

2001 DRAFTING REQUEST

Bill

Received: 09/28/2001

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Carol Owens (608) 267-7990**

By/Representing: **Rep. Owens, Tom Harnisch**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact: **Tom Harnisch**
715-743-7477

Addl. Drafters:

Subject: **Counties - zoning**
Munis - zoning

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Towns may opt out of county zoning; town and county zoning powers

Instructions:

See Attached. Based on b1573/2

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	shoveme 10/11/2001	csicilia 10/14/2001		_____			S&L
/1			jfrantze 10/15/2001	_____	lrb_docadmin 10/15/2001	lrb_docadmin 10/16/2001	

FE Sent For:

<END>

→ At Intro

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1?	shoveme	1 jg 10/12/01	10/13	Jch 10/15			

11 MES 10/11/01

FE Sent For:

<END>

Rep

(F15)
743
7477

Owens

Tom Hantsch

Do 6/15/73/2 but change

the dates to 12/31/10 instead
of 12/31/04

~~Allow~~ If towns do nothing by 12/31/10, they
must enact town zoning, or ^{town} ask
ask to be under county zoning

If town does its own zoning, must
have its own map & is not subject to
extraterritorial zoning & extra plat review

? (What about the 8 towns that are subject
to extraterritorial zoning & have town zoning)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3910/1

MES:.....

CS

RMNR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS:
THAW ALL
BILL
SECTION #S

Wanted:
MONDAY 10/15
9AM
FN 10/11

MON
9AM

gem

- 1 AN ACT ...; relating to: authorizing towns to withdraw from county zoning,
- 2 requiring towns to become subject to town or county zoning and a
- 3 comprehensive plan, and requiring the University of Wisconsin
- 4 System-Extension to prepare model town and county 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 adopt zoning ordinances under the zoning statutes that apply to 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 either approved by a town meeting, or by a referendum vote of the electors of the town, and are approved by the county board.

Under the bill, beginning in 2011, a town board may adopt zoning ordinances under the city and village statutes without being granted the authority to exercise village powers by the town meeting and without receiving approval for such zoning ordinances by the town meeting or by referendum.

Also under current law, a county zoning ordinance may not take effect in a town unless it has been approved by the town board. Once a town board has approved a county zoning ordinance, the town may not withdraw its approval.

Under this bill, a town board may enact an ordinance withdrawing from coverage of a county zoning ordinance and a county development plan. A town board may enact the ordinance during 2011, or during one year every five years after

period the hyp STET

January 1, 2011. Such an ordinance may not take effect unless the town clerk notifies the county clerk of the proposed ordinance and the town enacts, and sends copies to the county clerk, a town zoning ordinance, a comprehensive plan, and an official map. County board approval of a town zoning ordinance is not required if the town has withdrawn from county zoning. The town zoning ordinance and comprehensive plan must be consistent with each other and the zoning ordinance must be at least as restrictive as the county zoning ordinance that applies to the town on January 1 of the year before the year in which the town board enacts the ordinance withdrawing from county zoning.

If a town is located in a county that does not have in effect on January 1, 2009, a comprehensive plan and a county zoning ordinance, the town is required under the bill to enact a zoning ordinance, comprehensive plan, and official map not later than November 1, 2009. Such a zoning ordinance must be at least as restrictive as a model town zoning ordinance which the bill requires the University of Wisconsin System-Extension (UW) to develop by January 1, 2009. The model ordinance, and a model county zoning ordinance, is to be presented by the UW to the chief clerk of each house of the legislature and referred to the appropriate standing committees. The ordinances are considered to have been approved by each such committee if, within 14 working days of their referral, the committee does not schedule a meeting to review the model ordinances

If a town is located in a county that does have in effect on January 1, 2009, a comprehensive plan and a county zoning ordinance, and if the town has not approved the county ordinance or enacted its own zoning ordinance, not later than November 1, 2009, the town is required under the bill either to approve the county zoning ordinance, to take effect no later than January 1, 2010, or to enact a zoning ordinance, comprehensive plan, and official map to take effect on January 1, 2010.

The bill authorizes a county board, anytime after December 31, 2009, to enact an ordinance to repeal all of its zoning ordinances, other than shoreland and floodplain zoning ordinances, if it notifies all of the towns that are subject to its zoning ordinances. Such a county ordinance must have a delayed effective date of one year. If a town is so notified, it must enact a zoning ordinance, comprehensive plan, and official map to take effect on the effective date of the county's repeal of its zoning ordinance. The town ordinance and comprehensive plan must be at least as restrictive as the county zoning ordinance that is in effect on the day before the repeal takes effect.

