

2001 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-SB55)

Received: **06/22/2001**

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Assembly Republican Caucus**

By/Representing: **Jefferson**

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

Drafter: **shoveme**

May Contact:

Addl. Drafters:

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

Extra Copies: **MGG, RNK**

Submit via email: **NO**

Requester's email:

Pre Topic:

ARC:.....Jefferson - AM60,

Topic:

Changes to town and county zoning powers; allow towns to opt out of county zoning

Instructions:

See Attached.

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>
/1	shoveme 06/25/2001	jdyer 06/26/2001	kfollet 06/26/2001	_____	lrb_docadmin 06/26/2001		
/2	shoveme 06/27/2001	jdyer 06/28/2001	rschluet 06/28/2001	_____	lrb_docadmin 06/28/2001		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	shoveme 06/28/2001	jdyer 06/28/2001	rschlue 06/28/2001	_____	lrb_docadmin 06/28/2001		

FE Sent For:

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13 MES 6/28/01

FE Sent For:

13 6/28 jld
6/21

<END>

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Counties - zoning

Extra Copies: **MGG, RNK**

Submit via email: NO

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/1	shoveme 06/25/2001	jdyer 06/26/2001	kfollet 06/26/2001	_____	lrb_docadmin 06/26/2001		

12 MES 6/27/01
FE Sent For:
12 6/27/01

6-28-01
<END>

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Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Jefferson

This file may be shown to any legislator: NO

Drafter: shoveme

May Contact:

Addl. Drafters:

Subject: ^{Edwin} Munis - miscellaneous
Transportation - highways
COUNTY - zoning

Extra Copies: MGB, RNK

Submit via email: NO

Requester's email:

Pre Topic:

ARC:.....Jefferson - AM60,

Topic:

changes in ~~the~~ ^{to} ~~the~~ ^{and} town^s county zoning powers;
Allow towns to opt out of county zoning

Instructions:

See Attached.

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>
1/	shoveme	1 6/26 jld	kj	kj/f 6/26			
/ (MES 6/25/01							

FE Sent For:

<END>

governmental unit under spends its cap. Only one year look back is allowed and no compounding of unused cap amounts is allowed.

60
Self/Kernan

5/12/13

ELECTION LAW REFORM PACKAGE

- Establish a photo ID card utilizing a Wisconsin driver's license or DOT issued ID card. (Senator Huelsman)
- Establishing uniform polling hours of 7 a.m. to 8 p.m.
- Creating penalties for using fake ID
- Requiring training for lead poll workers
- Allowing local town, village and city municipal workers to work at polling places without loss of days of service.
- Establish a universal, centralized statewide poll list effective September 1, 2003.
- Enhance election recounts and payments of the costs of recounts.

Campaign Finance Reform Package

- Make the Wisconsin election campaign a true fund taxpayer check-off (Walker)
- In order to qualify for campaign finance grant, a candidate for legislative office must raise at least 50 percent of his or her qualifying contributions from individuals who are residents of a county having territory within the district in which the candidate seeks office. Remaining 50% from WI.
- Campaign finance contributions registrations for individuals who do not maintain an office or street address in the state must be reported in the same manner as individuals with an in state address
- Establish that referendum by local governments can be held at the spring primary, the spring election or the first Tuesday after the first Monday in November of an odd-numbered year or general election of each even-number year.
- Establish that qualifying candidates for Justice of the Supreme Court will have their grants from the Wisconsin election campaign fund fully funded.

➔ Addendum:

MES

Motion: To grant towns flexibility to get out of county zoning and planning.



MES

GO
Sefferson

Effective January 1, 2004 towns will have the opportunity to opt out of county zoning and planning. In order to do so, towns must develop zoning plans and comprehensive plans that are at least as restrictive as the county zoning and comprehensive plan. The town must provide 60 days written notice to the county of an opt out request

? how long is the window open each time?

Further, beginning Dec 31, 2010 towns again have a window of opportunity to opt out of county zoning plans and comprehensive plans if they have developed zoning plans and comprehensive plans that are at least as restrictive as the county zoning and comprehensive plan. Then every 5 years, 2015, 2020, etc is another opt out opportunity.

Effective January 1, 2004 towns without any zoning plans or comprehensive plans must either fall under the county zoning plan and comprehensive plan or develop zoning plans and comprehensive plans that are at least as restrictive as the county zoning and comprehensive plan. Note under all scenarios a 60-day written notice to the county is required.

2 Item # 5 in newer instructions have 12/31/04 date

Effective Dec 31, 2010, counties may tell towns falling under their zoning plan and comprehensive plan, that the county is dropping its zoning plan and comprehensive plan as it applies to the town and that the town will have to develop its own zoning and comprehensive plan. The county must provide one year of notice to the towns.

