



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3752/1
EVM:amn

2015 SENATE BILL 403

December 3, 2015 - Introduced by Senator LASEE, cosponsored by Representatives KLEEFISCH, JARCHOW, T. LARSON, MURPHY and SCHRAA. Referred to Committee on Insurance, Housing, and Trade.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to amend* 62.23 (7) (hc) (title) and 62.23 (7) (hc) 1. (intro.); and *to create*
2 59.69 (10) (at) of the statutes; **relating to:** replacement of certain
3 nonconforming structures that are destroyed by vandalism or certain natural
4 forces and manufactured home communities that are nonconforming uses.

Analysis by the Legislative Reference Bureau

A legal nonconforming use is a land use that is generally prohibited by a zoning ordinance, but is permitted on a particular property because that use was legally ongoing at the property at the time that the ordinance prohibiting the use was enacted. Under current law, a zoning ordinance enacted by a municipality or county generally may not prohibit the continued legal nonconforming use of any building, premises, structure, or fixture (premises). However, the alteration or repair of, in excess of 50 percent of the assessed value, any existing premises to carry on any prohibited use within the district may be prohibited.

Under this bill, in counties, a licensed manufactured home community that is a legal nonconforming use continues to be a legal nonconforming use notwithstanding any repair or replacement of homes or infrastructure within the community.

Also, under current law, restrictions that are contained in general city zoning ordinances may not prohibit the restoration of a nonconforming structure if the structure will be restored to the size, location, and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if the nonconforming structure was damaged or

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destroyed on or after March 2, 2006, and the damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

This bill clarifies that these limitations on city zoning ordinances apply to the replacement of a nonconforming structure.

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

1 **SECTION 1.** 59.69 (10) (at) of the statutes is created to read:

2 59.69 (10) (at) Notwithstanding par. (am), a manufactured home community
3 licensed under s. 101.935 that is a legal nonconforming use continues to be a legal
4 nonconforming use notwithstanding the occurrence of any of the following activities
5 within the community:

6 1. Repair or replacement of homes.

7 2. Repair or replacement of infrastructure.

8 **SECTION 2.** 62.23 (7) (hc) (title) of the statutes is amended to read:

9 62.23 (7) (hc) (title) *Restoration or replacement of certain nonconforming
10 structures.*

11 **SECTION 3.** 62.23 (7) (hc) 1. (intro.) of the statutes is amended to read:

12 62.23 (7) (hc) 1. (intro.) Restrictions that are applicable to damaged or
13 destroyed nonconforming structures and that are contained in an ordinance enacted
14 under this subsection may not prohibit the restoration or replacement of a
15 nonconforming structure if the structure will be restored to, or replaced at, the size,
16 subject to subd. 2., location, and use that it had immediately before the damage or
17 destruction occurred, or impose any limits on the costs of the repair, reconstruction,
18 or improvement if all of the following apply:

19 (END)