For further information see the *state and 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:



(END)



ARC.....Jefferson – AM60, Changes to town and county zoning powers; allow towns to opt out of county zoning

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

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

2 1. Page 667, line 19: after that line insert:

3 SECTION 2002tp. 59.69 (3) (a) of the statutes is amended to read:

4 59.69 (3) (a) The Subject to s. 60.23 (32), the county zoning agency may direct
5 the preparation of a county development plan or parts thereof for the physical
6 development of the unincorporated territory within the county and areas within
7 incorporated jurisdictions whose governing bodies by resolution agree to having
8 their areas included in the county's development plan. The plan may be adopted in
9 whole or in part and may be amended by the board and endorsed by the governing
10 bodies of incorporated jurisdictions included in the plan. The county development

proof w/ folio

proof w/ folio

1 plan, in whole or in part, in its original form or as amended, is hereafter referred to
2 as the development plan. Beginning on January 1, 2010, if the county engages in any
3 program or action described in s. ~~66.0295~~ 66.1001 (3), the development plan shall
4 contain at least all of the elements specified in s. ~~66.0295~~ (2) [s. 66.1001 (2)].

5 SECTION ~~2002~~ ^{strike} ~~ch.~~ 59.69 (3) (b) of the statutes is amended to read: ^{score} **PLAIN**

6 59.69 (3) (b) The development plan shall include the master plan, if any, of any
7 city or village, that was adopted under s. 62.23 (2) or (3) and the official map, if any,
8 of such city or village, that was adopted under s. 62.23 (6) in the county, without
9 change. The development plan shall also include, and integrate, the master plan and
10 the official map of a town that was adopted under s. 60.62 (5) (a) or (c), without
11 change.

12 ² Page 668, line 13: after that line insert:

13 SECTION ~~2002~~ ^{strike} ~~ch.~~ 59.69 (5) (c) of the statutes is amended to read:

14 59.69 (5) (c) A county ordinance enacted under this section shall not be effective
15 in any town until it has been approved by the town board. If the town board approves
16 an ordinance enacted by the county board, under this section, a certified copy of the
17 approving resolution attached to one of the copies of such ordinance submitted to the
18 town board shall promptly be filed with the county clerk by the town clerk. The
19 ordinance shall become effective in the town as of the date of the filing, which filing
20 shall be recorded by the county clerk in the clerk's office, reported to the town board
21 and the county board, and printed in the proceedings of the county board. The
22 ordinance shall supersede any prior town ordinance in conflict therewith or which
23 is concerned with zoning, except as provided by s. 60.62. A town board may withdraw
24 from coverage of a county zoning ordinance as provided under s. 60.23 (32).

~~SECTION 2002~~ ~~wk.~~ 59.69 (5m) of the statutes is created to read:

59.69 (5m) TERMINATION OF COUNTY ZONING. (a) Subject to par. (b), at any time after December 31, ~~2003~~ ²⁰¹⁰, a county board may enact an ordinance to repeal all of its zoning ordinances enacted under this section if it so notifies, in writing, all of the towns that are subject to its zoning ordinances.

(b) An ordinance enacted under par. (a) shall have a delayed effective date of one year. No county board may repeal under this subsection a county shoreland zoning or floodplain zoning ordinance.

3. Page 669, line 17: after that line insert:

during the one-year period

~~SECTION 2003~~ ~~arc.~~ 60.23 (32) of the statutes is created to read:

60.23 (32) TOWN WITHDRAWAL FROM COUNTY ZONING. (a) Subject to pars. (b) and (c), ~~after December 31, 2003, and before January 1, 2005~~ after December 31, 2010, and before January 1, 2012, and for one year every 5 years after January 1, 2011,

town board may enact an ordinance withdrawing the town from coverage of a county zoning ordinance that had previously been approved under s. 59.69 (5) (c) and from coverage by a county development plan that has been enacted under s. 59.69 (3) (a).

(b) Subject to par. (c), an ordinance enacted under par. (a) may not take effect until all of the following occur:

1. Not later than 60 days before enacting an ordinance under par. (a), the town clerk notifies the county clerk, in writing, of the town's intent to enact an ordinance under par. (a).

2. The town enacts a zoning ordinance under s. 60.62, a comprehensive plan under s. 66.1001, and an official map under s. 62.23 (6), and the town clerk sends certified copies of such documents to the county clerk.

