. 246; 1995 a. 201; 1995 a. 227 s. 432; Stats. 1995 s. 281.31.

SECTION 11. 281.36 (10) of the statutes is amended to read:

8 281.36 (10) ADDITIONAL REQUIREMENTS. The requirement of being issued a
9 wetland individual permit or proceeding under the authority of a wetland general
10 permit under this section is in addition to any permit or other approval required by
11 the department for a project or activity that involves a discharge into a wetland. This
12 section governs the determination of whether a discharge is in compliance with
13 water quality standards but does not affect the authority of the department to
14 otherwise regulate the discharge of dredged or fill material in a wetland under ss.
15 59.692, 61.351, 61.353, 62.231, 62.233, 87.30, 281.11 to 281.35, 281.41 to 281.47, or
16 281.49 to 281.85 or ch. 30, 31, 283, 289, 291, 292, 293, 295, or 299.

17 **History:** 2001 a. 6; 2005 a. 253; 2011 a. 118, ss. 43, 45 to 47, 49 to 55, 57 to 118, 122, 123, 127 to 137, 141; 2013 a. 1, 20; s. 35.17 correction in (5) (intro.).

SECTION 12. 281.36 (13m) of the statutes is amended to read:

18 281.36 (13m) REPORT TO LEGISLATURE. No later than January 31, 2003, and no
19 later than January 31 of each subsequent odd-numbered year, the department shall
20 submit to the legislature under s. 13.172 (2) a report that provides an analysis of the
21 impact of the implementation of mitigation on wetland resources and on the issuance
22 of permits or other approvals under ss. 59.692, 61.351, 61.353, 62.231, 62.233, 87.30,
23 281.11 to 281.47 or 281.49 to 281.85 or ch. 30, 31, 283, 289, 291, 292, 293, 295, or 299.

History: 2001 a. 6; 2005 a. 253; 2011 a. 118, ss. 43, 45 to 47, 49 to 55, 57 to 118, 122, 123, 127 to 137, 141; 2013 a. 1, 20; s. 35.17 correction in (5) (intro.).

1 **SECTION 13.** 289.33 (3) (d) of the statutes, as affected by 2013 Wisconsin Act 14,
2 is amended to read:

3 289.33 (3) (d) "Local approval" includes any requirement for a permit, license,
4 authorization, approval, variance or exception or any restriction, condition of
5 approval or other restriction, regulation, requirement or prohibition imposed by a
6 charter ordinance, general ordinance, zoning ordinance, resolution or regulation by
7 a town, city, village, county or special purpose district, including without limitation
8 because of enumeration any ordinance, resolution or regulation adopted under s.
9 91.73, 2007 stats., s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2),
10 (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24),
11 (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19),
12 (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10),
13 (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4),
14 (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57
15 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1),
16 (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (5), (7), (8), and
17 (10), 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35,
18 61.351, 61.353, 61.354, 62.11, 62.23, 62.231, 62.233, 62.234, 66.0101, 66.0415, 87.30,
19 196.58, 200.11 (8), 236.45, 281.43 or 349.16, subch. VIII of ch. 60, or subch. III of ch.
20 91.

History: 1981 c. 374; 1983 a. 128; 1983 a. 282 ss. 6 to 32, 34; 1983 a. 416 s. 19; 1983 a. 532 s. 36; 1983 a. 538; 1985 a. 182 s. 57; 1987 a. 27, 204, 399; 1987 a. 403 s. 256; 1991 a. 39; 1995 a. 201; 1995 a. 227 s. 626; Stats. 1995 s. 289.33; 1997 a. 35, 241; 1999 a. 83, 150; 2001 a. 38; 2007 a. 63; 2009 a. 28; 2013 a. 14; s. 35.17 correction in (3) (d).

21 **SECTION 14.** 289.35 of the statutes, as affected by 2013 Wisconsin Act 1, is
22 amended to read:

23 **289.35 Shoreland and floodplain zoning.** Solid waste facilities are
24 prohibited within areas under the jurisdiction of shoreland and floodplain zoning

1 regulations adopted under ss. 59.692, 61.351, 61.353, 62.231, 62.233, 87.30, and
 2 281.31, except that the department may issue permits authorizing facilities in such
 3 areas. If the department issues a permit under this section, the permit shall specify
 4 the location, height, and size of the solid waste facility authorized under the permit.