None of these requirements applies to county mandated wetland zoning, shoreland zoning or floodplain zoning. These three zoning requirements – wetland, shoreland, floodplain will still be done by the county as required under current state statute.

JTM/
RJM

Motion: To provide Green County funding for the conversion from punch cards for elections. (info provided by Rep. Freese's office)

Eliminates punch card voting and authorizes funding to enable the Elections Board to provide assistance to municipalities in eliminating punch card voting systems. The financial assistance is designed to enable municipalities to employ another type of electronic voting system and provide training for election officials in the use of a replacement voting system.

Fiscal Impact: The Elections Board indicates the cost for acquisition for Green County will be \$178,750. The breakdown: 23 voting devices @ \$6,250; Accumulation software, \$15,000; Ballot printing software, \$10,000; Internet upload software, \$5,000; Computer \$1,000; printer, \$4,000.

Shovers, Marc

From: Hanaman, Cathlene
Sent: Monday, June 25, 2001 12:29 PM
To: Shovers, Marc
Subject: FW: Addendum to ARC Local Government Working Group Package

-----Original Message-----

From: Tessmer, Paul
Sent: Monday, June 25, 2001 12:15 PM
To: Ammerman, Fred; Hanaman, Cathlene
Cc: Smith, Heather
Subject: Addendum to ARC Local Government Working Group Package

Please add to the ARC Local Government Working Group Package. This document was not included in what was sent last week.

Rep. Owens technical change on town flexibility on zoning and planning

-----Original Message-----

From: Emerson, James
Sent: Monday, June 25, 2001 12:12 PM
To: Radloff, Gary; Tessmer, Paul
Subject: FW: Rep. Owens technical change on town flexibility on zoning and planning

Thanks Gary. We'll send it along to the LRB in order to keep things uniform.

-----Original Message-----

From: Radloff, Gary
Sent: Monday, June 25, 2001 12:05 PM
To: Emerson, James
Cc: Hubbard, Gregory
Subject: Rep. Owens technical change on town flexibility on zoning and planning

Jim and Greg:

Rep. Owens working with the towns association crafted the attached technical clarification on the motion in the local government reform package. Rep. Owens gave this to Rep. Underheim and Speaker Jensen and they are ok with the corrections. I can send this directly to Marc Shovers at the LRB if you like. Please advise, Gary



Town zoning tech
amendment.doc...

Per Mark Jefferson:
leave the "window"
open for 1 year
at a time

Rep. Owens
Local Government Technical Amendment

1. Effective January 1, 2004 all Towns, now under a County Comprehensive Zoning ordinance will have the right to opt out of any existing County Comprehensive Zoning, any existing County Comprehensive plan and any existing official maps applicable to the Towns and the lands in the Towns on that date. In order to do so, these Towns must develop and enact a Town zoning ordinance, at least 60 days prior to January 1, 2004, which is at least as restrictive as any County Comprehensive Zoning ordinance existing and applicable to these Towns on January 1, 2003. These Towns must also develop and enact, at least 60 days prior to January 1, 2004, a Town comprehensive plan in compliance with 66.1001 (Smart Growth) and an official Town map in compliance with 62.23 (official map). In order to opt out, a Town must, in writing, at least 60 days prior to January 1, 2003, notice the County that they will opt out, that they will develop and enact a Town zoning ordinance, a Town Comprehensive Plan and official Town map at least 60 days prior to January 1, 2004 with both the zoning and plan and map to be effective January 1, 2004. On or before January 1, 2004 the County shall include and integrate the Town Comprehensive Plan and the official Town map, without change, within the County Comprehensive Plan adopted under 66.1001, 59.69 and 62.23 to be effective January 1, 2004 with any existing Comprehensive Plan or Master Plan under 66.1001, 59.69 and 62.23 to be ineffective on that date within that Town.
2. Towns, effective December 31, 2010 and every five (5) years thereafter shall have again the same rights and responsibilities as noted in (1) to opt out of any County Comprehensive Zoning and opt out of any County Comprehensive Plan and official map.