1 (c) A zoning ordinance enacted under s. 60.62, a comprehensive plan enacted
2 under s. 66.1001, and an official map established under s. 62.23 (6), that are enacted
3 in conjunction with an ordinance enacted under par. (a), shall all take effect on the
4 first day of the 3rd month beginning after certified copies of the documents are sent
5 to the county clerk under par. (b) 2. ✓

6 SECTION 2003te. 60.62 (1) of the statutes is amended to read:

7 60.62 (1) Subject to subs. (2), (3) and (4), if a town board has been granted
8 authority to exercise village powers under s. 60.10 (2) (c), the board may adopt zoning
9 ordinances under s. 61.35, except that after December 31, ²⁰¹⁰ ~~2008~~, a town board may
10 adopt zoning ordinances under s. 61.35 without being granted the authority to
11 exercise village powers. ✓

12 SECTION 2003tf. 60.62 (2) of the statutes is amended to read:

13 60.62 (2) If the county in which the town is located has enacted a zoning
14 ordinance under s. 59.69, the exercise of the authority under sub. (1) before January
15 1, ²⁰¹¹ ~~2004~~ is subject to approval by the town meeting or by a referendum vote of the
16 electors of the town held at the time of any regular or special election. The question
17 for the referendum vote shall be filed as provided in s. 8.37.

18 SECTION 2003tg. 60.62 (3) of the statutes is amended to read:

19 60.62 (3) In counties having a county zoning ordinance, no zoning ordinance
20 or amendment of a zoning ordinance may be adopted under this section unless
21 approved by the county board, except that this subsection does not apply to a town
22 that has withdrawn from county zoning under s. 60.23 (32). ✓

23 SECTION 2003th. 60.62 (5) of the statutes is created to read:

24 60.62 (5) (a) Subject to par. (b), not later than 60 days before a town board that
25 wishes to withdraw from county zoning and the county development plan may enact

1 an ordinance under s. 60.23 (32), the town board shall enact a zoning ordinance
2 under this section, an official map under s. 62.23 (6), and a comprehensive plan under
3 s. 66.1001.

4 (b) The zoning ordinance and comprehensive plan enacted under par. (a) shall
5 be consistent with each other and the zoning ordinance shall be at least as restrictive
6 as the county zoning ordinance that applies to the town on January 1 of the year
7 before the year in which the town board enacts the ordinance under s. 60.23 (32).

8 (c) If a town is located in a county that does not have in effect on January 1,
9 2009, a comprehensive plan under s. 66.1001 and a county zoning ordinance under
10 s. 59.69, not later than November 1, 2009, the town board shall enact a zoning
11 ordinance under this section, an official map under s. 62.23 (6), and a comprehensive
12 plan under s. 66.1001, all of which take effect on January 1, 2010. A zoning ordinance
13 enacted under this paragraph shall be at least as restrictive as the model town zoning
14 ordinance described under par. (f).

15 (d) If a town is located in a county that has in effect on January 1, 2009, a
16 comprehensive plan under s. 66.1001 and a county zoning ordinance under s. 59.69,
17 and if the town has not approved the county ordinance under s. 59.69 (5) (c) or
18 enacted a zoning ordinance under this section, not later than November 1, 2009, the
19 town board shall either approve the county zoning ordinance under s. 59.69 (5) (c),
20 to take effect no later than January 1, 2010, or enact a zoning ordinance under this
21 section, an official map under s. 62.23 (6), and a comprehensive plan under s.
22 66.1001, all of which take effect on January 1, 2010. A zoning ordinance enacted
23 under this paragraph shall be at least restrictive as the county zoning ordinance
24 under s. 59.69 that is in effect on January 1, 2009.

1 (e) If a town receives notification under s. 59.69 (5m) that the county board has
2 repealed its zoning ordinances and development plan, the town board shall enact a
3 zoning ordinance under this section, an official map under s. 62.23 (6), and a
4 comprehensive plan under s. 66.1001, all of which take effect on the effective date
5 of the county's repeal of its zoning ordinance and development plan. An ordinance
6 and comprehensive plan enacted under this paragraph shall be consistent with each
7 other and the zoning ordinance shall be at least as restrictive as the county zoning
8 ordinance that is in effect on the day before the repeal takes effect.

9 (f) 1. Not later than January 1, ~~2004~~²⁰⁰⁹, the University of Wisconsin
10 System-Extension, under s. 36.05 (7), in consultation with any other University of
11 Wisconsin System institution, shall develop a model ordinance for town zoning and
12 a model ordinance for county zoning. ✓

13 2. The model ordinances developed under subd. 1. shall be presented to the
14 chief clerk of each house of the legislature, and shall be referred immediately by the
15 speaker of the assembly and the presiding officer of the senate to the appropriate
16 standing committee in each house. The model ordinances shall be considered to have
17 been approved by a standing committee if within 14 working days of the referral, the
18 committee does not schedule a meeting for the purpose of reviewing the model
19 ordinances. If the committee schedules a meeting for the purpose of reviewing the
20 model ordinances, the ordinances may not be considered to have been approved
21 unless the committee approves the model ordinances. ✓

22 (END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

October 15, 2001

MEMORANDUM

RUSH

To: Representative Owens

From: Marc E. Shovers, Senior Legislative Attorney

Re: LRB-3910/1 Towns may opt out of county zoning; town and county zoning powers

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-0129 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.