5 **History:** 1981 c. 374 s. 148; 1983 a. 416 s. 19; 1995 a. 201; 1995 a. 227 s. 638; Stats. 1995 s. 289.35; 2013 a. 1.

SECTION 15. 289.43 (7) (c) of the statutes is amended to read:

6 289.43 (7) (c) The department shall approve the requester's exemption
 7 proposal if the department finds that the proposal, as approved, will comply with this
 8 chapter and chs. 30, 31, 160 and 280 to 299 and ss. 1.11, 23.40, 59.692, 59.693, 60.627,
 9 61.351, 61.353, 61.354, 62.231, 62.233, 62.234 and 87.30. If the proposal does not
 10 comply with one or more of the requirements specified in this paragraph, the
 11 department shall provide a written statement describing how the proposal fails to
 12 comply with those requirements. The department shall respond to an application for
 13 an exemption under this subsection within 90 days.

14 **History:** 1995 a. 227 ss. 574, 577 to 580; 1997 a. 27, 35; 2003 a. 88; 2007 a. 20.

SECTION 16. 295.607 (1) (a) 2. of the statutes, as affected by 2013 Wisconsin Act

15 1, is amended to read:

16 295.607 (1) (a) 2. "Shoreland zoning ordinance" means a shoreland zoning
 17 ordinance or regulation adopted under s. 59.692, 61.351, 61.353, 62.231, 62.233, or
 18 281.31.

History: 2013 a. 1.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0170/P2dn

RNK: /:....

Wly

Date

Toni Herkert:

This version of the substitute amendment incorporates the changes you requested. Also, as we discussed, in this version of the substitute amendment, the requirement for cities and villages to enact shoreland zoning ordinances is created in the respective chapters of the statutes that concern cities and villages rather than in s. 59.692 which concerns shoreland zoning by counties.

Please note that I have added cross-references to the newly created village and city shoreland zoning statutes (ss. 61.353 and 62.233) in various statutes in current law that refer to other shoreland zoning statutes (ss. 59.692, 61.351, and 62.231). The statutes that I have amended for this purpose are 20.370 (3) (ma), 30.2022 (1), 41.41(8), 66.1001 (3) (q), 70.32 (1g), 93.90 (3) (a) 3., 281.31 (2) (e) and (8), 281.36 (10) and (13m), 289.33 (3) (d), 289.35, 289.43 (7) (c), and 295.607 (1) (a) 2. I ask that you review each one of these provisions to determine if the amendments to those provisions are consistent with your intent.

There are some statutes in current law that contain a cross-reference to s. 59.692 but that, based on my overall understanding of your objectives, I determined should not be amended to include cross-references to the newly created village and city shoreland zoning provisions. The statutes that I did not amend are ss. 30.19 (1m) (g), 30.202 (3), 30.204 (5), 66.0307 (3) (e) and (7m), 70.32 (2) (c) 4., 93.90 (3) (a) 3., 281.31 (2m) (intro.). Please review each of these statutes to determine whether you would like to include a cross-reference (in any of these statutes) to the village and city shoreland zoning provisions created in this substitute amendment.

in this version

92.10 (6) (a) 4.5

This substitute amendment remains in preliminary form. Please feel free to contact me if you have any questions.

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

Please review s 59.692(2m)(c) in current law. Do you want to retain any part of that statute as it applied to city and village ordinances?

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0170/P2dn
RNK:wlj:rs

November 7, 2013

Toni Herkert:

This version of the substitute amendment incorporates the changes you requested. Also, as we discussed, in this version of the substitute amendment, the requirement for cities and villages to enact shoreland zoning ordinances is created in the respective chapters of the statutes that concern cities and villages rather than in s. 59.692 which concerns shoreland zoning by counties.

