



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1995 ASSEMBLY BILL 77**

March 28, 1995 - Offered by COMMITTEE ON NATURAL RESOURCES.

1 **AN ACT to create** 59.971 (1) (d), 59.971 (1) (e), 59.971 (8), 61.351 (1) (ag), 61.351
2 (1) (am), 61.351 (7), 62.231 (1) (ag), 62.231 (1) (am) and 62.231 (7) of the
3 statutes; **relating to:** zoning of shorelands by counties and zoning of wetlands
4 in shorelands by cities and villages.

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

5 **SECTION 1.** 59.971 (1) (d) of the statutes is created to read:
6 59.971 (1) (d) "Special zoning permission" has the meaning given in s. 59.97
7 (15) (g).

8 **SECTION 2.** 59.971 (1) (e) of the statutes is created to read:
9 59.971 (1) (e) "Wetland" has the meaning given in s. 23.32 (1).

10 **SECTION 3.** 59.971 (8) of the statutes is created to read:
11 59.971 (8) (a) A county may not rezone shorelands, enact an amendment to a
12 county ordinance enacted under this section or grant special zoning permission
13 under such an ordinance in order to validate any activity that is in a wetland located
14 on shorelands and that is in violation of the county zoning ordinance at the time that

1 the activity occurs, unless the county had the authority by rezoning or by granting
2 a special zoning permission under such an ordinance to approve the activity before
3 it occurred.

4 (b) If a county determines that an activity to which par. (a) applies has a
5 significant adverse impact on the functional values of the wetlands, the county shall
6 require the person committing the violation to undertake reasonable efforts to
7 restore the wetlands in the manner required under a wetlands restoration plan as
8 approved by the department.

9 **SECTION 4.** 61.351 (1) (ag) of the statutes is created to read:

10 61.351 (1) (ag) "Special zoning permission" has the meaning given in s. 62.23
11 (7) (i) 7.

12 **SECTION 5.** 61.351 (1) (am) of the statutes is created to read:

13 61.351 (1) (am) "Wetland zoning ordinance" means an ordinance enacted under
14 this section by a village or an ordinance enacted under s. 59.971 (7) that applies to
15 a wetland in an area annexed by the village.

16 **SECTION 6.** 61.351 (7) of the statutes is created to read:

17 61.351 (7) REZONING OF WETLANDS. (a) A village may not rezone wetlands, enact
18 an amendment to a wetland zoning ordinance or grant special zoning permission
19 under a wetland zoning ordinance in order to validate any activity that is subject to
20 a wetland zoning ordinance that is in violation of the wetland zoning ordinance at
21 the time that the activity occurs, unless the village had the authority by rezoning or
22 by granting a special zoning permission under the wetland zoning ordinance to
23 approve the activity before it occurred.

24 (b) If a village determines that an activity to which par. (a) applies has a
25 significant adverse impact on the functional values of the wetlands, the village shall

1 require the person committing the violation to undertake reasonable efforts to
2 restore the wetlands in the manner required under a wetlands restoration plan as
3 approved by the department.

4 **SECTION 7.** 62.231 (1) (ag) of the statutes is created to read:

5 62.231 (1) (ag) "Special zoning permission" has the meaning given in s. 62.23
6 (7) (i) 7.

7 **SECTION 8.** 62.231 (1) (am) of the statutes is created to read:

8 62.231 (1) (am) "Wetland zoning ordinance" means an ordinance enacted under
9 this section by a city or an ordinance enacted under s. 59.971 (7) that applies to a
10 wetland in an area annexed by the city.

11 **SECTION 9.** 62.231 (7) of the statutes is created to read:

12 62.231 (7) REZONING OF WETLANDS. (a) A city may not rezone a wetland, enact
13 an amendment to a wetland zoning ordinance or grant special zoning permission
14 under a wetland zoning ordinance in order to validate any activity that is subject to
15 a wetland zoning ordinance and that is in violation of the wetland zoning ordinance
16 at the time that the activity occurs, unless the city had the authority by rezoning or
17 by granting a special zoning permission under the wetland zoning ordinance to
18 approve the activity before it occurred.

19 (b) If a city determines that an activity to which par. (a) applies has a significant
20 adverse impact on the functional values of the wetlands, the city shall require the
21 person committing the violation to undertake reasonable efforts to restore the
22 wetlands in the manner required under a wetlands restoration plan as approved by
23 the department.

24 **SECTION 10. Initial applicability.**

