



## 2011 SENATE BILL 472

1     **AN ACT** *to renumber* 59.69 (10) (a), 60.61 (5) (a) and 62.23 (7) (a); *to amend* 59.69  
2           (10) (e) 1., 59.69 (10) (e) 2., 60.61 (5) (e) 1., 60.61 (5) (e) 2., 62.23 (7a) (intro.) and  
3           92.15 (5); and *to create* 59.69 (10) (ab), 59.69 (10e), 59.692 (2m), 60.61 (5) (ab),  
4           60.61 (5e), 62.23 (7) (ab) and 62.23 (7) (hb) of the statutes; **relating to:** certain  
5           shoreland zoning standards and ordinances that regulate the repair and  
6           expansion of nonconforming structures.

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*Analysis by the Legislative Reference Bureau*

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

7           **SECTION 1e.** 59.69 (10) (a) of the statutes is renumbered 59.69 (10) (am).  
8           **SECTION 1g.** 59.69 (10) (ab) of the statutes is created to read:  
9           59.69 **(10)** (ab) In this subsection “nonconforming use” means a use of land, a  
10          dwelling, or a building that existed lawfully before the current zoning ordinance was

**SENATE BILL 472****SECTION 1g**

1 enacted or amended, but that does not conform with the use restrictions in the  
2 current ordinance.

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

4 59.69 **(10)** (e) 1. In this paragraph, “amortization ordinance” means an  
5 ordinance that allows the continuance of the lawful use of a nonconforming building,  
6 premises, structure, or fixture that may be lawfully used as described under par. (a)  
7 (am) but only for a specified period of time, after which the lawful use of such  
8 building, premises, structure, or fixture must be discontinued without the payment  
9 of just compensation.

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

11 59.69 **(10)** (e) 2. Subject to par. (a) (am), an ordinance enacted under this section  
12 may not require the removal of a nonconforming building, premises, structure, or  
13 fixture by an amortization ordinance.

14 **SECTION 1j.** 59.69 (10e) of the statutes is created to read:

15 59.69 **(10e)** REPAIR AND MAINTENANCE OF CERTAIN NONCONFORMING STRUCTURES.

16 (a) In this subsection:

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

20 2. “Nonconforming structure” means a dwelling or other building that existed  
21 lawfully before the current zoning ordinance was enacted or amended, but that does  
22 not conform with one or more of the development regulations in the current zoning  
23 ordinance.

**SENATE BILL 472**

1 (b) An ordinance enacted under this section may not prohibit, or limit based on  
2 cost, the repair, maintenance, renovation, or remodeling of a nonconforming  
3 structure.

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

5 59.692 (2m) (a) In this subsection:

6 1. “Development regulations” means the part of a shoreland zoning ordinance  
7 enacted under this section that applies to elements including setback, height, lot  
8 coverage, and side yard.

9 2. “Nonconforming structure” means a dwelling or other building that existed  
10 lawfully before the current zoning ordinance was enacted or amended, but that does  
11 not conform with one or more of the development regulations in the current  
12 shoreland zoning ordinance.

13 (b) A county may not enact, and a county, city, or village may not enforce, a  
14 provision in a county shoreland zoning ordinance that does any of the following:

15 1. Regulates the location, maintenance, expansion, replacement, repair, or  
16 relocation of a nonconforming structure if that provision is more restrictive than the  
17 shoreland zoning standards for nonconforming structures promulgated by the  
18 department under this section.

19 2. Regulates the construction of a structure or building on a substandard lot  
20 if that provision is more restrictive than the shoreland zoning standards for  
21 substandard lots promulgated by the department under this section.

22 (c) A city or village annexed as provided under sub. (7) (a) or incorporated as  
23 provided under sub. (7) (ad) may not enact or enforce a provision in a city or village  
24 shoreland zoning ordinance that does any of the following:

**SENATE BILL 472****SECTION 3**

1           1. Regulates the location, maintenance, expansion, replacement, repair, or  
2 relocation of a nonconforming structure if that provision is more restrictive than the  
3 shoreland zoning standards for nonconforming structures promulgated by the  
4 department under this section.

5           2. Regulates the construction of a structure or building on a substandard lot  
6 if that provision is more restrictive than the shoreland zoning standards for  
7 substandard lots promulgated by the department by rule under this section.

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

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

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

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

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

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

22          60.61 (5) (e) 2. Subject to par. (a) (am), an ordinance enacted under this section  
23 may not require the removal of a nonconforming building, premises, structure, or  
24 fixture by an amortization ordinance.

25          **SECTION 4.** 60.61 (5e) of the statutes is created to read:

**SENATE BILL 472**

1           **60.61 (5e) REPAIR AND MAINTENANCE OF CERTAIN NONCONFORMING STRUCTURES. (a)**

2           In this subsection:

3           1. “Development regulations” means the part of a zoning ordinance enacted  
4           under this section that applies to elements including setback, height, lot coverage,  
5           and side yard.

6           2. “Nonconforming structure” means a dwelling or other building that existed  
7           lawfully before the current zoning ordinance was enacted or amended, but that does  
8           not conform with one or more of the development regulations in the current zoning  
9           ordinance.

10          (b) An ordinance enacted under this section may not prohibit, or limit based on  
11          cost, the repair, maintenance, renovation, or remodeling of a nonconforming  
12          structure.

13          **SECTION 4m.** 62.23 (7) (a) of the statutes is renumbered 62.23 (7) (am).

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

15          62.23 (7) (ab) *Definition.* In this subsection “nonconforming use” means a use  
16          of land, a dwelling, or a building that existed lawfully before the current zoning  
17          ordinance was enacted or amended, but that does not conform with the use  
18          restrictions in the current ordinance.

19          **SECTION 5.** 62.23 (7) (hb) of the statutes is created to read:

20          62.23 (7) (hb) *Repair and maintenance of certain nonconforming structures.*

21          1. In this paragraph:

22               a. “Development regulations” means the part of a zoning ordinance enacted  
23               under this subsection that applies to elements including setback, height, lot  
24               coverage, and side yard.