Please note that I have added cross-references to the created village and city shoreland zoning statutes (ss. 61.353 and 62.233) in various statutes in current law that refer to other shoreland zoning statutes (ss. 59.692, 61.351, and 62.231). The statutes that I have amended for this purpose are 20.370 (3) (ma), 30.2022 (1), 41.41 (8), 66.1001 (3) (q), 70.32 (1g), 93.90 (3) (a) 3., 281.31 (2) (e) and (8), 281.36 (10) and (13m), 289.33 (3) (d), 289.35, 289.43 (7) (c), and 295.607 (1) (a) 2. I ask that you review each one of these provisions to determine if the amendments to those provisions are consistent with your intent.

There are some statutes in current law that contain a cross-reference to s. 59.692 but that, based on my overall understanding of your objectives, I determined should not be amended in this version to include cross-references to the created village and city shoreland zoning provisions. The statutes that I did not amend are ss. 30.19 (1m) (g), 30.202 (3), 30.204 (5), 66.0307 (3) (e) and (7m), 70.32 (2) (c) 4., 92.10 (6) (a) 4., and 281.31 (2m) (intro.). Please review each of these statutes to determine whether you would like to include a cross-reference to the village and city shoreland zoning provisions created in this substitute amendment.

Please review s. 59.692 (2m) (c) in current law. Do you want to retain any part of that statute as it applies to city and village ordinances?

This substitute amendment remains in preliminary form. Please feel free to contact me if you have any questions.

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

Kite, Robin

From: Herkert, Toni
Sent: Friday, November 08, 2013 1:27 PM
To: Kite, Robin
Cc: Gary, Tim; Esser, Jennifer; Smith, Ryan
Subject: Requested changes - Substitute Amendment for SB 183

Robin -

I would like to request the following changes to the draft substitute amendment;

1. Page 4, line 18 - remove the word "preserve"
2. Page 5, line 1 - remove the word "preserve"
3. Page 5, line 10-13 - (4) remove this section. Reason: (5) keeps County SL Zoning in place until and ordinance is adopted for shorelands in a village or city.
4. Page 5, line 18 - eliminate
5. Page 5, line 24 - eliminate
6. Page 6, line 1 - remove "or (4)"
7. Page 8, line 3-6 - (4) remove section
8. Page 8, line 10 - remove "or by the"
9. Page 8, line 11 - remove "department of natural resources under sub. (4)."
10. Page 8, line 17 - remove "or by the department of natural resources under sub. (4)."
11. Page 8, line 18 - remove "or (4)"

I think these should be the last requested changes.

Thanks for your help, The Assembly and Senate bills are both scheduled for Tuesday on the floor of both houses so we will need the final drafts as soon as possible.

Toni
Toni

Per Toni -

Also delete "preserve" on pg 7, lines 11 & 18.

Discussed the fact that cities & villages have a deadline for enacting an ordinance but no "penalty" for not doing so.

Toni said this is how they want the draft to be because if the ordinance isn't enacted, county shoreland-law will still apply



State of Wisconsin
2013 - 2014 LEGISLATURE

Today 11/8



Rm
rln

LRBs017002

RNK:sac/eev/wlj:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

**SENATE SUBSTITUTE AMENDMENT ,
TO SENATE BILL 183**

PWF
jw
ms

regen

1 AN ACT *to repeal* 59.692 (2m) (c), 59.692 (7), 66.0203 (10), 66.0213 (2) (b), 66.0215
2 (7) (b) and 66.0216 (8) (b); *to renumber* 66.0213 (2) (a), 66.0215 (7) (a) and
3 66.0216 (8) (a); *to amend* 20.370 (3) (ma), 30.2022 (1), 41.41 (8), 59.692 (6m),
4 66.0217 (8) (a), 66.0219 (6), 66.0223 (1), 66.1001 (3) (q), 70.32 (1g), 93.90 (3) (a)
5 3., 281.31 (2) (e), 281.31 (8), 281.36 (10), 281.36 (13m), 289.33 (3) (d), 289.35,
6 289.43 (7) (c) and 295.607 (1) (a) 2.; and *to create* 61.353 and 62.233 of the
7 statutes; **relating to:** shoreland zoning ordinances that apply to shorelands
8 that are annexed by a city or village or that are part of a town incorporated as
9 a city or village and making an appropriation.