- CZO*
3. Effective January 1, 2010 any Towns, not under any Town or County Comprehensive Zoning ordinance, shall either fall under the County Comprehensive Zoning existing at that time or shall have developed and enacted a Town zoning ordinance effective January 1, 2010 at least as restrictive as the County Comprehensive Zoning ordinance existing on January 1, 2009.
 4. Any Towns within any Counties with no County Comprehensive Zoning law existing on January 1, 2009 shall develop and enact , to be effective January 1, 2010, a Comprehensive Zoning law at least as restrictive as a model Town Zoning ordinance prepared for these Towns by the UW Extension in cooperation with the Wisconsin Land Council.
 5. Effective December 31, 2004, Counties may at any time notice all Towns in writing under their Comprehensive Zoning ordinance, County Comprehensive Plan and official map, that the County shall terminate its Comprehensive Zoning and Planning authority effective one complete fiscal year from the notice. The Towns shall therefore develop and adopt a Town Zoning ordinance, at least as restrictive as the County existing Comprehensive Zoning ordinance and shall develop and adopt a Town Comprehensive Plan in compliance with 66.1001 and Town official map in compliance with 62.23(7) all to be effective upon the termination of the County authority.
 6. Effective January 1, 2010 any Towns not under any County Comprehensive Zoning ordinance as of January 1, 2009, shall develop, adopt and maintain a Town Comprehensive Plan with an official Town map applicable to the Town and the lands in the Town at least 60 days prior to January 1, 2010 with the Town Comprehensive Plan in compliance with 62.23 (official map). On or before January 1, 2010 the County shall include and integrate the Town Comprehensive Plan adopted by the

*don't make sense --
if the town isn't under
a county CZO, how can it
"fall under" the
CZO or how can
its ord be at
least as restrictive
as the CZO*

*there's no
model ord.
requirement*

Town under 66.1001, 59.69 and 62.23 into the County Comprehensive Plan to be effective January 1, 2010 with any existing Comprehensive Plan or Master Plan of the County under 66.1001, 59.69 and 62.23 to be ineffective on that date within the Town for purposes of the zoning law and official mapping. Effective January 1, 2010 any Towns under a County Comprehensive Zoning ordinance as of January 1, 2009, shall develop and adopt their Town Comprehensive Plan with any Town official map applicable to the Town at least 60 days prior to January 1, 2010 with the Town Comprehensive Plan to be consistent with the County Comprehensive Plan, to be in compliance with 66.1001 (Smart Growth) and to be in compliance with the official Town map under 62.23 (official map). On or before January 1, 2010 the Towns shall include and integrate the County Comprehensive Plan adopted by the County under 66.1001, 59.69 and 62.23 into the Town Plan to be effective January 1, 2010 with any existing Comprehensive Plan or Master Plan of the Town under 66.1001, 59.69 and 62.23 to be ineffective on that date within the Town for purposes of the zoning law and official mapping.

7. All Towns in the State shall, effective January 1, 2004, have the right to enact and enforce their Town zoning, their Town Comprehensive Plan and their Town official map without village powers and without approval of any Town annual or special town meeting. ✓
8. All Towns in the State shall not, effective January 1, 2004, have the requirement to have any amendments to their Town Zoning ordinance approved by the County under 60.62. ✓
9. None of these requirements applies to county mandated wetland zoning, shoreland zoning or floodplain zoning. These three zoning requirements – wetland, shoreland, floodplain will still be done by the County as required under current state statute.



State of Wisconsin
2001 - 2002 LEGISLATURE

LPS - Fix request sheet

LRBb1573/

MES...;.....

JLS R.M.K.

changes to town and county zoning powers

ARC:.....Jefferson - AM60, 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

D - Note

substitute amendment

1

At the locations indicated, amend the ~~bill~~ 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

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~~ (3) ~~66.1001~~, the development plan
 4 shall contain at least all of the elements specified in s. 66.0295 (2) [s. 66.1001 (2)].

NOTE: NOTE: The bracketed language indicates the correct cross-references. Corrective legislation is pending. NOTE.

History: 1971 c. 40 s. 93; 1971 c. 86, 224; 1973 c. 274; 1977 c. 205; 1979 c. 233 ss. 2 to 5, 7 and 8; 1979 c. 323; 1981 c. 341, 354, 374; 1983 a. 192 s. 303 (1); 1983 a. 410; 1983 a. 532 s. 36; 1985 a. 29, 136, 196, 281, 316; 1987 a. 161, 395; 1989 a. 80, 201; 1991 a. 255, 269, 316; 1993 a. 16, 27, 246, 327, 400, 446, 491; 1995 a. 27 ss. 9130 (4), 9126 (19); 1995 a. 201 s. 475; Stats. 1995 s. 59.69; 1995 a. 225 s. 174; 1995 a. 227; 1997 a. 3, 35; 1999 a. 9, 148, 185.

5 SECTION 2002tq. 59.69 (3) (b) of the statutes is amended to read:

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) (c), without change."

History: 1971 c. 40 s. 93; 1971 c. 86, 224; 1973 c. 274; 1977 c. 205; 1979 c. 233 ss. 2 to 5, 7 and 8; 1979 c. 323; 1981 c. 341, 354, 374; 1983 a. 192 s. 303 (1); 1983 a. 410; 1983 a. 532 s. 36; 1985 a. 29, 136, 196, 281, 316; 1987 a. 161, 395; 1989 a. 80, 201; 1991 a. 255, 269, 316; 1993 a. 16, 27, 246, 327, 400, 446, 491; 1995 a. 27 ss. 9130 (4), 9126 (19); 1995 a. 201 s. 475; Stats. 1995 s. 59.69; 1995 a. 225 s. 174; 1995 a. 227; 1997 a. 3, 35; 1999 a. 9, 148, 185.

