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State of Misconsin 2013 - 2014 LEGISLATURE



2013 SENATE BILL 390

November 4, 2013 – Introduced by Senators FARROW and LAZICH, cosponsored by Representatives CRAIG, KRAMER and KAPENGA. Referred to Elections and Urban Affairs.

1 AN ACT to renumber and amend 60.62; and to create 60.62 (3) (b) of the

statutes; relating to: expanding the requirement of county board approval of

a town amendment of its zoning ordinances.

Analysis by the Legislative Reference Bureau

Under current law, if a town board has been granted the authority to exercise village powers, the town board may enact zoning ordinances using the zoning statutes that are used by cities and villages, subject to a number of conditions. If the county in which the town is located has enacted a county zoning ordinance, town zoning ordinances may not take effect until such ordinances are approved either by a town meeting or by a referendum vote of the electors of the town. In addition, in counties having a zoning ordinance, no town zoning ordinance, or amendment of a zoning ordinance, may be adopted by the town unless approved by the county board; the bill modifies this provision.

Under this bill, with regard to towns to which certain conditions apply, the town may not adopt or amend a zoning ordinance without county board approval. The conditions are the following: the town must be located in a county with a population in excess of 380,000, that county must have a zoning ordinance in effect on January 1, 2013 and, the county must be adjacent to a county that has a population in excess of 800,000.

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For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

SECTION 1. 60.62 of the statutes is renumbered 60.62 (3) (a) and amended to

2 read:

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- 60.62 (3) (a) In <u>Subject to par. (b), in</u> counties having a county zoning ordinance,
- 4 no zoning ordinance or amendment of a zoning ordinance may be adopted under this
- 5 section unless approved by the county board.
- 6 SECTION 2. 60.62 (3) (b) of the statutes is created to read:
- 7 60.62 (3) (b) With regard to a town to which all of the following apply, the town

8 may not adopt or amend a zoning ordinance under this section without county board9 approval:

- 10 1. The town is located in a county that has a population exceeding 380,000.
- 2. The county in which the town is located is adjacent to a county that has apopulation exceeding 800,000.
- 13 3. The county in which the town is located has a zoning ordinance in effect on14 January 1, 2013.
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(END)