State of Misconsin 2021 - 2022 LEGISLATURE

LRBs0368/1 EHS:cdc

ASSEMBLY SUBSTITUTE AMENDMENT 1, TO ASSEMBLY BILL 919

February 9, 2022 - Offered by Representative SWEARINGEN.

AN ACT to amend 59.692 (1f) (b) 1.; and to create 59.692 (1n) (d) 8. of the statutes; relating to: the construction of bridges in a shoreland setback area and vegetative buffer zone requirements.

Analysis by the Legislative Reference Bureau

This bill makes changes to shoreland zoning laws relating to the construction of bridges and required vegetative buffer zones.

Current law requires each county to zone by ordinance all shorelands in its unincorporated area. The Department of Natural Resources is required to promulgate by rule shoreland zoning standards, and a county shoreland zoning ordinance may not regulate a matter more restrictively than the matter is regulated by a shoreland zoning standard.

Under current law, a "shoreland setback area" is an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under a shoreland zoning ordinance. Current law requires a county shoreland zoning ordinance to establish a shoreland setback of 75 feet, but provides that a county shoreland zoning ordinance may not prohibit the construction of certain structures within the shoreland setback area, such as a boathouse or a structure that provides pedestrian access to the shoreline. This bill adds that a county shoreland zoning ordinance may not prohibit within the shoreland setback area the construction of a bridge for which DNR has issued a bridge permit.

1

2

3

4

5

6

7

8

9

Under current law, a county shoreland zoning ordinance generally may not require a person to establish a vegetative buffer zone on previously developed land unless it allows the buffer zone to contain a viewing corridor that is at least 35 feet wide for every 100 feet of shoreline frontage. The bill requires that a county shoreland zoning ordinance allow a buffer zone to contain an access and viewing corridor, and, if the ordinance establishes a maximum width along the shoreline of that corridor, that maximum width may not be less than 10 feet or 35 percent of the shoreline frontage, whichever is greater.

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

SECTION 1. 59.692 (1f) (b) 1. of the statutes is amended to read:

59.692 (1f) (b) 1. Allows the buffer zone to contain —a—an access and viewing corridor, that is at least 35 feet wide for every 100 feet of shoreline frontage If the ordinance establishes a maximum width along the shoreline for an access and viewing corridor, that maximum width may not be less than 10 feet or 35 percent of the shoreline frontage, whichever is greater.

SECTION 2. 59.692 (1n) (d) 8. of the statutes is created to read:

59.692 (1n) (d) 8. A bridge for which the department has issued a permit under s. 30.123.

10 (END)