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

10 SECTION 1. 20.370 (3) (ma) of the statutes is amended to read:

1 20.370 (3) (ma) *General program operations — state funds.* From the general
2 fund, the amounts in the schedule for regulatory and enforcement operations under
3 chs. 30, 31 and 280 to 299 and ss. 44.47, 59.692, 59.693, 61.351, 61.353, 61.354,
4 62.231, 62.233, 62.234 and 87.30, for reimbursement of the conservation fund for
5 expenses incurred for actions taken under s. 323.12 (2) (c); for review of
6 environmental impact requirements under ss. 1.11 and 23.40; and for enforcement
7 of the treaty-based, off-reservation rights to fish, hunt and gather held by members
8 of federally recognized American Indian tribes or bands.

9 **SECTION 2.** 30.2022 (1) of the statutes is amended to read:

10 30.2022 (1) Activities affecting waters of the state, as defined in s. 281.01 (18),
11 that are carried out under the direction and supervision of the department of
12 transportation in connection with highway, bridge, or other transportation project
13 design, location, construction, reconstruction, maintenance, and repair are not
14 subject to the prohibitions or permit or approval requirements specified under s.
15 29.601, 30.11, 30.12, 30.123, 30.19, 30.195, 30.20, 59.692, 61.351, 61.353, 62.231,
16 62.233, or 87.30 or chs. 281 to 285 or 289 to 299. However, at the earliest practical
17 time prior to the commencement of these activities, the department of transportation
18 shall notify the department of the location, nature, and extent of the proposed work
19 that may affect the waters of the state.

20 **SECTION 3.** 41.41 (8) of the statutes is amended to read:

21 41.41 (8) ZONING. Notwithstanding ss. 13.48 (13) (a), 59.69 (4), 60.61 (2), 60.62
22 (1), 61.35 and 62.23 (7), the Kickapoo valley reserve is not subject to the zoning
23 ordinance of any county or municipality, except that any ordinance enacted under s.
24 59.692, 61.351, 61.353, 62.231, 62.233, or 87.30 governing the zoning of floodplains,
25 shorelands or wetlands in shorelands and any ordinance that is required by law

1 under s. 59.693, 61.354 or 62.234 governing construction site erosion control or storm
2 water management applies in the reserve.

3 **SECTION 4.** 59.692 (2m) (c) of the statutes is repealed.

4 **SECTION 5.** 59.692 (6m) of the statutes is amended to read:

5 59.692 **(6m)** For an amendment to an ordinance enacted under this section that
6 affects an activity that meets all of the requirements under s. 281.165 (2), (3) (a), or
7 (4) (a), the department may not proceed under sub. (6) ~~or (7) (b) or (c)~~, or otherwise
8 review the amendment, to determine whether the ordinance, as amended, fails to
9 meet the shoreland zoning standards.

10 **SECTION 6.** 59.692 (7) of the statutes is repealed.

11 **SECTION 7.** 61.353 of the statutes is created to read:

12 **61.353 Zoning of annexed or incorporated shorelands.** (1) In this
13 section:

14 (a) “Principal building” means the main building or structure on a single lot or
15 parcel of land and includes any attached garage or attached porch.

16 (b) “Shorelands” has the meaning given in s. 59.692 (1) (b).

17 (c) “Shoreland setback area” has the meaning given in s. 59.692 (1) (bn).

18 **(2)** Every village shall, on or before the first day of the 7th month beginning
19 after the effective date of this subsection ... [LRB inserts date], enact an ordinance
20 that applies to all of the following shorelands:

21 (a) A shoreland that was annexed by the village after May 7, 1982, and that
22 prior to annexation was subject to a county shoreland zoning ordinance under s.
23 59.692.

1 (b) A shoreland that, before the village incorporated under s. 66.0203, 66.0211,
2 or 66.0213, was part of a town that was subject to a county shoreland zoning
3 ordinance under s. 59.692.

4 (3) A village ordinance enacted under this section shall include at least all of
5 the following provisions:

6 (a) A provision establishing a shoreland setback area of at least 50 feet from
7 the ordinary high-water mark, except as provided in par. (b).

8 (b) A provision authorizing construction or placement of a principal building
9 within the shoreland setback area established under par. (a) if all of the following
10 apply:

11 1. The principal building is constructed or placed on a lot or parcel of land that
12 is immediately adjacent on each side to a lot or parcel of land containing a principal
13 building.