11 2. Page 668, line 13: after that line insert:

12 "SECTION 2002wg. 59.69 (5) (c) of the statutes is amended to read:

13 59.69 (5) (c) A county ordinance enacted under this section shall not be effective
 14 in any town until it has been approved by the town board. If the town board approves
 15 an ordinance enacted by the county board, under this section, a certified copy of the
 16 approving resolution attached to one of the copies of such ordinance submitted to the
 17 town board shall promptly be filed with the county clerk by the town clerk. The
 18 ordinance shall become effective in the town as of the date of the filing, which filing
 19 shall be recorded by the county clerk in the clerk's office, reported to the town board
 20 and the county board, and printed in the proceedings of the county board. The
 21 ordinance shall supersede any prior town ordinance in conflict therewith or which

1 is concerned with zoning, except as provided by s. 60.62. A town board may withdraw
2 from coverage of a county zoning ordinance as provided under s. 60.23 (32).

History: 1971 c. 40 s. 93; 1971 c. 86, 224; 1973 c. 274; 1977 c. 205; 1979 c. 233 ss. 2 to 5, 7 and 8; 1979 c. 323; 1981 c. 341, 354, 374; 1983 a. 192 s. 303 (1); 1983 a. 410; 1983 a. 532 s. 36; 1985 a. 29, 136, 196, 281, 316; 1987 a. 161, 395; 1989 a. 80, 201; 1991 a. 255, 269, 316; 1993 a. 16, 27, 246, 327, 400, 446, 491; 1995 a. 27 ss. 9130 (4), 9126 (19); 1995 a. 201 s. 475; Stats. 1995 s. 59.69; 1995 a. 225 s. 174; 1995 a. 227; 1997 a. 3, 35; 1999 a. 9, 148, 185.

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

4 **59.69 (5m) TERMINATION OF COUNTY ZONING AND DEVELOPMENT PLAN.** (a) Subject
5 to par. (b), at any time after December 31, 2004, a county board may enact an
6 ordinance to repeal all of its zoning ordinances enacted under this section and its
7 development plan enacted under this section if it so notifies, in writing, all of the
8 towns that are subject to its zoning ordinances and development plan.

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

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

13 “**SECTION 2003rc. 60.23 (32)** of the statutes is created to read:

14 **60.23 (32) TOWN WITHDRAWAL FROM COUNTY ZONING.** (a) Subject to pars. (b) and
15 (c), after December 31, 2003, and before January 1, 2005; after December 31, 2010,
16 and before January 1, 2012; and for one year every 5 years after January 1, 2011, a
17 town board may enact an ordinance withdrawing the town from coverage of a county
18 zoning ordinance that had previously been approved under s. 59.69 (5) (c) and from
19 coverage by a county development plan that has been enacted under s. 59.69 (3) (a).

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

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

1 2. The town enacts a zoning ordinance under s. 60.62, ^{comprehensive} and a master plan under
 2 s. ~~62.23(2) or (3)~~ ^{66.1001 and an official map under D. 62.23(6)} and the town clerk sends certified copies of such ^{documents} ordinances to the
 3 county clerk.

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

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

9 60.62 (1) Subject to subs. (2), (3) and (4), if a town board has been granted
 10 authority to exercise village powers under s. 60.10 (2) (c), the board may adopt zoning
 11 ordinances under s. 61.35, except that after December 31, 2003, a town board may
 12 adopt zoning ordinances under s. 61.35 without being granted the authority to
 13 exercise village powers.

14 History: 1983 a. 532; 1995 a. 201; 1997 a. 27; 1999 a. 9, 182.

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

16 60.62 (2) If the county in which the town is located has enacted a zoning
 17 ordinance under s. 59.69, the exercise of the authority under sub. (1) before January
 18 1, 2004, is subject to approval by the town meeting or by a referendum vote of the
 19 electors of the town held at the time of any regular or special election. The question
 for the referendum vote shall be filed as provided in s. 8.37.

20 History: 1983 a. 532; 1995 a. 201; 1997 a. 27; 1999 a. 9, 182.

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

22 60.62 (3) In counties having a county zoning ordinance, no zoning ordinance
 or amendment of a zoning ordinance may be adopted under this section unless

1 approved by the county board, except that this subsection does not apply to a town
 2 that has withdrawn from county zoning under s. 60.23 (32).

