

**2011 DRAFTING REQUEST**

**Assembly Amendment (AA-AB597)**

Received: **02/27/2012**

Received By: **mshovers**

Wanted: **As time permits**

Companion to LRB:

For: **Thomas Tiffany (608) 266-7694**

By/Representing: **Rob, Sen. Lasee**

May Contact: **Tom Larson of Realtors Assoc. &**

Drafter: **mshovers**

Subject: **Local Gov't - zoning**

Addl. Drafters: **rkite**

Extra Copies: **EVM  
RNK**

Submit via email: **YES**

Requester's email: **Rep.Tiffany@legis.wi.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Ordinances to comply with shoreland zoning rules; repair and expansion of nonconforming structures

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**Instructions:**

See attached. Create an Assembly companion to a2404

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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>
/?	mshovers 02/27/2012	wjackson 02/27/2012	phenry 02/27/2012	_____			
/1				_____	lparisi 02/27/2012	lparisi 02/27/2012	

FE Sent For:

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/?	mshovers	1 Wlj 2/27		_____			
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1 MES & RNK		2/27/12		_____			
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FE Sent For:

<END>

**Shovers, Marc**

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**From:** Kovach, Robert  
**Sent:** Friday, February 24, 2012 3:21 PM  
**To:** Shovers, Marc  
**Cc:** Tiffany, Tom  
**Subject:** FW: Nonconforming Structures bill (SB 472)  
**Importance:** High

Dear Marc,

Can you make the ammendments below by Tuesday morning?

Rob Kovach  
Chief of Staff  
Office of State Senator Frank Lasee  
608-266-3512

Hi Rob.

Please make the following changes to Senate Amendment 1 to SB 472 (and please ask the drafter to create a similar amendment for Tom Tiffany):

+ Change "Developmental regulations" to "Development regulations"

+ Section 2, lines 14 through 25 (of SB 472)– Replace lines 14 through 25 with "A county may not enact, and a county, city or village may not enforce a provision in a county shoreland zoning ordinance that regulates the construction of a structure or building on a substandard lot if that provision is more restrictive than the shoreland zoning standards for substandard lots promulgated by the department under this section."

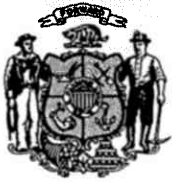
Thank you.

2/27/12

Met w/ Rob Kovach & cong call with  
Tom Larson

I explained that there is no definition  
in statutes of "substandard lot"  
Tom said he understands this &  
wants will rely on the definition  
in DNR rules -

I explained that DNR rules could  
change - Tom still does not  
want to include a definition of  
"substandard lot" in the statutes



Today  
State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB 240470  
MES&RNK:cjs:jf

2514/1  
RMHR

+W6j

ASSEMBLY  
~~SENATE~~ AMENDMENT,  
TO 2011 ~~SENATE~~ BILL 472 597

D-Note

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

2 **1.** Page 2, line 1: before that line insert:

3 “SECTION 1e. 59.69 (10) (a) of the statutes is renumbered 59.69 (10) (am).

4 **SECTION 1g.** 59.69 (10) (ab) of the statutes is created to read:

5 59.69 (10) (ab) In this subsection “nonconforming use” means a use of land, a

6 dwelling, or a building that existed lawfully before the current zoning ordinance was

7 enacted or amended, but that does not conform with the use restrictions in the

8 current ordinance.

9 **SECTION 1h.** 59.69 (10) (e) 1. of the statutes is amended to read:

10 59.69 (10) (e) 1. In this paragraph, “amortization ordinance” means an

11 ordinance that allows the continuance of the lawful use of a nonconforming building,

12 premises, structure, or fixture that may be lawfully used as described under par. (a)

13 (am) but only for a specified period of time, after which the lawful use of such

1 building, premises, structure, or fixture must be discontinued without the payment  
2 of just compensation.

3 SECTION 1i. 59.69 (10) (e) 2. of the statutes is amended to read:

4 59.69 (10) (e) 2. Subject to par. (a) (am), an ordinance enacted under this section  
5 may not require the removal of a nonconforming building, premises, structure, or  
6 fixture by an amortization ordinance.”.

7 2. Page 2, line 1: delete “SECTION 1” and substitute “SECTION 1j”.

8 3. Page 3, line 1: delete “Dimensional requirements” and substitute  
9 “Developmental regulations”.

10 4. Page 3, line 5: after “enacted” insert “or amended”.

11 5. Page 3, line 6: delete “dimensional requirements” and substitute  
12 “developmental regulations”.

13 6. Page 3, line 6: delete “ordinance” and substitute “ordinance.”.

14 7. Page 3, line 7: delete lines 7 and 8.

