2011 DRAFTING REQUEST

Assembly Amendment (AA-AB597)

FE Sent For:

Received: 02/27/2012 Wanted: As time permits For: Thomas Tiffany (608) 266-7694					Received By: mshovers Companion to LRB: By/Representing: Rob, Sen. Lasee												
									May Contact: Tom Larson of Realtors Assoc. &				:	Drafter: mshovers			
									Subject:	Local G	ov't - zoning			Addl. Drafters:	rkite		
					Extra Copies:	EVM RNK											
Submit vi	ia email: YES																
Requester	r's email:	Rep.Tiffan	y@legis.wi	.gov													
Carbon co	opy (CC:) to:																
Pre Topic	c:			WWW.WWW.													
No specif	ic pre topic gi	ven															
Topic:				N													
Ordinance	es to comply v	vith shoreland 2	zoning rules	; repair and e	xpansion of noncor	aforming struct	ures										
Instructi	ons:			11 11 11 11 11 11 11 11 11 11 11 11 11	2.400.011												
See attach	ned. Create an	Assembly com	panion to a2	2404													
Drafting	History:																
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required										
/?	mshovers 02/27/2012	wjackson 02/27/2012	phenry 02/27/201	12													
/1					lparisi 02/27/2012	lparisi 02/27/2012											

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

BNK

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

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

Instructions:

See attached. Create an Assembly companion to a2404

Drafting History:

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/INESTRIK 2/27/12 20 ==

FE Sent For:

<END>

Shovers, Marc

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.

STATE OF WISCONSIN – LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

2/27/12	om to the state of
That wy Rob Rovach & Cong call we	
met wy Rob Kovach & cry call we Tron Garron	hada shiidh a da'ad ka dada shiiddigaa adaydaa a daa kabahaa gaydigalayin hagan har sagal yaanayy
I explained that there is no depend in statutes of "oubstandard lot"	
In Statules of Substandard lot	tari kalangan karangan kang salam pagalam kalangan pangan pangan pangan pangan pangan pangan pangan pangan pan
Tom said be lunderstands this o	diselemente describibilità del proprio confedir disentata con la fore en el como conservar escono.
on DNR rules -	
I explained that DNP rules could	
change - Tim still dock not	
want to include a diferetion of	
"substandard but" in the statute	<u> </u>
	the figures and figures from the contract of t
	gga, ggaggara ggagana an mangggaya, samanada sama a sa fanida babba ab (440,000 a sa 200,000)
	oppyrekty, machini och delektrolikaska reterren i verste, promite i en en delekt



1

2

3

4

5

6

7

8

9

10

11

12

13

State of Misconsin 2011 - 2012 LEGISLATURE

LRB 240470 MES&RNK:cjs:jf

_ ASSEMBLY

SEMADE AMENDMENT,

TO 2011 SALANAINE BILL 472 597

D-Note

At the locations indicated, amend the bill as follows:

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

"Section 1e. 59.69 (10) (a) of the statutes is renumbered 59.69 (10) (am).

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

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

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

59.69 (10) (e) 1. In this paragraph, "amortization ordinance" means an ordinance that allows the continuance of the lawful use of a nonconforming building, premises, structure, or fixture that may be lawfully used as described under par. (a) (am) but only for a specified period of time, after which the lawful use of such

23

building, premises, structure, or fixture must be discontinued without the payment 1 2 of just compensation. **SECTION 1i.** 59.69 (10) (e) 2. of the statutes is amended to read: 3 59.69 (10) (e) 2. Subject to par. (a) (am), an ordinance enacted under this section 4 may not require the removal of a nonconforming building, premises, structure, or 5 fixture by an amortization ordinance.". 6 2. Page 2, line 1: delete "Section 1" and substitute "Section 1j". 7 3. Page 3, line 1: delete "Dimensional requirements" and substitute 8 "Developmental regulations". **4.** Page 3, line 5: after "enacted" insert "or amended". 10 Page 3, line 6: delete "dimensional requirements" and substitute 11 "development Tregulations". (12) 6. Page 3, line 6: delete "ordinance" and substitute "ordinance.". 13 **7.** Page 3, line 7: delete lines 7 and 8. 14 8. Page 3, line 11: delete lines 11 and 12 and substitute "nonconforming 15 structure.". **9.** Page 4, line 2: delete lines 2 to 6 and substitute: "59.692 (2m) (a) In this subsection: 18 (6*1*) 1. "Developmental regulations" means the part of a shoreland zoning ordinance enacted under this section that applies to elements including setback, height, lot 20 coverage, and side yard. 21 2. "Nonconforming structure" means a dwelling or other building that existed 22

