

**2011 DRAFTING REQUEST**

**Bill**

Received: 01/12/2011

Received By: rkite

Wanted: As time permits

Companion to LRB:

For: Jim Holperin (608) 266-2509

By/Representing: Ian Shannon-Bradley

May Contact:

Drafter: rkite

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

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Sen.Holperin@legis.wisconsin.gov

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Shoreland zoning exclusion for certain business areas

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**Instructions:**

See attached

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**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>
/?				_____			S&L
/1	rkite 01/19/2011	jdye 01/20/2011	mduchek 01/24/2011	_____	lparisi 01/24/2011	lparisi 01/27/2011	

FE Sent For:

<END>

at  
intro  
3-17-11

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1?	rkite	1/20 jld	MD 1/22	1/24 ph/ks			

FE Sent For:

<END>

## Kite, Robin

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**From:** Shannon-Bradley, Ian  
**Sent:** Wednesday, January 12, 2011 9:37 AM  
**To:** Kite, Robin  
**Subject:** Shoreland Zoning Bill Draft for 2011 Session

Hi Robin,

Can you redraft 2009 SB 301 (LRB 3308/1) relating to: the application of shoreland zoning ordinances to certain unincorporated areas for Senator Holperin? Let me know if you need any more details. I'm sure you (and LRB as a whole) are very busy so there's certainly no rush on this request.

Thank you,

Ian

Ian Shannon-Bradley  
Office of State Senator Jim Holperin  
12th District  
(608) 266-2509



State of Wisconsin  
2009 - 2010 LEGISLATURE

Bill not run

0992/1

LRB-3308/1

RNK:jld:jf

stays

2011

10/19

LPS-PWF

2009 SENATE BILL 301

D-Note

September 23, 2009 - Introduced by Senators HOLPERIN, JAUCH, TAYLOR and OLSEN, cosponsored by Representatives MEYER, GUNDERSON, BALLWEG, MOLEPSKE JR. and TOWNSEND. Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

✓

Gen

1 AN ACT to renumber and amend 59.692 (1m); to amend 289.35; and to create  
2 59.692 (1m) (b) and 59.692 (1m) (c) of the statutes; relating to: the application  
3 of shoreland zoning ordinances to certain unincorporated areas. ✓

**Analysis by the Legislative Reference Bureau**

Under current law, a county must enact a shoreland zoning ordinance ✓ for shorelands in its unincorporated area. Current law defines a shoreland as an area within a certain distance from the edge of a navigable water. ✓ If a county does not enact a shoreland zoning ordinance or if the Department of Natural Resources (DNR) ✓ determines that the county has enacted an ordinance that fails to meet certain standards, then DNR ✓ must adopt a shoreland zoning ordinance for the county.

This bill provides that a county shoreland zoning ordinance enacted by a county or adopted by DNR for a county does not apply to areas meeting certain criteria. Under the bill, a shoreland zoning ordinance does not apply if the majority of the buildings and structures in the area have been used since January 1, 1990, to conduct the affairs of small business; if all of the roads in the area are paved; if the area receives public water and sewer service; and if the area meets all other requirements specified by DNR by rule. ✓ The bill requires that every county that enacts a shoreland zoning ordinance include a provision in the ordinance that identifies areas that are exempt from the ordinance based on the specified criteria. The bill provides that, if DNR ✓ determines, after notice and hearing, that an area identified in an ordinance as exempt does not meet the specified criteria for exemption, the ordinance applies to that area. ✓

\*  
\*

keep comment

↓ until the date on which this bill takes effect

**SENATE BILL 301**

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           SECTION 1. 59.692 (1m) of the statutes is renumbered 59.692 (1m) (a) and  
2 amended to read:

3           59.692 (1m) (a) To effect the purposes of s. 281.31 and to promote the public  
4 health, safety and general welfare, each county shall zone by ordinance all  
5 shorelands in its unincorporated area, except as provided in par. (b). This ordinance  
6 may be enacted separately from ordinances enacted under s. 59.69. Each county  
7 shall include a provision in the ordinance that identifies those areas described in par.  
8 (b) to which the ordinance does not apply.

9           SECTION 2. 59.692 (1m) (b) of the statutes is created to read:

10          59.692 (1m) (b) A shoreland zoning ordinance enacted by a county under par.  
11 (a) or adopted by the department under sub. (6) does not apply to shorelands in an  
12 unincorporated area of a county if all of the following apply to that area:

13          1. The majority of the buildings and structures in the area have been used since  
14 January 1, 1990, until the effective date of this subdivision .... [LRB inserts date], to  
15 conduct the affairs of small businesses, as defined in s. 227.114 (1).

16          2. All of the roads in the area are paved.

17          3. The area receives public water and sewer service.

18          4. The area meets all other requirements that the department specifies by rule.

19          SECTION 3. 59.692 (1m) (c) of the statutes is created to read:

20          59.692 (1m) (c) If the department, after notice and hearing, determines that  
21 an area identified in an ordinance under par. (a) does not meet the requirements

SCORE → That the ordinance shall not apply to shorelands

**SENATE BILL 301**

1 specified in par. (b) 1. to 4. for exclusion from the ordinance, the ordinance shall apply  
2 to the identified area.

3 **SECTION 4.** 289.35 of the statutes is amended to read:

4 **289.35 Shoreland and floodplain zoning.** Solid waste facilities are  
5 prohibited within areas under the jurisdiction of shoreland and floodplain zoning  
6 regulations adopted under ss. 59.692, 61.351, 62.231 and 87.30, except for areas  
7 exempt under s. 59.692 (1m) (b). and except that the department may issue permits  
8 authorizing facilities in such areas.

9 (END)

d-note  
↓

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

LRB-0992/1dn

RNK:↑:...

d-note

Jld

- \* This is a redraft of <sup>2009</sup>2011 Senate Bill 301. The bill exempts certain shorelands from zoning under a county shoreland zoning ordinance. ✓ One of the criteria for exemption is that the majority of the buildings and structures in the shoreland area must have been used since January 1, 1990, until the effective date of the draft to conduct the affairs of small businesses. Under this draft, if at some point in the future, the majority of the buildings and structures in that area are no longer used to conduct the affairs of small businesses, the exemption will still apply to the area. Is this consistent with your intent? If so, is the January 1, 1990, in the draft still O.K.?

Please feel free to give me a call if you have any questions with regard to this draft.

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



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

LRB-0992/1dn  
RNK:jld:md

January 20, 2011

This is a redraft of 2009 Senate Bill 301. The bill exempts certain shorelands from zoning under a county shoreland zoning ordinance. One of the criteria for exemption is that the majority of the buildings and structures in the shoreland area must have been used since January 1, 1990, until the effective date of the draft to conduct the affairs of small businesses. Under this draft, if at some point in the future the majority of the buildings and structures in that area are no longer used to conduct the affairs of small businesses, the exemption will still apply to the area. Is this consistent with your intent? If so, is January 1, 1990, in the draft still O.K.?

Please feel free to give me a call if you have any questions with regard to this draft.

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

**Parisi, Lori**

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**From:** Meinholz, Susan  
**Sent:** Thursday, January 27, 2011 11:35 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-0992/1 Topic: Shoreland zoning exclusion for certain business areas

Please Jacket LRB 11-0992/1 for the SENATE.