History: 1983 a. 532; 1995 a. 201; 1997 a. 27; 1999 a. 9, 182.

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

4 60.62 (5) (a) Subject to par. (b), not later than 60 days before a town board that
 5 wishes to withdraw from county zoning and the county development plan may enact
 6 an ordinance under s. 60.23 (32), the town board shall enact a zoning ordinance
 7 under this section, an official map under s. 62.23 (6), and a comprehensive plan under
 8 s. 66.1001.

9 (b) The zoning ordinance and ^{comprehensive} ~~master~~ plan enacted under par. (a) shall be at
 10 least as restrictive as the county zoning ordinance and development plan that applies
 11 to the town on January 1 of the year before the year in which the town board enacts
 12 the ordinance under s. 60.23 (32).

13 (c) If a town is located in a county that does not have in effect on January 1,
 14 2009, a comprehensive plan under s. 66.1001 and a county zoning ordinance under
 15 s. 59.69, not later than November 1, 2009, the town board shall enact a zoning
 16 ordinance under this section, an official map under s. 62.23 (6), and a comprehensive
 17 plan under s. 66.1001, all of which take effect on January 1, 2010.

18 (d) If a town is ^{check Δ} located in a county that has in effect on January 1, 2009, a
 19 comprehensive plan under s. 66.1001 and a county zoning ordinance under s. 59.69,
 20 not later than November 1, 2009, the town board shall enact a zoning ordinance
 21 under this section, an official map under s. 62.23 (6), and a comprehensive plan under
 22 s. 66.1001, all of which take effect on January 1, 2010, and all of which are consistent
 23 with the county comprehensive plan under s. 66.1001, and the county zoning
 24 ordinance under s. 59.69, that are 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 as restrictive as the
7 county zoning ordinance and development plan that is in effect on the day before the
8 repeal takes effect."✓

9 (END)

D-note →

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1573/2dn

MES.....

date

JLD

Mark Jefferson:

The changes to town and county zoning laws in this amendment are extremely complicated and have very wide-ranging implications on the relationship between towns and counties. The instructions that I received on June 22 are much less detailed, and somewhat contradictory to the 3 pages of instructions I received on June 25. For example, the June 25 instructions state that counties could terminate their zoning any time after December 31, 2004. The June 22 instructions state that counties could terminate their zoning any time after December 31, 2010. I used the June 25 instructions. Is this OK? than

The June 25 instructions had some provisions that did not make any sense to me. For example, instruction 3 states that "Effective January 1, 2010, any Towns, not under any Town or County Comprehensive Zoning Ordinance (CZO), shall either fall under the County CZO existing at that time or shall develop and enact a Town zoning ordinance effective January 1, 2010 at least as restrictive as the County CZO existing on January 1, 2009." This is impossible to draft; how can a town fall under a county CZO, or enact a town zoning ordinance that is at least as restrictive as the county CZO, if the town is *not under any "Town or County CZO?"* Needless to say, I could not draft this provision.

Instruction 4 in the June 25 memo states that by January 1, 2010, certain towns must enact a CZO that is at least as restrictive as "a model Town Zoning ordinance prepared for these Towns by the UW Extension in cooperation with the Wisconsin Land Council." I am not aware of any current law that requires the UW Extension to develop a model zoning ordinance and, unless changes are made to current law, the Wisconsin Land Council will not exist after August 31, 2003. Under ASA 1 to SB⁵⁵, the JCF substitute amendment, the Council will not exist after August 31, 2007. For the reasons discussed in this paragraph, I did not draft instruction 4 from the June 25 memo either. *

Please review this amendment very carefully to ensure that it is consistent with your intent.

Marc E. Shovers
Senior Legislative Attorney
Phone: (608) 266-0129
E-mail: marc.shovers@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1573/1dn
MES:jld:kjf

June 26, 2001

Mark Jefferson:

The changes to town and county zoning laws in this amendment are extremely complicated and have very wide-ranging implications on the relationship between towns and counties. The instructions that I received on June 22 are much less detailed than, and somewhat contradictory to, the 3 pages of instructions I received on June 25. For example, the June 25 instructions state that counties could terminate their zoning any time after December 31, 2004. The June 22 instructions state that counties could terminate their zoning any time after December 31, 2010. I used the June 25 instructions. Is this OK?

The June 25 instructions had some provisions that did not make any sense to me. For example, instruction 3 states that "Effective January 1, 2010, any Towns, not under any Town or County Comprehensive Zoning Ordinance (CZO), shall either fall under the County CZO existing at that time or shall [develop and enact] a Town zoning ordinance effective January 1, 2010 at least as restrictive as the County CZO existing on January 1, 2009." This is impossible to draft; how can a town fall under a county CZO, or enact a town zoning ordinance that is at least as restrictive as the county CZO, if the town is *not under any "Town or County CZO?"* Needless to say, I could not draft this provision.