lawfully before the current zoning ordinance was enacted or amended, but that does

not conform with one or more of the developmental regulations in the current (1)2 shoreland zoning ordinance.". 10. Page 4, line 8: on lines 8 and 14 deleter us **11.** Page 4, line 17: after that line insert: 4 5 **ESECTION 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: 60.61 (5) (ab) In this subsection "nonconforming use" means a use of land, a 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: 60.61 (5) (e) 1. In this paragraph, "amortization ordinance" means an 12 13 ordinance that allows the continuance of the lawful use of a nonconforming building, premises, structure, or fixture that may be lawfully used as described under par. (a) 14 (am), but only for a specified period of time, after which the lawful use of such 15 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.". 12. Page 4, line 21: delete "Dimensional requirements" and substitute 22 "Developmental regulations".

13. Page 4, line 25: after "enacted" insert "or amended".

24

23

Page 5, line 1: delete "dimensional requirements" and substitute 1 "developmental regulations". **15.** Page 5, line 1: delete "ordinance" and substitute "ordinance.". 3 16. Page 5, line 2: delete lines 2 and 3. 4 17. Page 5, line 6: delete lines 6 and 7 and substitute: "nonconforming 5 structure.". 6 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.". 19. Page 5, line 11: delete "Dimensional requirements" and substitute 14 [15] "Developmental regulations". **20.** Page 5, line 15: after "enacted" insert "or amended". 16 21. Page 5, line 16: delete "dimensional requirements" and substitute 17 "developmental regulations". **(18**) 19 **22.** Page 5, line 16: delete "ordinance" and substitute "ordinance.". **23.** Page 5, line 17: delete lines 17 and 18. 20 **24.** Page 5, line 21: delete lines 21 and 22 and substitute: "nonconforming 2122structure.".

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

"Section 6m. 62.23 (7a) (intro.) of the statutes is amended to read:

62.23 (7a) Extraterritorial zoning. (intro.) The governing body of any city which has created a city plan commission under sub. (1) and has adopted a zoning ordinance under sub. (7) may exercise extraterritorial zoning power as set forth in this subsection. Insofar as applicable sub. (7) (a) (am), (b), (c), (ea), (h) and (i) shall apply to extraterritorial zoning ordinances enacted under this subsection. This subsection shall also apply to the governing body of any village.

SECTION 6s. 92.15 (5) of the statutes is amended to read:

92.15 (5) Any livestock operation that exists on October 14, 1997, and that is required to obtain a permit under s. 283.31 or that receives a notice of discharge under ch. 283 may continue to operate as a livestock operation at the same location notwithstanding s. 59.69 (10) (a) (am) or 62.23 (7) (h) or any zoning ordinance enacted under s. 59.69, 60.61, 60.62, 61.35 or 62.23 (7), if the livestock operation is a lawful use or a legal nonconforming use under any zoning ordinance enacted under s. 59.69, 60.61, 60.62, 61.35 or 62.23 (7) on October 14, 1997.".

2011-2012 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

INSERT 2-16

1 **1.** Page 3, line 13: delete lines 13 to 25.

INSERT 3-3

2. Page 4, line 8: delete "regulates the use," and substitute "does any of the 2 3 following:". **3.** Page 4, line 8: before "location" insert: 4 "1. Regulates the". ͺ5` 4. Page 4, line 11: after that line insert: 6 "2. Regulates the construction of a structure or building on a substandard lot 7 if that provision is more restrictive than the shoreland zoning standards for 8 substandard lots promulgated by the department (by rule) under this section.". 5. Page 4, line 14: delete "regulates the use" and substitute "does any of the (10)following:". 11 Incation 6. Page 4, line 14: before "they se" insert: "1. Regulates the". △

INSERT 3-4

"2. 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 by rule under this section.

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB 2404/2010 1 RNK: .[:... WLJ

Date

for. Tiffany

I drafted the part of this amendment that concerns shoreland zoning. Please note that, consistent with the language created in Senate Bill (72) 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:wlj: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