14 2. The principal building is constructed or placed within a distance equal to the
15 average setback of the principal building on the adjacent lots or 35 feet from the
16 ordinary high-water mark, whichever distance is greater.

17 (c) 1. A provision requiring a person who owns shoreland property that contains
18 vegetation to ~~preserve~~ and maintain that vegetation in a vegetative buffer zone along
19 the entire shoreline of the property and extending 35 feet inland from the ordinary
20 high-water mark of the navigable water, except as provided in subd. 2.

21 2. If the vegetation in a vegetative buffer zone contains invasive species or dead
22 or diseased vegetation, the owner of the shoreland property may remove the
23 vegetation, except that if the owner removes all of the vegetation in the vegetative
24 buffer zone, the owner shall establish a vegetative buffer zone with new vegetation.

1 (d) A provision allowing a person who is required to preserve, maintain, or
2 establish a vegetative buffer zone under par. (c) to remove all of the vegetation in a
3 part of that zone in order to establish a viewing or access corridor that is no greater
4 than 30 feet wide for every 100 feet of shoreline frontage and that extends no more
5 than 35 feet inland from the ordinary high-water mark.

6 (e) A provision that requires a person who removes vegetation in a vegetative
7 buffer zone in order to establish a viewing or access corridor as provided under par.
8 (d) to avoid the removal of trees in the vegetative buffer zone to the extent practicable
9 in order to protect the land from erosion.

10 (4) If any village does not enact an ordinance before the date specified in sub.
11 (2) or if the department of natural resources, after notice and hearing, determines
12 that a village enacted an ordinance that fails to meet the requirements under sub.
13 (3), the department of natural resources shall enact an ordinance for the village.

14 (5) Provisions of a county shoreland zoning ordinance under s. 59.692 that were
15 applicable, prior to annexation, to any shoreland annexed by a village after May 7,
16 1982, shall continue in effect and shall be enforced after annexation by the annexing
17 village until the effective date of an ordinance enacted by the village under sub. (2)
18 or by the department of natural resources under sub. (4).

19 (6) Provisions of a county shoreland zoning ordinance under s. 59.692 that were
20 applicable prior to incorporation to any shoreland that is part of a town that
21 incorporates as a village under s. 66.0203, 66.0211, or 66.0213 after April 30, 1994,
22 shall continue in effect and shall be enforced after incorporation by the incorporated
23 village until the effective date of an ordinance enacted by the village under sub. (2)
24 or by the department of natural resources under sub. (4).

1 (7) An ordinance enacted under sub. (2) or (4) does not apply to lands adjacent
2 to an artificially constructed drainage ditch, pond, or stormwater retention basin if
3 the drainage ditch, pond, or retention basin is not hydrologically connected to a
4 natural navigable water body.

5 SECTION 8. 62.233 of the statutes is created to read:

6 **62.233 Zoning of annexed or incorporated shorelands.** (1) In this
7 section:

8 (a) "Principal building" means the main building or structure on a single lot or
9 parcel of land and includes any attached garage or attached porch.

10 (b) "Shorelands" has the meaning given in s. 59.692 (1) (b).

11 (c) "Shoreland setback area" has the meaning given in s. 59.692 (1) (bn).

12 (2) Every city shall, on or before the first day of the 7th month beginning after
13 the effective date of this subsection [LRB inserts date], enact an ordinance that
14 applies to all of the following shorelands:

15 (a) A shoreland that was annexed by the city after May 7, 1982, and that prior
16 to annexation was subject to a county shoreland zoning ordinance under s. 59.692.

17 (b) A shoreland that, before the city incorporated under s. 66.0203, 66.0211,
18 66.0213, or 66.025 was part of a town that was subject to a county shoreland zoning
19 ordinance under s. 59.692.

20 (3) A city ordinance enacted under this section shall include at least all of the
21 following provisions:

22 (a) A provision establishing a shoreland setback area of at least 50 feet from
23 the ordinary high-water mark, except as provided in par. (b).

