

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 05/17/99

Received By: gibsom

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau 68314

By/Representing: Kava

This file may be shown to any legislator: NO

Drafter: gibsom

May Contact:

Alt. Drafters:

Subject: Nat. Res. - wet/shore/flood

Extra Copies:

Pre Topic:

LFB:.....Kava -

Topic:

Structures in setback portion of shoreland area

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gibsom 05/20/99	gilfokm 05/21/99		_____			
/1			ismith 05/23/99	_____	lrb_docadmin 05/23/99		
/2	gibsom 06/11/99	gilfokm 06/11/99	jfrantze 06/11/99	_____	lrb_docadmin 06/11/99		

FE Sent For:

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FE Sent For:

Jo 6/11

Jo 6/11 SH
<END>

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1?	gibsom	1-5-21-99 KMG	IS 5/23/99	IS/JF 5/23/99			

FE Sent For:

<END>

M66
2

Representative Gard

NATURAL RESOURCES -- WATER QUALITY

Minor Structures in Shoreland Setback Area

Motion:

Move to require counties to issue permits for the construction or placement of minor structures in the shoreland setback area provided the following requirements are complied with: (a) the minor structure is located at least 35 feet landward of the ordinary high-water mark; (b) the total floor area of minor structures and accessory buildings other than boathouses on the property which are located less than 75 feet from the ordinary high-water mark (including the proposed minor structure) may not exceed 200 square feet and may only have open or screened walls; and (c) the property owner must implement a plan that has been approved by the county to preserve or reestablish a vegetative buffer on at least 70% of the waterward half of the 75-foot wide shoreland setback area on the property where the minor structure is located.

Note:

Under current law, structures must generally be placed a minimum of 75 feet back from the ordinary high-water mark.

MO#	
Burke	Y
Decker	Y
Jauch	Y
Moore	⊗
Shibilski	⊗
Plache	Y
Cowles	⊗
Panzer	⊗
Gard	⊗
Porter	⊗
Kaufert	⊗
Albers	⊗
Duff	⊗
Ward	⊗
Huber	⊗
Riley	⊗

P 10-6

NR 115.03 Definitions.

For the purpose of this chapter.

(1) "**Boathouse**" **means** a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.

NR 115.03 Definitions.

For the purpose of this chapter.

(1) "Boathouse" means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.

NR 115.05

(3) Establishment of zoning regulations for shoreland areas. The shoreland zoning ordinance adopted by each county shall provide sufficient control of the use of shorelands to afford the protection of water quality as specified in chs. NR 102 and 103. At a minimum, the ordinance shall include the following provisions:

(b) Building setbacks. Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution.

1. Unless an existing development pattern exists, a **setback** of **75** feet from the ordinary high-water mark of an adjacent body of water to the nearest part of a building or structure, shall be required for all buildings and structures, except piers, boat hoists and boathouses.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb03247P1
MGG...:.....
RMR
King

soon
D-N

LFB:.....Kava - Structures in setback portion of shoreland area

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 1. Page ⁷⁹³, line ⁸: after that line insert:

3 " SECTION ¹⁵⁷⁹ ~~27~~. 59.692 (1) (bn) of the statutes is created to read:

4 59.692 (1) (bn) "Shoreland setback area" ~~means~~ ^{means} an area in a shoreland that is
5 within a certain distance of the ordinary high-water mark in which the construction
6 or placement of building ^(S) or structures ~~have~~ ^{has} been limited or prohibited under an
7 ordinance enacted under this section.

8 SECTION ^{1579 p} ~~28~~. 59.692 (1) (d) of the statutes is created to read:

9 59.692 (1) (d) "Special zoning permission" has the meaning given in s. 59.69
10 (15) (g).
11 SECTION ^{1579 r} ~~29~~. 59.692 (1v) of the statutes is created to read:

1 59.692 (1v) A county shall grant special zoning permission for the construction
2 or placement of a structure on property in a shoreland setback area if all of the
3 following apply:

4 ~~2~~ ^(a) The part of the structure that is nearest to the water is located at least 35
5 feet landward from the ordinary high-water mark.

6 ~~3~~ (b) The total floor area of all of the structures in the shoreland setback area of
7 the property will not exceed 200 square feet. In calculating this square footage,
8 boathouses shall be excluded.

9 ~~4~~ (c) The structure that is the subject of the request for special zoning permission
10 has either open or screened sides.

11 ~~5~~ (d) The county must [✓] approve a plan that will be implemented by the owner of
12 the property to preserve or establish a vegetative buffer zone that covers at least 70%
13 of the [✓] half of the shoreland setback area that is ^{nearest} ~~closest~~ to the water. "

14

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb03247^Adn
MGG.....
mgj

1. Note that I have not used the phrase "accessory structures" since all structures, except "boathouses", are to be included in the square ^{ch. 4} ~~60~~ limitation. "Accessory structures" is not a term used in NR 115.

2. Note that I have not used the phrase "minor structures". Due to the square ^{footage} limitation, it seems any structure to which these provisions apply would be "minor".

3. ~~2.~~ Note the definition of boathouse in ^{that} NR 115.03 ^{S.A} (1). Although the definition is not totally clear, I would read it to include boat shelters.

MBB

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb0824/1dn

MGG:kmg:ijs

May 23, 1999

1. Note that I have not used the phrase "accessory structures" since all structures, except "boathouses", are to be included in the square footage limitation. "Accessory structures" is not a term used in ch. NR 115.

2. Note that I have not used the phrase "minor structures". Due to the square footage limitation, it seems that any structure to which these provisions apply would be "minor".

3. Note the definition of boathouse in s. NR 115.03 (1). Although the definition is not totally clear, I would read it to include boat shelters.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215



State of Wisconsin
1999 - 2000 LEGISLATURE

RMR

LRBb0324/12
MGG:kmg:ijs

(soon)

LFB:.....Kava - Structures in setback portion of shoreland area

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 1. Page 793, line 8: after that line insert:

3 "SECTION 1579n. 59.692 (1) (bn) of the statutes is created to read:

4 59.692 (1) (bn) "Shoreland setback area" means an area in a shoreland that is
5 within a certain distance of the ordinary high-water mark in which the construction
6 or placement of buildings or structures has been limited or prohibited under an
7 ordinance enacted under this section.

8 SECTION 1579p. 59.692 (1) (d) of the statutes is created to read:

9 59.692 (1) (d) "Special zoning permission" has the meaning given in s. 59.69
10 (15) (g).

11 SECTION 1579r. 59.692 (1v) of the statutes is created to read:

1 59.692 (1v) A county shall grant special zoning permission for the construction
2 or placement of a structure on property in a shoreland setback area if all of the
3 following apply:

4 (a) The part of the structure that is nearest to the water is located at least 35
5 feet landward from the ordinary high-water mark.

6 (b) The total floor area of all of the structures in the shoreland setback area of
7 the property will not exceed 200 square feet. In calculating this square footage,
8 boathouses shall be excluded.

sides

9 (c) The structure that is the subject of the request for special zoning permission
10 has ~~either~~ ^{no sides or has} open or screened sides.

11 (d) The county must approve a plan that will be implemented by the owner of
12 the property to preserve or establish a vegetative buffer zone that covers at least 70%
13 of the half of the shoreland setback area that is nearest to the water.”

14 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0324/2
MGG:kmg:jf

LFB:.....Kava - Structures in setback portion of shoreland area

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

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