15 8. Page 3, line 11: delete lines 11 and 12 and substitute “nonconforming  
16 structure.”.

INS.  
2-16 →

17 9. Page 4, line 2: delete lines 2 to 6 and substitute:

18 “59.692 (2m) (a) In this subsection:

19 1. “Developmental regulations” means the part of a shoreland zoning ordinance  
20 enacted under this section that applies to elements including setback, height, lot  
21 coverage, and side yard.

22 2. “Nonconforming structure” means a dwelling or other building that existed  
23 lawfully before the current zoning ordinance was enacted or amended, but that does

1 not conform with one or more of the developmental regulations in the current  
2 shoreland zoning ordinance.”

INS  
3-3  
INS  
3-4

3 **10.** Page 4, line 8: on lines 8 and 14 delete “use.”

4 **11.** Page 4, line 17: after that line insert:

5 **SECTION 3e.** 60.61 (5) (a) of the statutes is renumbered 60.61 (5) (am).

6 **SECTION 3k.** 60.61 (5) (ab) of the statutes is created to read:

7 60.61 (5) (ab) In this subsection “nonconforming use” means a use of land, a  
8 dwelling, or a building that existed lawfully before the current zoning ordinance was  
9 enacted or amended, but that does not conform with the use restrictions in the  
10 current ordinance.

11 **SECTION 3m.** 60.61 (5) (e) 1. of the statutes is amended to read:

12 60.61 (5) (e) 1. In this paragraph, “amortization ordinance” means an  
13 ordinance that allows the continuance of the lawful use of a nonconforming building,  
14 premises, structure, or fixture that may be lawfully used as described under par. (a)  
15 (am), but only for a specified period of time, after which the lawful use of such  
16 building, premises, structure, or fixture must be discontinued without the payment  
17 of just compensation.

18 **SECTION 3n.** 60.61 (5) (e) 2. of the statutes is amended to read:

19 60.61 (5) (e) 2. Subject to par. (a) (am), an ordinance enacted under this section  
20 may not require the removal of a nonconforming building, premises, structure, or  
21 fixture by an amortization ordinance.”

22 **12.** Page 4, line 21: delete “Dimensional requirements” and substitute  
23 “Developmental regulations”.

24 **13.** Page 4, line 25: after “enacted” insert “or amended”.

1           **14.** Page 5, line 1: delete “dimensional requirements” and substitute  
2 “developmental regulations”.

3           **15.** Page 5, line 1: delete “ordinance” and substitute “ordinance.”.

4           **16.** Page 5, line 2: delete lines 2 and 3.

5           **17.** Page 5, line 6: delete lines 6 and 7 and substitute: “nonconforming  
6 structure.”.

7           **18.** Page 5, line 7: after that line insert:

8           “SECTION 4m. 62.23 (7) (a) of the statutes is renumbered 62.23 (7) (am).

9           SECTION 4p. 62.23 (7) (ab) of the statutes is created to read:

10           62.23 (7) (ab) *Definition.* In this subsection “nonconforming use” means a use  
11 of land, a dwelling, or a building that existed lawfully before the current zoning  
12 ordinance was enacted or amended, but that does not conform with the use  
13 restrictions in the current ordinance.”.

14           **19.** Page 5, line 11: delete “Dimensional requirements” and substitute  
15 “Developmental regulations”.

16           **20.** Page 5, line 15: after “enacted” insert “or amended”.

17           **21.** Page 5, line 16: delete “dimensional requirements” and substitute  
18 “developmental regulations”.

19           **22.** Page 5, line 16: delete “ordinance” and substitute “ordinance.”.

20           **23.** Page 5, line 17: delete lines 17 and 18.

21           **24.** Page 5, line 21: delete lines 21 and 22 and substitute: “nonconforming  
22 structure.”.

23           **25.** Page 5, line 22: after that line insert:







DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB 2004/201  
RNK: f:...

WJ

02514/1

Date

for Tiffany

Assembly 597

I drafted the part of this amendment that concerns shoreland zoning. Please note that, consistent with the language created in ~~Senate~~ Bill 472 under s. 59.692 (2m) (c), the language in this version of this amendment restricts not only ordinances enacted by counties, but also ~~restricts~~ ordinances enacted by an annexed or incorporated city or village. Please let me know if you have any questions.

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**

LRBa2514/1dn  
RNK:wjl:rs

February 27, 2012

Rep. Tiffany:

I drafted the part of this amendment that concerns shoreland zoning. Please note that, consistent with the language created in Assembly Bill 597 under s. 59.692 (2m) (c), the language in this version of this amendment restricts not only ordinances enacted by counties, but also ordinances enacted by an annexed or incorporated city or village. Please let me know if you have any questions.

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