1 (b) A provision authorizing construction or placement of a principal building
2 within the shoreland setback area established under par. (a) if all of the following
3 apply:

4 1. The principal building is constructed or placed on a lot or parcel of land that
5 is immediately adjacent on each side to a lot or parcel of land containing a principal
6 building.

7 2. The principal building is constructed or placed within a distance equal to the
8 average setback of the principal building on the adjacent lots or 35 feet from the
9 ordinary high-water mark, whichever distance is greater.

10 (c) 1. A provision requiring a person who owns shoreland property that contains
11 vegetation to preserve and maintain that vegetation in a vegetative buffer zone along
12 the entire shoreline of the property and extending 35 feet inland from the ordinary
13 high-water mark of the navigable water, except as provided in subd. 2.

14 2. If the vegetation in a vegetative buffer zone contains invasive species or dead
15 or diseased vegetation, the owner of the shoreland property may remove the
16 vegetation, except that if the owner removes all of the vegetation in the vegetative
17 buffer zone, the owner shall establish a vegetative buffer zone with new vegetation.

18 (d) A provision allowing a person who is required to preserve, maintain, or
19 establish a vegetative buffer zone under par. (c) to remove all of the vegetation in a
20 part of that zone in order to establish a viewing or access corridor that is no greater
21 than 30 feet wide for every 100 feet of shoreline frontage and that extends no more
22 than 35 feet inland from the ordinary high-water mark.

23 (e) A provision that requires a person who removes vegetation in a vegetative
24 buffer zone in order to establish a viewing or access corridor as provided under par.

1 (d) to avoid the removal of trees in the vegetative buffer zone to the extent practicable
2 in order to protect the land from erosion.

3 (4) If any city does not enact an ordinance before the date specified in sub. (2)
4 or if the department of natural resources, after notice and hearing, determines that
5 a city enacted an ordinance that fails to meet the requirements under sub. (3), the
6 department of natural resources shall enact an ordinance for the city.

7 (5) Provisions of a county shoreland zoning ordinance under s. 59.692 that were
8 applicable, prior to annexation, to any shoreland annexed by a city after May 7, 1982,
9 shall continue in effect and shall be enforced after annexation by the annexing city
10 until the effective date of an ordinance enacted by the city under sub. (2) or by the
11 department of natural resources under sub. (4).

12 (6) Provisions of a county shoreland zoning ordinance under s. 59.692 that were
13 applicable prior to incorporation to any shoreland that is part of a town that
14 incorporates as a city under s. 66.0203, 66.0211, 66.0213, or 66.0215 after April 30,
15 1994, shall continue in effect and shall be enforced after incorporation by the
16 incorporated city until the effective date of an ordinance enacted by the city under
17 sub. (2) or by the department of natural resources under sub. (4).

18 (7) An ordinance enacted under sub. (2) or (4) does not apply to lands adjacent
19 to an artificially constructed drainage ditch, pond, or stormwater retention basin if
20 the drainage ditch, pond, or retention basin is not hydrologically connected to a
21 natural navigable water body.

22 **SECTION 9.** 66.0203 (10) of the statutes is repealed.

23 **SECTION 10.** 66.0213 (2) (a) of the statutes is renumbered 66.0213 (2).

24 **SECTION 11.** 66.0213 (2) (b) of the statutes is repealed.

25 **SECTION 12.** 66.0215 (7) (a) of the statutes is renumbered 66.0215 (7).

1 **SECTION 13.** 66.0215 (7) (b) of the statutes is repealed.

2 **SECTION 14.** 66.0216 (8) (a) of the statutes is renumbered 66.0216 (8).

3 **SECTION 15.** 66.0216 (8) (b) of the statutes is repealed.

4 **SECTION 16.** 66.0217 (8) (a) of the statutes is amended to read:

5 66.0217 (8) (a) An ordinance for the annexation of the territory described in the
6 annexation petition under sub. (3) may be enacted by a two-thirds vote of the elected
7 members of the governing body not less than 20 days after the publication of the
8 notice of intention to circulate the petition and not later than 120 days after the date
9 of filing with the city or village clerk of the petition for annexation or of the
10 referendum election if favorable to the annexation. If the annexation is subject to
11 sub. (6) the governing body shall first review the reasons given by the department
12 that the proposed annexation is against the public interest. ~~Subject to s. 59.692 (7),~~
13 ~~an~~ An ordinance under this subsection may temporarily designate the classification
14 of the annexed area for zoning purposes until the zoning ordinance is amended as
15 prescribed in s. 62.23 (7) (d). Before introduction of an ordinance containing a
16 temporary classification, the proposed classification shall be referred to and
17 recommended by the plan commission. The authority to make a temporary
18 classification is not effective when the county ordinance prevails during litigation as
19 provided in s. 59.69 (7).