Instruction 4 in the June 25 memo states that by January 1, 2010, certain towns must enact a CZO that is at least as restrictive as "a model Town Zoning ordinance prepared for these Towns by the UW Extension in cooperation with the Wisconsin Land Council." I am not aware of any current law that requires the UW Extension to develop a model zoning ordinance and, unless changes are made to current law, the Wisconsin Land Council will not exist after August 31, 2003. Under ASA 1 to SB-55, the JCF substitute amendment, the Council will not exist after August 31, 2007. For the reasons discussed in this paragraph, I did not draft instruction 4 from the June 25 memo either.

Please review this amendment very carefully to ensure that it is consistent with your intent.

Marc E. Shovers
Senior Legislative Attorney
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E-mail: marc.shovers@legis.state.wi.us



RMP

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

D-NOTR

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

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 2002tq.** 59.69 (3) (b) of the statutes is amended to read:

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 2002wg.** 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).

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

2 59.69 (5m) **TERMINATION OF COUNTY ZONING AND DEVELOPMENT PLAN.** (a) Subject
3 to par. (b), at any time after December 31, 2004, a county board may enact an
4 ordinance to repeal all of its zoning ordinances enacted under this section ~~and its~~
5 ~~development plan enacted under this section~~ if it so notifies, in writing, all of the
6 towns that are subject to its zoning ordinances ~~and development plan~~.

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

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

11 “**SECTION 2003rc.** 60.23 (32) of the statutes is created to read:

12 60.23 (32) **TOWN WITHDRAWAL FROM COUNTY ZONING.** (a) Subject to pars. (b) and
13 (c), after December 31, 2003, and before January 1, 2005; after December 31, 2010,
14 and before January 1, 2012; and for one year every 5 years after January 1, 2011, a
15 town board may enact an ordinance withdrawing the town from coverage of a county
16 zoning ordinance that had previously been approved under s. 59.69 (5) (c) and from
17 coverage by a county development plan that has been enacted under s. 59.69 (3) (a).

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

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

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

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

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

10 60.62 (1) Subject to subs. (2), (3) and (4), if a town board has been granted
11 authority to exercise village powers under s. 60.10 (2) (c), the board may adopt zoning
12 ordinances under s. 61.35, except that after December 31, 2003, a town board may
13 adopt zoning ordinances under s. 61.35 without being granted the authority to
14 exercise village powers.

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

16 60.62 (2) If the county in which the town is located has enacted a zoning
17 ordinance under s. 59.69, the exercise of the authority under sub. (1) before January
18 1, 2004, is subject to approval by the town meeting or by a referendum vote of the
19 electors of the town held at the time of any regular or special election. The question
20 for the referendum vote shall be filed as provided in s. 8.37.

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

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

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

2 60.62 (5) (a) Subject to par. (b), not later than 60 days before a town board that
3 wishes to withdraw from county zoning and the county development plan may enact
4 an ordinance under s. 60.23 (32), the town board shall enact a zoning ordinance
5 under this section, an official map under s. 62.23 (6), and a comprehensive plan under
6 s. 66.1001. *with each other,*

*NO shall be consistent and
The zoning ordinance*

7 (b) The zoning ordinance and comprehensive plan enacted under par. (a) shall
8 be at least as restrictive as the county zoning ordinance ~~and development plan~~ that
9 applies to the town on January 1 of the year before the year in which the town board
10 enacts the ordinance under s. 60.23 (32).

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

16 (d) If a town is located in a county that has in effect on January 1, 2009, a
17 comprehensive plan under s. 66.1001 and a county zoning ordinance under s. 59.69,
18 *and if the town has not approved the county ordinance under s. 59.69 (5) (c),*
19 not later than November 1, 2009, the town board shall enact a zoning ordinance
20 under this section, an official map under s. 62.23 (6), and a comprehensive plan under *by either approve the county
zoning ordinance under s. 59.69 (5) (c), to take
effect
not later than January 1, 2009, or*
21 s. 66.1001, all of which take effect on January 1, 2010 *and all of which are consistent*
22 *A zoning ordinance enacted under this paragraph shall be at least as restrictive as*
23 *with the county comprehensive plan under s. 66.1001, and the county zoning*
24 *ordinance under s. 59.69 that ~~are~~ is in effect on January 1, 2009.*

23 (e) If a town receives notification under s. 59.69 (5m) that the county board has
24 repealed its zoning ordinances and development plan, the town board shall enact a
25 zoning ordinance under this section, an official map under s. 62.23 (6), and a

or enacted a zoning ordinance under this section,

consistent with each other and the zoning ordinance shall be at least

1 comprehensive plan under s. 66.1001, all of which take effect on the effective date
2 of the county's repeal of its zoning ordinance and development plan. An ordinance
3 and comprehensive plan enacted under this paragraph shall be as restrictive as the
4 county zoning ordinance ~~and development plan~~ that is in effect on the day before the
5 repeal takes effect." *Je*

6

WA
(END)



Section #. 66.1027 (2) of the statutes is amended to read:

University of Wisconsin System-
Extension, under
D. 36.05 (7),

¶ (f) 1.

