



1997 ASSEMBLY BILL 862

March 2, 1998 - Introduced by Representatives GARD, JOHNSRUD, ALBERS, AINSWORTH, HUEBSCH, SCHAFFER, MUSSER and ZUKOWSKI, cosponsored by Senator DRZEWIECKI. Referred to Committee on Natural Resources.

1 **AN ACT to amend** 59.692 (1s) (a) (intro.), 59.692 (1s) (a) 1., 59.692 (1s) (b) and
2 59.692 (1t); and **to create** 59.692 (8) of the statutes; **relating to:** the
3 applicability of shoreland zoning ordinances.

Analysis by the Legislative Reference Bureau

Under current law, a county must enact specific zoning ordinances to regulate activities in any shoreland located within its boundaries. Current law defines "shorelands" as lands within certain distances of navigable waters. Rules promulgated by the department of natural resources establish minimum standards for these ordinances. These standards for structures and buildings include restrictions on how far from the water they may be placed, on minimum lot sizes for buildings and on the use and improvement of buildings that violate these standards but are allowed to remain because they existed at the time the shoreland zoning ordinances were enacted.

Under current law, all structures and buildings in a shoreland are subject to these ordinances. Under this bill, only buildings that are designed to be used for permanent housing by human beings or for a trade, industry or commercial purpose are subject to these ordinances.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

ASSEMBLY BILL 862

1 **SECTION 1.** 59.692 (1s) (a) (intro.) of the statutes, as created by 1997 Wisconsin
2 Act 27, is amended to read:

3 59.692 **(1s)** (a) (intro.) Restrictions that are applicable to damaged or destroyed
4 nonconforming ~~structures~~ buildings and that are contained in an ordinance enacted
5 under this section may not prohibit the restoration of a nonconforming ~~structure~~
6 building if the ~~structure~~ building will be restored to the size, subject to par. (b),
7 location and use that it had immediately before the damage or destruction occurred
8 or impose any limits on the costs of the repair, reconstruction or improvement if all
9 of the following apply:

10 **SECTION 2.** 59.692 (1s) (a) 1. of the statutes, as created by 1997 Wisconsin Act
11 27, is amended to read:

12 59.692 **(1s)** (a) 1. The nonconforming ~~structure~~ building was damaged or
13 destroyed after October 14, 1997.

14 **SECTION 3.** 59.692 (1s) (b) of the statutes, as created by 1997 Wisconsin Act 27,
15 is amended to read:

16 59.692 **(1s)** (b) An ordinance enacted under this section to which par. (a) applies
17 shall allow for the size of a ~~structure~~ building to be larger than the size it was
18 immediately before the damage or destruction if necessary for the ~~structure~~ building
19 to comply with applicable state or federal requirements.

20 **SECTION 4.** 59.692 (1t) of the statutes, as created by 1997 Wisconsin Act 27, is
21 amended to read:

22 59.692 **(1t)** A county or the department may not commence an enforcement
23 action against a person who owns a ~~building or structure~~ building that is in violation of a
24 shoreland zoning standard or an ordinance enacted under this section if the ~~building~~
25 ~~or structure~~ building has been in place for more than 10 years.

