



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Assembly Bill 603

**Assembly Amendment 2 and
Assembly Amendment 1 to
Assembly Amendment 2**

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2015 ASSEMBLY BILL 603

2015 Assembly Bill 603 makes the following changes with respect to shoreland zoning regulation:

- Codifies current Department of Natural Resources (DNR) shoreland zoning standards that require that structures be set back at least 75 feet from the ordinary high-water mark (OHWM).
- Codifies current DNR shoreland zoning standards that allow the averaging of the distances that neighboring structures are set back from the OHWM for purposes of allowing a less restrictive setback requirement for a proposed structure.
- Creates authority for counties to impose a more restrictive setback requirement for a lot based on the location of principal structures on neighboring lots in certain circumstances.
- Codifies current DNR shoreland zoning standards that exempt certain boathouses, gazebos, fishing rafts, telecommunications and utility facilities, and walkways, stairways, and rail systems from the general setback requirements and prohibits the enactment of a county shoreland zoning ordinance that prohibits or regulates the maintenance, repair, replacement, restoration, rebuilding, or remodeling of all or any part of one of these structures in the existing three-dimensional building envelope of the structure.
- Codifies and changes requirements related to impervious surface limits in the DNR shoreland zoning standards that are applicable to “highly developed shorelines.”

ASSEMBLY AMENDMENT 2, AS AMENDED BY ASSEMBLY AMENDMENT 1 TO ASSEMBLY AMENDMENT 2

Assembly Amendment 2, as amended by Assembly Amendment 1 to Assembly Amendment 2, makes all of the following changes to the bill:

- Provides that the prohibition against DNR rules and county shoreland zoning ordinances that prohibit or regulate the maintenance, repair, replacement, restoration, rebuilding, or remodeling, in the existing three-dimensional building envelope of the structure, of all or any part of certain boathouses, gazebos, fishing rafts, certain telecommunications and utility facilities, and walkways, stairways, and rail systems, applies to these structures even if only partially constructed in the setback area.
- Clarifies the two setback averaging provisions in the bill as follows:
 - Specifies that the setback averaging provision for neighboring structures closer than 75 feet from the OHWM only involves the closest principal structures on adjacent parcels on each side of the proposed building.
 - Specifies that the bill provision allowing counties to create a more restrictive setback requirement for a lot based on the location of principal structures on adjacent lots involves only the closest principal structures on each side of the proposed building and that these existing structures need not be placed precisely at the setback required when they were built for this provision to apply. The amendment also specifies that this provision does not apply if the resulting setback limits the placement of the proposed principal structure to an area on which the principal structure cannot be built.
- Creates a new setback averaging provision that would authorize counties to permit setback averaging closer than 75 feet to the OHWM if a principal structure exists within 250 feet of a proposed principal structure on an adjacent lot in only one direction along the shoreline.
- Makes other technical changes and reorganizes various provisions in the bill.

BILL HISTORY

Assembly Amendment 2 was offered by Representative Jarchow on January 19, 2016. On January 20, 2016, the Assembly Committee on Natural Resources and Sporting Heritage voted to recommend adoption of the amendment, and passage of the bill, as amended, on votes of Ayes: 10; Noes: 5.

Assembly Amendment 1 to Assembly Amendment 2 was offered by Representative Jarchow on February 4, 2016. On February 9, 2016, the Assembly adopted these two amendments by voice votes and adopted the bill, as amended, by a vote of Ayes, 61; Noes, 35; and Paired, 2.

LAK:jal