



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2011 Senate Bill 300**

**Senate Substitute  
Amendment 1**

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*Senate Bill 300* specifies in statute certain provisions regarding the authority of a municipality to establish limits on the length of time for which a variance to a zoning ordinance applies. According to hearing testimony, the first two provisions codify current practice in some municipalities; the third provision codifies a 1983 holding of the Wisconsin Court of Appeals. The bill specifies the following:

1. A county board or city council may enact an ordinance specifying an expiration date for a zoning variance.
2. If no such ordinance exists, a zoning variance does not expire unless, at the time the variance was granted, the board of adjustment (for a county) or the board of appeals (for a city) specifies an expiration date for the variance.
3. A zoning variance runs with the land; that is to say, a zoning variance remains in effect when the property to which it applies is sold.

The bill includes an initial applicability provision, which states, “This act first applies, retroactively, to a variance that was granted before the effective date of this [act].”

*Senate Substitute Amendment 1* makes a number of wording changes that, collectively, clarify that a county or city may not specify an expiration date for a zoning variance that was granted before the effective date of the act. Under this language, an expiration date for a variance granted before the effective date of the act is allowed only if the board of adjustment or board of appeals specified an expiration date when it granted the variance or if, before the effective date of the act, the county or city had an ordinance specifying an expiration date. It further states that an ordinance adopted after the effective date of the act may not specify an expiration date for a variance granted before the effective date of the act.

The substitute amendment also clarifies that to specify an expiration date for a variance means to specify a date by which the action authorized in the variance must be commenced or completed.

**Legislative History**

On March 7, 2012, the Senate adopted Senate Substitute Amendment 1 and passed Senate Bill 300, as amended, on voice votes.

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