20 **SECTION 17.** 66.0219 (6) of the statutes is amended to read:

21 66.0219 (6) TEMPORARY ZONING OF AREA PROPOSED TO BE ANNEXED. An interim
22 zoning ordinance to become effective only upon approval of the annexation at the
23 referendum election may be enacted by the governing body of the city or village.
24 ~~Subject to s. 59.692 (7), the~~ The ordinance may temporarily designate the
25 classification of the annexed area for zoning purposes until the zoning ordinance is

1 amended as prescribed in s. 62.23 (7) (d). The proposed interim zoning ordinance
2 shall be referred to and recommended by the plan commission prior to introduction.
3 Authority to make a temporary classification is not effective when the county zoning
4 ordinance prevails during litigation as provided in s. 59.69 (7).

5 **SECTION 18.** 66.0223 (1) of the statutes is amended to read:

6 66.0223 (1) In addition to other methods provided by law and subject to sub.
7 (2) and ss. ~~59.692 (7)~~, 66.0301 (6) (d), and 66.0307 (7), territory owned by and lying
8 near but not necessarily contiguous to a village or city may be annexed to a village
9 or city by ordinance enacted by the board of trustees of the village or the common
10 council of the city, provided that in the case of noncontiguous territory the use of the
11 territory by the city or village is not contrary to any town or county zoning regulation.
12 The ordinance shall contain the exact description of the territory annexed and the
13 names of the towns from which detached, and attaches the territory to the village or
14 city upon the filing of 7 certified copies of the ordinance in the office of the secretary
15 of state, together with 7 copies of a plat showing the boundaries of the territory
16 attached. Two copies of the ordinance and plat shall be forwarded by the secretary
17 of state to the department of transportation, one copy to the department of
18 administration, one copy to the department of natural resources, one copy to the
19 department of revenue and one copy to the department of public instruction. Within
20 10 days of filing the certified copies, a copy of the ordinance and plat shall be mailed
21 or delivered to the clerk of the county in which the annexed territory is located.
22 Sections 66.0203 (8) (c) and 66.0217 (11) apply to annexations under this section.

23 **SECTION 19.** 66.1001 (3) (q) of the statutes is amended to read:

24 66.1001 (3) (q) Shorelands or wetlands in shorelands zoning ordinances
25 enacted or amended under s. 59.692, 61.351 ~~or~~, 61.353, 62.231, or 62.233.

1 **SECTION 20.** 70.32 (1g) of the statutes is amended to read:

2 70.32 (1g) In addition to the factors set out in sub. (1), the assessor shall
3 consider the effect on the value of the property of any zoning ordinance under s.
4 59.692, 61.351 ~~or~~ 61.353, 62.231, or 62.233, any conservation easement under s.
5 700.40, any conservation restriction under an agreement with the federal
6 government and any restrictions under ch. 91. Beginning with the property tax
7 assessments as of January 1, 2000, the assessor may not consider the effect on the
8 value of the property of any federal income tax credit that is extended to the property
9 owner under section 42 of the Internal Revenue Code.

10 **SECTION 21.** 93.90 (3) (a) 3. of the statutes is amended to read:

11 93.90 (3) (a) 3. The proposed new or expanded livestock facility violates an
12 ordinance adopted under s. 59.692, 59.693, 60.627, 61.351, 61.353, 61.354, 62.231,
13 62.233, 62.234, or 87.30.

14 **SECTION 22.** 281.31 (2) (e) of the statutes is amended to read:

15 281.31 (2) (e) "Regulation" means ordinances enacted under ss. 59.692, 61.351,
16 61.353, 62.23 (7) ~~and~~ 62.231, and 62.233 and refers to subdivision and zoning
17 regulations which include control of uses of lands under, abutting, or lying close to
18 navigable waters for the purposes specified in sub. (1), pursuant to any of the zoning
19 and subdivision control powers delegated by law to cities, villages, and counties.

