



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2003 Assembly Bill 527

**Assembly
Amendment 1**

Memo published: March 1, 2004

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Current Law

Under current law, each county is required to zone all shorelands in its unincorporated areas. (Shorelands include areas within 1,000 feet of the ordinary high water mark of a lake or 300 feet of the ordinary high water mark of a navigable stream.) Shoreland zoning ordinances must include shoreland development standards relating to minimum lot size, setbacks, shoreland vegetation, filling and grading, sanitary codes, and subdivision review. Minimum standards are established by the Department of Natural Resources (DNR) by rule (ch. NR 115, currently undergoing revision).

Cities and villages are not subject to county shoreland zoning ordinances but generally are required to zone all unfilled wetlands of five acres or more located within shorelands. The DNR establishes minimum wetland protection standards by rule (ch. NR 117). These minimum wetland protection standards generally relate to filling and draining wetlands. Cities and villages are not required to adopt the general shoreland development standards required for counties.

Currently, shorelands which are annexed by a city or village or become part of a city or village through incorporation continue to be governed by the county shoreland zoning ordinance in effect on the date of the annexation or incorporation (but the city or village takes over enforcement of the ordinance).

The Bill

Under 2003 Assembly Bill 527, shoreland areas annexed or incorporated on or after the effective date of the bill are no longer subject to the requirement that the shoreland zoning ordinance in effect at the time continues and is enforced by the city or village. Thus, annexed or incorporated territory would be subject to city and village regulations (wetland regulations and general zoning regulations).

Assembly Amendment 1

Under Assembly Amendment 1, the proposal applies retroactively to annexations and incorporations that have already occurred that are subject to the current requirements regarding the continued application of the county shoreland zoning ordinance. Thus, the proposal, as amended, applies to annexed or incorporated territory regardless of when the annexation or incorporation occurred and no county shoreland zoning ordinance would continue to apply to that territory.

Assembly Amendment 1 was offered by the Assembly Committee on Urban and Local Affairs. The proposal was recommended for adoption by the committee by a vote of Ayes, 8; Noes, 0.

DD:rv:jal