

1999 SENATE BILL 415

March 1, 2000 – Introduced by Senator CLAUSING, cosponsored by Representatives RHOADES, JOHNSRUD and KREIBICH. Referred to Agriculture, Environmental Resources and Campaign Finance Reform.

1 **AN ACT** *to amend* 30.27 (2) (a) (intro.) and 62.23 (7) (h); and *to create* 30.27 (1m)
 2 and 30.27 (2) (am) of the statutes; **relating to:** zoning ordinances regulating
 3 nonconforming structures that are located in certain areas designated for
 4 protection by the department of natural resources along the Lower St. Croix
 5 River.

Analysis by the Legislative Reference Bureau

Current law imposes specific zoning restrictions on the bluffs, bluff tops and banks along the St. Croix River between the dam near St. Croix Falls and the point where the St. Croix River meets the Mississippi River (river district). Ordinances enacted by counties, cities, villages and towns in the river district (river district zoning ordinances) must conform to standards promulgated as rules by the department of natural resources (DNR). The purpose of these restrictions is to protect the wild, scenic and recreational qualities along the Lower St. Croix River.

In addition to these river district zoning ordinances, shoreland zoning ordinances and general local zoning ordinances apply to this land in the same manner as these ordinances would apply to land not in the river district. Shoreland zoning ordinances enacted by counties cover the unincorporated areas of the counties and generally apply to land within 300 feet of a river (shoreland river zone). City and village shoreland zoning ordinances apply to wetlands that have an area of at least five acres and that are in a shoreland river zone (shoreland-wetland zoning ordinances).

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Under current law, a county may enact a river district zoning ordinance, county shoreland zoning ordinance or general ordinance that limits the costs of repairing or altering a nonconforming structure to 50% of assessed value of the structure (50% limit). A city or village is required to include in its river district zoning ordinance and general ordinance the 50% limit. However, under current law, a city and village shoreland-wetland zoning ordinance may not limit improvements to nonconforming structures. A nonconforming structure is one that is in place at the time that a zoning ordinance is enacted and does not meet the dimensional or use requirements of that zoning ordinance.

This bill allows cities, villages, towns and counties to enact river district zoning ordinances that contain a method for limiting alterations or repairs to nonconforming structures that is an alternative to the 50% rule. Such an alternative method must further the goal of protecting the wild, scenic and recreational qualities of the river district.

For further information see the *state and local* 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:

1 **SECTION 1.** 30.27 (1m) of the statutes is created to read:

2 30.27 **(1m)** DEFINITION. In this section, “nonconforming structure” means a
3 building or structure that was constructed or in place on the date on which an
4 ordinance was enacted or amended so as to apply to the building or structure and that
5 is any of the following:

6 (a) Not in conformance with the dimensional requirements of the ordinance.

7 (b) Used in a manner that does not conform with the use requirements of the
8 ordinance.

9 **SECTION 2.** 30.27 (2) (a) (intro.) of the statutes is amended to read:

10 30.27 **(2)** (a) (intro.) As soon as possible after May 7, 1974, the department shall
11 adopt, by rule, guidelines and specific standards for local zoning ordinances which
12 apply to the banks, bluffs and bluff tops of the lower Lower St. Croix river River. The
13 guidelines shall designate the boundaries of the areas to which they apply. In

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1 drafting the guidelines and standards, the department shall consult with
2 appropriate officials of counties, cities, villages and towns lying within the affected
3 area. The standards specified in the guidelines shall include, but not be limited to,
4 the following:

5 **SECTION 3.** 30.27 (2) (am) of the statutes is created to read:

6 30.27 **(2)** (am) Notwithstanding ss. 59.69 (10), 60.61 (5) (a) and 62.23 (7) (h),
7 the guidelines and standards adopted under par. (a) shall require that counties,
8 cities, villages and towns impose a limitation on structural repairs and structural
9 alterations to nonconforming structures. The limitation may be a limit on the cost
10 of such repairs or alterations so that their cost does not exceed 50% of the assessed
11 value of the nonconforming structure at the time that the repairs or alterations are
12 begun or any other limitation but that limitation must further the purpose of this
13 section as specified in sub. (1).

14 **SECTION 4.** 62.23 (7) (h) of the statutes is amended to read:

15 62.23 **(7)** (h) *Nonconforming uses.* The lawful use of a building or premises
16 existing at the time of the adoption or amendment of a zoning ordinance may be
17 continued although such use does not conform with the provisions of the ordinance.
18 Such nonconforming use may not be extended. The **Except as provided in s. 30.27**
19 **(2) (am), the** total structural repairs or alterations in such a nonconforming building
20 shall not during its life exceed 50 ~~per cent~~ % of the assessed value of the building
21 unless permanently changed to a conforming use. If such nonconforming use is
22 discontinued for a period of 12 months, any future use of the building and premises
23 shall conform to the ordinance.

24 **(END)**