



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa1876/1
EHS:jld

**SENATE AMENDMENT 1,
TO SENATE BILL 477**

February 4, 2016 – Offered by Senator LEMAHIEU.

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

2 **1.** Page 3, line 2: after “constructed” insert “wholly or partially within the
3 shoreland setback area”.

4 **2.** Page 3, line 3: delete lines 3 to 21 and substitute:

5 “**SECTION 2m.** 59.692 (1k) (a) 5. of the statutes, as created by 2015 Wisconsin
6 Act 55, is renumbered 59.692 (1k) (am) (intro.) and amended to read:

7 59.692 (1k) (am) (intro.) Establishes The department may not impair the
8 interest of a landowner in shoreland property by establishing a shoreland zoning
9 standard, and a county may not impair the interest of a landowner in shoreland
10 property by enacting or enforcing a shoreland zoning ordinance, that establishes
11 standards for impervious surfaces unless the all of the following apply:

12 1. The standards provide that a surface is considered pervious if the runoff from
13 the surface is treated by a device or system, or is discharged to an internally drained

1 pervious area, that retains the runoff on or off the parcel to allow infiltration into the
2 soil.

3 **SECTION 3m.** 59.692 (1k) (am) 2. and 3. of the statutes are created to read:

4 59.692 (1k) (am) 2. If the standards allow a greater amount of impervious
5 surface on areas with highly developed shorelines than areas with shorelines that
6 are not highly developed, as determined by the department, the standards also
7 require an area with highly developed shorelines to include at least 500 feet of
8 shoreline and require that one of the following applies:

9 a. The area is composed of a majority of lots with more than 30 percent
10 impervious surface area, as calculated by the county and approved by the
11 department.

12 b. The area is composed of a majority of lots that are less than 20,000 square
13 feet in area.

14 c. The area is located on a lake and served by a sewerage system, as defined in
15 s. 281.01 (14).

16 3. The standards prohibit considering a roadway, as defined in s. 340.01 (54),
17 or a sidewalk, as defined in s. 340.01 (58), as impervious surfaces.”.

18 **3.** Page 4, line 10: delete “pars. (b), (c), and (d)” and substitute “pars. (b), (bm),
19 (c), and (d)”.

20 **4.** Page 4, line 12: delete lines 12 to 24 and substitute:

21 “(b) Except as provided in pars. (bm) and (c), if the closest principal structure
22 in each direction along the shoreline to a proposed principal structure exists on an
23 adjacent lot and within 250 feet of the proposed principal structure and both of the
24 existing principal structures are set back less than 75 feet from the ordinary

1 high-water mark, a county shoreland zoning ordinance shall establish a setback
2 equal to the average of the distances that those structures are set back from the
3 ordinary high-water mark but no less than 35 feet.

4 (bm) If a principal structure exists on an adjacent lot and within 250 feet of a
5 proposed principal structure in only one direction along the shoreline, is the closest
6 principal structure to the proposed principal structure, and is set back less than 75
7 feet from the ordinary high-water mark, a county shoreland zoning ordinance may
8 establish a setback equal to the average of 75 feet and the distance that the existing
9 structure is set back from the ordinary high-water mark but no less than 35 feet.

10 (c) 1. Except as provided in subd. 2., if the closest principal structure in each
11 direction along the shoreline to a proposed principal structure exists on an adjacent
12 lot and within 200 feet of the proposed principal structure and both of the existing
13 principal structures are set back more than 75 feet from the ordinary high-water
14 mark at or farther landward from the setback that was required at the time each
15 structure was built, a county shoreland zoning ordinance may establish a setback
16 equal to the average of the setbacks required for those structures at the time they
17 were built.

18 2. Subdivision 1. does not apply if the resulting setback limits the placement
19 of the proposed principal structure to an area on which the structure cannot be
20 built.”.

21 (END)