



1997 ASSEMBLY BILL 424

June 12, 1997 - Introduced by Representatives GARD, ZUKOWSKI, JOHNSRUD, HUEBSCH, ALBERS, GROTHMAN, MUSSER, OTTE, BRANDEMUEHL, SCHAFER, ZIEGELBAUER, SKINDRUD, FREESE and OWENS, cosponsored by Senators DRZEWIECKI, A. LASEE and WELCH. Referred to Committee on Land Use.

1 **AN ACT to amend** 59.692 (1) (c); and **to create** 59.692 (1t) and 281.31 (6m) of the
2 statutes; **relating to:** the setback of buildings and structures from a body of
3 water under county shoreland zoning ordinances.

Analysis by the Legislative Reference Bureau

Current rules promulgated by the department of natural resources (DNR) for county shoreland zoning require a setback of 75 feet from the ordinary high-water mark of a body of water for the part of the building or structure that is nearest to the water. The rule exempts piers, boat hoists and boathouses from this requirement. Under current law, county shoreland zoning ordinances must include this requirement.

Under this bill, a county may enact an ordinance, and may amend or repeal an existing ordinance, to establish setbacks of any distance for any building or structure in the unincorporated area of the county. The bill also prohibits DNR from promulgating any rules to regulate setbacks that are subject to county ordinances.

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:

4 **SECTION 1.** 59.692 (1) (c) of the statutes is amended to read:

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1 59.692 (1) (c) “Shoreland zoning standard” means a standard for ordinances
2 enacted under this section that are ~~are~~ is promulgated as ~~rules~~ a rule by the department.

3 **SECTION 2.** 59.692 (1t) of the statutes is created to read:

4 59.692 (1t) (a) The department may not establish by rule any shoreland zoning
5 standard, or otherwise maintain any standard or criterion, that regulates the
6 setback of a building or structure from a body of water in the unincorporated area
7 of a county.

8 (b) A county may enact an ordinance under this section to regulate the setback
9 of a building or structure from a body of water in the unincorporated area of the
10 county.

11 (c) A county may amend an ordinance that is enacted under this section and
12 that is in effect on the effective date of this paragraph [revisor inserts date], in
13 order to change or repeal any provision of the ordinance related to the setback of a
14 building or structure from a body of water in the unincorporated area of the county.

15 **SECTION 3.** 281.31 (6m) of the statutes is created to read:

16 281.31 (6m) Notwithstanding sub. (6), the department may not promulgate
17 any rule or maintain any standard or criterion that relates to the setback of a
18 building or structure from a body of water in the unincorporated area of a county.

19 **(END)**