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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2021 Senate Bill 867**

**Senate Substitute  
Amendment 1 and Senate  
Amendment 1 to Senate  
Substitute Amendment 1**

### BACKGROUND

Wisconsin law requires each county to adopt a shoreland zoning ordinance to zone all shorelands within unincorporated areas of the county. The statutes codify certain shoreland zoning standards and place specific limitations on what rules the Department of Natural Resources (DNR) may promulgate in the administrative code, ch. NR 115. The statutes prohibit a county shoreland zoning ordinance from regulating a matter more restrictively than the matter is regulated by statute and the DNR rules.

Under current statute, a county shoreland zoning ordinance may not require a person to establish a vegetative buffer zone on previously developed land or expand an existing vegetative buffer zone.<sup>1</sup> However, a county shoreland zoning ordinance may require a person to maintain an existing vegetative buffer zone.<sup>2</sup> If a county shoreland zoning ordinance requires the maintenance of an existing vegetative buffer zone, it must allow the buffer zone to contain a viewing corridor that is at least 35 feet wide for every 100 feet of shoreline. [s. 59.692 (1f) (b) 1., Stats.]

### 2021 SENATE BILL 867

Senate Bill 919 removes the condition that a county shoreland zoning ordinance must allow a viewing corridor to be at least 35 feet wide for every 100 feet of shoreline. Instead, the bill provides that if a county zoning ordinance requires the maintenance of an existing vegetative buffer zone, it must allow a viewing corridor to be no less than 35 feet or 35 percent of the shoreline frontage, whichever is greater.<sup>3</sup>

### SENATE SUBSTITUTE AMENDMENT 1

The substitute amendment replaces this provision in the bill with a new provision. Under the substitute amendment, if a county shoreland zoning ordinance requires the maintenance of an existing vegetative buffer zone, it must allow an access and viewing corridor. 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.

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<sup>1</sup> A vegetative buffer zone is a strip of land that extends inland from the water for at least 35 feet and in which the removal of vegetation is restricted. [s. NR 115.05 (1) (c) 2., Wis. Adm. Code.]

<sup>2</sup> This applies to a vegetative buffer zone that exists on July 14, 2005.

<sup>3</sup> Senate Bill 867 also adds a bridge for which the DNR has issued a permit under s. 30.123, Stats., to the list of structures under current law that a county shoreland zoning ordinance may not prohibit in the shoreland setback area. This provision of the bill is not affected in substance by Senate Substitute Amendment 1.

## **SENATE AMENDMENT 1 TO SENATE SUBSTITUTE AMENDMENT 1**

The simple amendment replaces this provision in the substitute amendment with a new provision. Under the simple amendment to the substitute amendment, a county shoreland zoning ordinance may not establish a maximum width along the shoreline for an access and viewing corridor that is less than 10 feet or 35 percent of the shoreline frontage, whichever is greater, except that the ordinance may not permit the width of an access and viewing corridor to exceed 200 feet.

### **BILL HISTORY**

Senator Felzkowski offered Senate Substitute Amendment 1 on February 7, 2022. On February 10, 2022, the Senate Committee on Natural Resources and Energy recommended adoption of the substitute amendment, and passage of the bill, as amended, both on votes of Ayes, 3; Noes, 2.

Senator Felzkowski offered Senate Amendment 1 to Senate Substitute Amendment 1 on February 15, 2022. On February 22, 2022, the Senate adopted Senate Amendment 1 to the substitute amendment, adopted Senate Substitute Amendment 1, as amended, and passed the bill, as amended, all on voice votes.

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