

Fiscal Estimate Narratives

DOA 11/9/2017

LRB Number	17-4107/1	Introduction Number	SB-387	Estimate Type	Original
Description Limiting the authority of local governments to regulate development on substandard lots and require the merging of lots; requiring a political subdivision to issue a conditional use permit under certain circumstances; standards for granting certain zoning variances; local ordinances related to repair, rebuilding, and maintenance of certain nonconforming structures; shoreland zoning of, and the removal of material from the bed of, certain small, private ponds; inverse condemnation proceedings; and the right to display the flag of the United States.					

Assumptions Used in Arriving at Fiscal Estimate

SB-387 makes various changes to local government zoning authority, navigable water permits, inverse condemnation proceedings, and the right to display the flag of the United States.

Zoning

Conditional Use Permits

Under current law, conditional use permits are typically required to be approved by the relevant zoning authority in a city, village, town, or county before a person may use property in a manner that is designated as a conditional use within a given zoning district.

The bill requires a city, village, town, or county to grant a conditional use permit if an applicant meets, or agrees to meet, all of the requirements and conditions specified in the relevant ordinance. In addition, the bill requires those requirements and conditions to be reasonable and measurable.

Nonconforming Structures

Current law prohibits local zoning ordinances from prohibiting, or limiting based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.

The bill removes references that limit the application of that prohibition to ordinances enacted under general municipal zoning authority.

Navigable Waters

Removal of Material from Certain Small Lakes

Current law generally prohibits a person from removing material from a lake or stream unless the person has obtained an individual permit or the activity is authorized under a statewide general permit. Current law exempts the removal of material from certain farm drainage ditches and removal done by hand or in an amount necessary to place certain authorized structures. [s. 30.20 (1) and (1g), Stats.]

The bill creates a new exemption from the general requirement to obtain a permit to remove material from the bed of a lake.

Shoreland Zoning

Current law requires counties to adopt shoreland zoning ordinances for their unincorporated areas to effect the purposes of s. 281.31, Stats., and promote the public health, safety, and general welfare. [s. 59.692 (1m), Stats.] A county's shoreland zoning ordinance may not regulate a matter more restrictively than the matter is regulated by statewide shoreland zoning standards. [s. 59.692 (1) (1d), Stats.]

The bill exempts the same ponds that are exempt from general permitting requirements for removing material from a lake, described above, from regulation under county shoreland zoning ordinances.

The Department estimates that changes in the administration of local zoning and other ordinances proposed by the bill, and in inverse condemnation proceedings, may affect workload of local governmental units or fees collected by the same, but cannot reasonably estimate those impacts. Therefore, the local fiscal effect of the bill is indeterminate.

The Department is not involved in the administration of local zoning or other ordinances affected by the bill,

nor in inverse condemnation proceedings. Accordingly, there is no state fiscal effect on the Department.

Long-Range Fiscal Implications