

Fiscal Estimate Narratives

DOR 6/21/2011

LRB Number	11-2122/1	Introduction Number	SB-130	Estimate Type	Original
Description The authority of a county to enact ordinances governing certain land divisions					

Assumptions Used in Arriving at Fiscal Estimate

Under current law, depending on where the affected land is located, a town, village, city, or county may have zoning power, including the power to approve a plat (map of a subdivision) or certified survey map. A village or city can exercise zoning powers, including the approval of plats or certified survey maps, into bordering unincorporated areas (towns). For a first, second, or third class city, this power extends for up to 3 miles from the city's borders. For a fourth class city or village, this power extends for up to 1.5 miles from the city's or village's borders. Towns can exercise their zoning power over the entire town, including the area covered by a village's or city's extra-territorial power. State law provides for a process whereby a town and a village or city must form a joint committee for the administration of zoning regulations in the area under both units' zoning jurisdiction. The planning agency of the county may also have certain powers regarding approval of plats and certified survey maps if the planning agency employs a full-time professional engineer, planner, or other person charged with zoning or other planning laws.

Under the bill, a county would be prohibited from enacting any ordinances concerning the subdivision of land, including plats and certified survey maps, affecting the extra-territorial jurisdiction of a village or city that is covered by a district zoning plan approved by a joint committee of the village or city and the town.

By prohibiting counties from exercise certain zoning powers in certain areas covered by district zoning plans, the approval process for land subdivisions in the affected areas may be shortened, potentially reducing costs for the affected towns, villages, and cities, as well as for the affected developers.

The financial reports filed by municipalities and counties with the Department of Revenue (DOR) do not contain information on expenditures for zoning. The DOR is therefore unable to estimate the potential reduction in local costs that this bill could engender.

Since the DOR has no role in the zoning process, the bill has no effect on DOR administrative costs.

Long-Range Fiscal Implications