20 **SECTION 23.** 281.31 (8) of the statutes is amended to read:

21 281.31 (8) This section and ss. 59.692, 61.351 ~~and~~ 61.353, 62.231, and 62.233
22 shall be construed together to accomplish the purposes and objective of this section.

23 **SECTION 24.** 281.36 (10) of the statutes is amended to read:

24 281.36 (10) **ADDITIONAL REQUIREMENTS.** The requirement of being issued a
25 wetland individual permit or proceeding under the authority of a wetland general

1 permit under this section is in addition to any permit or other approval required by
2 the department for a project or activity that involves a discharge into a wetland. This
3 section governs the determination of whether a discharge is in compliance with
4 water quality standards but does not affect the authority of the department to
5 otherwise regulate the discharge of dredged or fill material in a wetland under ss.
6 59.692, 61.351, 61.353, 62.231, 62.233, 87.30, 281.11 to 281.35, 281.41 to 281.47, or
7 281.49 to 281.85 or ch. 30, 31, 283, 289, 291, 292, 293, 295, or 299.

8 **SECTION 25.** 281.36 (13m) of the statutes is amended to read:

9 281.36 (13m) REPORT TO LEGISLATURE. No later than January 31, 2003, and no
10 later than January 31 of each subsequent odd-numbered year, the department shall
11 submit to the legislature under s. 13.172 (2) a report that provides an analysis of the
12 impact of the implementation of mitigation on wetland resources and on the issuance
13 of permits or other approvals under ss. 59.692, 61.351, 61.353, 62.231, 62.233, 87.30,
14 281.11 to 281.47 or 281.49 to 281.85 or ch. 30, 31, 283, 289, 291, 292, 293, 295, or 299.

15 **SECTION 26.** 289.33 (3) (d) of the statutes, as affected by 2013 Wisconsin Act 14,
16 is amended to read:

17 289.33 (3) (d) “Local approval” includes any requirement for a permit, license,
18 authorization, approval, variance or exception or any restriction, condition of
19 approval or other restriction, regulation, requirement or prohibition imposed by a
20 charter ordinance, general ordinance, zoning ordinance, resolution or regulation by
21 a town, city, village, county or special purpose district, including without limitation
22 because of enumeration any ordinance, resolution or regulation adopted under s.
23 91.73, 2007 stats., s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2),
24 (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24),
25 (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19),

1 (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10),
2 (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4),
3 (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57
4 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1),
5 (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), (5), (7), (8), and
6 (10), 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35,
7 61.351, 61.353, 61.354, 62.11, 62.23, 62.231, 62.233, 62.234, 66.0101, 66.0415, 87.30,
8 196.58, 200.11 (8), 236.45, 281.43 or 349.16, subch. VIII of ch. 60, or subch. III of ch.
9 91.

10 **SECTION 27.** 289.35 of the statutes, as affected by 2013 Wisconsin Act 1, is
11 amended to read:

12 **289.35 Shoreland and floodplain zoning.** Solid waste facilities are
13 prohibited within areas under the jurisdiction of shoreland and floodplain zoning
14 regulations adopted under ss. 59.692, 61.351, 61.353, 62.231, 62.233, 87.30, and
15 281.31, except that the department may issue permits authorizing facilities in such
16 areas. If the department issues a permit under this section, the permit shall specify
17 the location, height, and size of the solid waste facility authorized under the permit.

18 **SECTION 28.** 289.43 (7) (c) of the statutes is amended to read:

19 289.43 (7) (c) The department shall approve the requester's exemption
20 proposal if the department finds that the proposal, as approved, will comply with this
21 chapter and chs. 30, 31, 160 and 280 to 299 and ss. 1.11, 23.40, 59.692, 59.693, 60.627,
22 61.351, 61.353, 61.354, 62.231, 62.233, 62.234 and 87.30. If the proposal does not
23 comply with one or more of the requirements specified in this paragraph, the
24 department shall provide a written statement describing how the proposal fails to