(66.1027 (2) MODEL ORDINANCES) Not later than January 1, ²⁰⁰⁵ ~~2004~~, the extension, in consulta-
tion with any other University of Wisconsin System institution or with a landscape architect, as that
term is used in s. 443.02 (5), or with independent planners or any other consultant with expertise
in traditional neighborhood planning and development, shall develop a model ordinance for a tradi-
tional neighborhood development and an ordinance for a conservation subdivision.

¶ 2. (a) The model ordinances developed under ^{subd. 1} ~~part (a)~~ shall be presented to the chief clerk of each
house of the legislature, and shall be referred immediately by the speaker of the assembly and the
presiding officer of the senate to the appropriate standing committee in each house. The model ordi-
nances shall be considered to have been approved by a standing committee if within 14 working days
of the referral, the committee does not schedule a meeting for the purpose of reviewing the model
ordinance. If the committee schedules a meeting for the purpose of reviewing the model ordinance,
the ordinance may not be considered to have been approved unless the committee approves the
model ordinance. 11. ✓

→ town zoning
and a model ordinance
for county zoning

History: 1999 a. 9, 148; 1999 a. 150 s. 85; Stats. 1999 s. 66.1027.

(END) ✓

D-note

Mark Jefferson:
The changes in this amendment are based on instructions
I received today from Rick Stadelman and Tom Harnisch of
the WI Towns Association, Jackie from Rep. Owens' office, and
Yang from Rep. Henderheim's office. Please review these changes
very carefully.

MSJ

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1573/2dn
MES:jld:rs

June 28, 2001

Mark Jefferson:

The changes in this amendment are based on instructions I received today from Rick Stadelman and Tom Harnisch of the WI Towns Association, Jackie from Rep. Owens' office, and Gary from Rep. Underheim's office. Please review these changes very carefully.

Marc E. Shovers
Senior Legislative Attorney
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(fmr)

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

D-note

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

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) ~~66.1001~~ 66.1001

5 **SECTION 2002tq.** 59.69 (3) (b) of the statutes is amended to read:

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~~ without
11 change."

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

13 **"SECTION 2002wg.** 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).

CS

and development plan

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2 59.69 (5m) TERMINATION OF COUNTY ZONING (a) Subject to par. (b), at any time
3 after December 31, 2004, a county board may enact an ordinance to repeal all of its
4 zoning ordinances enacted under this section ^{and its development plan enacted under this} if it so notifies, in writing, all of the
5 towns that are subject to its zoning ordinances ^{section} and development plan ✓

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

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

10 “SECTION 2003rc. 60.23 (32) of the statutes is created to read:

11 60.23 (32) TOWN WITHDRAWAL FROM COUNTY ZONING. (a) Subject to pars. (b) and
12 (c) ✓, after December 31, 2003, and before January 1, 2005; after December 31, 2010,
13 and before January 1, 2012; and for one year every 5 years after January 1, 2011, a
14 town board may enact an ordinance withdrawing the town from coverage of a county
15 zoning ordinance that had previously been approved under s. 59.69 (5) (c) and from
16 coverage by a county development plan that has been enacted under s. 59.69 (3) (a).

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

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

22 2. The town enacts a zoning ordinance under s. 60.62, a comprehensive plan
23 under s. 66.1001, and an official map under s. 62.23 (6), and the town clerk sends
24 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, 2003, 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, 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.

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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).

