



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2011 Wisconsin Act 170
[2011 Senate Bill 472]

**Standards for Shoreland Zoning
and Nonconforming Structures**

2011 Wisconsin Act 170 relates to certain shoreland zoning standards and ordinances that regulate the repair and expansion of nonconforming structures.

The Act specifies that a county, city, or village cannot enforce a shoreland zoning ordinance that is more restrictive than the Department of Natural Resources' (DNR) regulation of the location, maintenance, expansion, replacement, repair, or relocation of a nonconforming structure in a shoreland zone. Likewise, a county, city, or village regulation of construction on substandard lots in a shoreland zone cannot be more restrictive than DNR's shoreland zoning standards for substandard lots.

In other zoning areas, the Act specifies that a county, city, village, or town zoning ordinance cannot prohibit or limit, based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.

The Act defines a "nonconforming structure" for the various county and municipal zoning laws as a dwelling or other building that existed lawfully before being covered by the ordinance, but does not conform with the ordinance's development regulations. "Development regulations" are those elements of an ordinance that apply to setback, height, lot coverage, and side yard.

Lastly, the Act defines a "nonconforming use" for the various county and municipal zoning laws as a use of land, a dwelling, or a building that existed lawfully before being covered by the ordinance, but does not conform with the ordinance's use restrictions.

Effective date: Act 170 is effective April 17, 2012.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.