



State of Wisconsin
2011 - 2012 LEGISLATURE



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**ASSEMBLY AMENDMENT 2,
TO 2011 ASSEMBLY BILL 597**

March 6, 2012 – Offered by Representative TIFFANY.

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 “Development regulations”.

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

11 **5.** Page 3, line 6: delete “dimensional requirements” and substitute
12 “development 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 10: delete “reconstruction,”.

16 **9.** Page 3, line 11: delete lines 11 and 12 and substitute “nonconforming
17 structure.”.

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

19 **11.** Page 4, line 2: delete lines 2 to 6 and substitute:

20 “59.692 (2m) (a) In this subsection:

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

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

5 **12.** Page 4, line 8: delete “regulates the use,” and substitute “does any of the
6 following:”.

7 **13.** Page 4, line 8: before “location” insert:

8 “1. Regulates the”.

9 **14.** Page 4, line 11: after that line insert:

10 “2. Regulates the construction of a structure or building on a substandard lot
11 if that provision is more restrictive than the shoreland zoning standards for
12 substandard lots promulgated by the department under this section.”.

13 **15.** Page 4, line 14: delete “regulates the use,” and substitute “does any of the
14 following:”.

15 **16.** Page 4, line 14: before “location” insert:

16 “1. Regulates the”.

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

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

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

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

23 60.61 (5) (ab) In this subsection “nonconforming use” means a use of land, a
24 dwelling, or a building that existed lawfully before the current zoning ordinance was

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

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

4 60.61 (5) (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 3n.** 60.61 (5) (e) 2. of the statutes is amended to read:

11 60.61 (5) (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 **18.** Page 4, line 21: delete “Dimensional requirements” and substitute
15 “Development regulations”.

16 **19.** Page 4, line 25: after “enacted” insert “or amended”.

17 **20.** Page 5, line 1: delete “dimensional requirements” and substitute
18 “development regulations”.

19 **21.** Page 5, line 1: delete “ordinance” and substitute “ordinance.”.

20 **22.** Page 5, line 2: delete lines 2 and 3.

21 **23.** Page 5, line 5: delete “reconstruction.”.

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

1 **25.** Page 5, line 7: after that line insert:

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

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

4 62.23 (7) (ab) *Definition.* In this subsection “nonconforming use” means a use
5 of land, a dwelling, or a building that existed lawfully before the current zoning
6 ordinance was enacted or amended, but that does not conform with the use
7 restrictions in the current ordinance.”.

8 **26.** Page 5, line 11: delete “Dimensional requirements” and substitute
9 “Development regulations”.

10 **27.** Page 5, line 15: after “enacted” insert “or amended”.

11 **28.** Page 5, line 16: delete “dimensional requirements” and substitute
12 “development regulations”.

13 **29.** Page 5, line 16: delete “ordinance” and substitute “ordinance.”.

14 **30.** Page 5, line 17: delete lines 17 and 18.

15 **31.** Page 5, line 20: delete “reconstruction,”.

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

18 **33.** Page 5, line 22: after that line insert:

19 “**SECTION 6m.** 62.23 (7a) (intro.) of the statutes is amended to read:

20 62.23 (7a) EXTRATERRITORIAL ZONING. (intro.) The governing body of any city
21 which has created a city plan commission under sub. (1) and has adopted a zoning
22 ordinance under sub. (7) may exercise extraterritorial zoning power as set forth in
23 this subsection. Insofar as applicable sub. (7) ~~(a)~~ (am), (b), (c), (ea), (h) and (i) shall

1 apply to extraterritorial zoning ordinances enacted under this subsection. This
2 subsection shall also apply to the governing body of any village.

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

4 92.15 (5) Any livestock operation that exists on October 14, 1997, and that is
5 required to obtain a permit under s. 283.31 or that receives a notice of discharge
6 under ch. 283 may continue to operate as a livestock operation at the same location
7 notwithstanding s. 59.69 (10) ~~(a)~~ (am) or 62.23 (7) (h) or any zoning ordinance enacted
8 under s. 59.69, 60.61, 60.62, 61.35 or 62.23 (7), if the livestock operation is a lawful
9 use or a legal nonconforming use under any zoning ordinance enacted under s. 59.69,
10 60.61, 60.62, 61.35 or 62.23 (7) on October 14, 1997.”.

11 (END)