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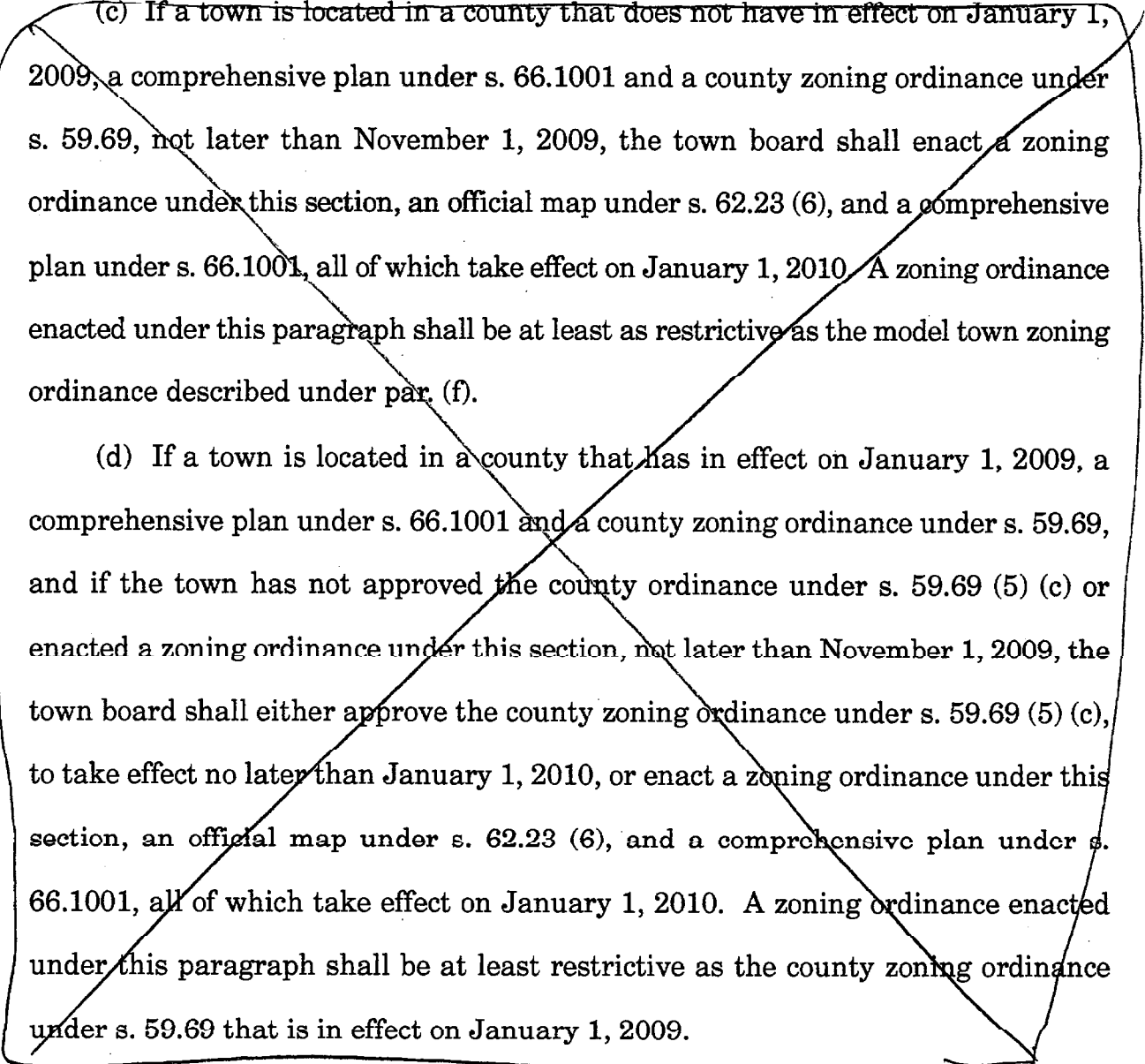
24 60.62 (5) (a) Subject to par. (b), not later than 60 days before a town board that
25 wishes to withdraw from county zoning and the county development plan may enact

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) (C) ~~the~~ 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, 2005, 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)

o-note

The changes made in this version of the amendment
 are based on instructions received from
Mark Jepperson.
 mza

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb1573/3dn
MES:jld:cmh

June 28, 2001

The changes made in this version of the amendment are based on instructions received from Mark Jefferson.

Marc E. Shovers
Senior Legislative Attorney
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E-mail: marc.shovers@legis.state.wi.us



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

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7 incorporated jurisdictions whose governing bodies by resolution agree to having

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15 an ordinance enacted by the county board, under this section, a certified copy of the
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1 **59.69 (5m) TERMINATION OF COUNTY ZONING AND DEVELOPMENT PLAN.** (a) Subject
2 to par. (b), at any time after December 31, 2004, a county board may enact an
3 ordinance to repeal all of its zoning ordinances enacted under this section and its
4 development plan enacted under this section if it so notifies, in writing, all of the
5 towns that are subject to its zoning ordinances and development plan.

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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, 2003, 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, 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 receives notification under s. 59.69 (5m) that the county board has
9 repealed its zoning ordinances and development plan, the town board shall enact a
10 zoning ordinance under this section, an official map under s. 62.23 (6), and a
11 comprehensive plan under s. 66.1001, all of which take effect on the effective date
12 of the county's repeal of its zoning ordinance and development plan. An ordinance
13 and comprehensive plan enacted under this paragraph shall be consistent with each
14 other and the zoning ordinance shall be at least as restrictive as the county zoning
15 ordinance that is in effect on the day before the repeal takes effect.”

16

(END)