



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3359/P5
ZDW:amn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to renumber and amend* 59.692 (1k) (b); *to amend* 59.692 (1d) (a) and
2 59.692 (1k) (a) 2.; and *to create* 59.692 (1d) (am), 59.692 (1k) (a) 6. and 59.692
3 (1k) (b) 2. of the statutes; **relating to:** zoning of shorelands on navigable
4 waters.

Analysis by the Legislative Reference Bureau

This bill makes various changes to shoreland zoning law.

Under current law, a county must enact a shoreland zoning ordinance for all shorelands in its unincorporated area, and the ordinance may not be more restrictive than the shoreland zoning standards established by the Department of Natural Resources (DNR). Under this bill, a county may enforce an ordinance with more restrictive standards relating to the minimum average width of a lot, the minimum area of a lot, or the shoreland setback area if the ordinance was in effect on July 14, 2015.

Under current law, for the maintenance, repair, replacement, restoration, rebuilding, or remodeling of any nonconforming structure, DNR may not establish standards that and a county may not enact an ordinance that requires any approval or imposes any fee or mitigation requirement if the footprint of the structure is not expanded. Under this bill, no approvals are needed for those activities if the three-dimensional building envelope of the structure is not expanded. The limitation on approvals does not apply to permits necessary to begin construction activity.

Under current law, a county shoreland zoning ordinance must allow maintenance, repair, replacement, restoration, rebuilding, or remodeling of all or

part of a nonconforming structure to expand the footprint of the structure if the expansion is necessary for the structure to comply with applicable state or federal requirements. This bill changes the term “footprint” to “three-dimensional building envelope” in this context. Under the bill, a county shoreland zoning ordinance must also allow these types of activities to expand the vertical height of a nonconforming structure in order to replace a flat or minimally pitched roof with a pitched roof.

Under current law, a county is required to grant zoning permission for the construction of a structure in a shoreland setback area only if certain conditions are met. “Shoreland setback area” means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction of structures has been limited or prohibited. This bill prohibits DNR from establishing standards and a county from enacting an ordinance that prohibits new construction of a stairway or walkway necessary to obtain access to a navigable waterway, a boathouse, a retaining wall, or a fire pit within a shoreland setback area.

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

1 **SECTION 1.** 59.692 (1d) (a) of the statutes, as created by 2015 Wisconsin Act 55,
2 is amended to read:

3 59.692 (1d) (a) ~~An~~ Except as provided in par. (am), an ordinance enacted under
4 this section may not regulate a matter more restrictively than the matter is
5 regulated by a shoreland zoning standard.

6 **SECTION 2.** 59.692 (1d) (am) of the statutes is created to read:

7 59.692 (1d) (am) Paragraph (a) does not apply to an ordinance enacted under
8 this section in effect on July 14, 2015, that establishes requirements or limitations
9 relating to the minimum average width of a lot, the minimum area of a lot, or a
10 shoreland setback area.

11 **SECTION 3.** 59.692 (1k) (a) 2. of the statutes, as created by 2015 Wisconsin Act
12 55, is amended to read:

13 59.692 (1k) (a) 2. Except as provided in par. (b), requires any approval, other
14 than a permit necessary to begin construction activity, or imposes any fee or

1 mitigation requirement for, or otherwise prohibits or regulates, the maintenance,
2 repair, replacement, restoration, rebuilding, or remodeling of all or any part of a
3 nonconforming structure if the activity does not expand the footprint 3-dimensional
4 building envelope of the nonconforming structure.

5 **SECTION 4.** 59.692 (1k) (a) 6. of the statutes is created to read:

6 59.692 (1k) (a) 6. Prohibits new construction of a stairway or walkway
7 necessary to obtain access to a navigable waterway, a boathouse, a retaining wall,
8 or a fire pit within a shoreland setback area.

9 **SECTION 5.** 59.692 (1k) (b) of the statutes, as created by 2015 Wisconsin Act 55,
10 is renumbered 59.692 (1k) (b) (intro.) and amended to read:

11 59.692 (1k) (b) (intro.) A county shoreland zoning ordinance shall allow do all
12 of the following:

13 1. Allow an activity specified under par. (a) 2. to expand the footprint
14 3-dimensional building envelope of a nonconforming structure if the expansion is
15 necessary for the structure to comply with applicable state or federal requirements.

16 **SECTION 6.** 59.692 (1k) (b) 2. of the statutes is created to read:

17 59.692 (1k) (b) 2. Allow an activity specified under par. (a) 2. to expand the
18 vertical height of a nonconforming structure in order to replace a flat or minimally
19 pitched roof with a pitched roof.

20 **SECTION 7. Initial applicability.**

21 (1) The treatment of section 59.692 (1d) (a) and (am) of the statutes first applies
22 to lots created or structures constructed on the effective date of this subsection.

23 (END)