



**ASSEMBLY AMENDMENT 3,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2011 ASSEMBLY BILL 421**

December 13, 2011 - Offered by Representative STEINEKE.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 2, line 21: after “applications;” insert “the applicability of county
3 shoreland zoning ordinances in shoreland areas annexed by, or incorporated as,
4 cities or villages;”.

5 **2.** Page 23, line 24: after that line insert:

6 “**SECTION 80b.** 59.692 (6m) of the statutes, as affected by 2011 Wisconsin Act
7 6, is amended to read:

8 59.692 **(6m)** For an amendment to an ordinance enacted under this section that
9 affects an activity that meets all of the requirements under s. 281.165 (2), (3) (a), or
10 (4) (a), the department may not proceed under sub. (6) ~~or (7) (b) or (e)~~, or otherwise
11 review the amendment, to determine whether the ordinance, as amended, fails to
12 meet the shoreland zoning standards.

1 **SECTION 80d.** 59.692 (7) of the statutes is repealed.

2 **SECTION 80e.** 59.692 (7m) of the statutes is created to read:

3 59.692 **(7m)** (a) A shoreland area that, as a result of annexation, was subject
4 to a county shoreland zoning ordinance under s. 59.692 (7) (a), 2009 stats., is not
5 subject to that county shoreland zoning ordinance beginning on the effective date of
6 this paragraph [LRB inserts date].

7 (b) A shoreland area that, as a result of incorporation, was subject to a county
8 shoreland zoning ordinance under s. 59.692 (7) (ad), 2009 stats., is not subject to that
9 county shoreland zoning ordinance beginning on the effective date of this paragraph
10 [LRB inserts date].

11 **SECTION 80g.** 66.0203 (10) of the statutes is repealed.

12 **SECTION 80i.** 66.0213 (2) (a) of the statutes is renumbered 66.0213 (2).

13 **SECTION 80k.** 66.0213 (2) (b) of the statutes is repealed.

14 **SECTION 80m.** 66.0215 (7) (a) of the statutes is renumbered 66.0215 (7).

15 **SECTION 80p.** 66.0215 (7) (b) of the statutes is repealed.

16 **SECTION 80q.** 66.0216 (8) (a) of the statutes is renumbered 66.0216 (8).

17 **SECTION 80s.** 66.0216 (8) (b) of the statutes is repealed.

18 **SECTION 80t.** 66.0217 (8) (a) of the statutes is amended to read:

19 66.0217 **(8)** (a) An ordinance for the annexation of the territory described in the
20 annexation petition under sub. (3) may be enacted by a two-thirds vote of the elected
21 members of the governing body not less than 20 days after the publication of the
22 notice of intention to circulate the petition and not later than 120 days after the date
23 of filing with the city or village clerk of the petition for annexation or of the
24 referendum election if favorable to the annexation. If the annexation is subject to
25 sub. (6) the governing body shall first review the reasons given by the department

1 that the proposed annexation is against the public interest. ~~Subject to s. 59.692 (7),~~
2 an An ordinance under this subsection may temporarily designate the classification
3 of the annexed area for zoning purposes until the zoning ordinance is amended as
4 prescribed in s. 62.23 (7) (d). Before introduction of an ordinance containing a
5 temporary classification, the proposed classification shall be referred to and
6 recommended by the plan commission. The authority to make a temporary
7 classification is not effective when the county ordinance prevails during litigation as
8 provided in s. 59.69 (7).

9 **SECTION 80v.** 66.0219 (6) of the statutes is amended to read:

10 66.0219 (6) TEMPORARY ZONING OF AREA PROPOSED TO BE ANNEXED. An interim
11 zoning ordinance to become effective only upon approval of the annexation at the
12 referendum election may be enacted by the governing body of the city or village.
13 ~~Subject to s. 59.692 (7), the~~ The ordinance may temporarily designate the
14 classification of the annexed area for zoning purposes until the zoning ordinance is
15 amended as prescribed in s. 62.23 (7) (d). The proposed interim zoning ordinance
16 shall be referred to and recommended by the plan commission prior to introduction.
17 Authority to make a temporary classification is not effective when the county zoning
18 ordinance prevails during litigation as provided in s. 59.69 (7).

19 **SECTION 80w.** 66.0223 (1) of the statutes is amended to read:

20 66.0223 (1) In addition to other methods provided by law and subject to sub.
21 (2) and ss. ~~59.692 (7),~~ 66.0301 (6) (d), and 66.0307 (7), territory owned by and lying
22 near but not necessarily contiguous to a village or city may be annexed to a village
23 or city by ordinance enacted by the board of trustees of the village or the common
24 council of the city, provided that in the case of noncontiguous territory the use of the
25 territory by the city or village is not contrary to any town or county zoning regulation.

1 The ordinance shall contain the exact description of the territory annexed and the
2 names of the towns from which detached, and attaches the territory to the village or
3 city upon the filing of 7 certified copies of the ordinance in the office of the secretary
4 of state, together with 7 copies of a plat showing the boundaries of the territory
5 attached. Two copies of the ordinance and plat shall be forwarded by the secretary
6 of state to the department of transportation, one copy to the department of
7 administration, one copy to the department of natural resources, one copy to the
8 department of revenue and one copy to the department of public instruction. Within
9 10 days of filing the certified copies, a copy of the ordinance and plat shall be mailed
10 or delivered to the clerk of the county in which the annexed territory is located.
11 Sections 66.0203 (8) (c) and 66.0217 (11) apply to annexations under this section.”.

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(END)