



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2015 Assembly Bill 563	Assembly Amendments 2 and 4
<i>Memo published: February 4, 2016</i>	<i>Contact: Larry Konopacki, Principal Attorney (267-0683)</i>

2015 ASSEMBLY BILL 563

This bill does all of the following:

- Allows a town in Dane County to “withdraw” from coverage under the county zoning ordinance and the county development plan, and adopt a town zoning ordinance, under certain conditions.
- Repeals the requirement that towns in Dane County obtain county board approval for adoption or amendment of a town zoning ordinance.
- Allows Dane County to repeal its general zoning ordinance if at least one Dane County town opts to withdraw from county zoning, and if Dane County opts to do so, requires all towns subject to the county zoning ordinance to enact a zoning ordinance, an official map, and a comprehensive plan.
- Provides that if a town that withdraws from county zoning adopts a farmland preservation zoning ordinance before it withdraws, the town’s farmland preservation zoning ordinance is considered to be certified by the Department of Agriculture, Trade, and Consumer Protection (DATCP) for up to 18 months while DATCP certifies, or denies certification of, the ordinance.
- Specifies that Dane County generally does not have authority to approve or object to a proposed plat or certified survey map if the subdivision or land is located in a town that has withdrawn from county zoning.

ASSEMBLY AMENDMENT 2

Assembly Amendment 2 removes the provision in the bill providing that if a town that withdraws from county zoning adopts a farmland preservation zoning ordinance before it

withdraws, the town's farmland preservation zoning ordinance is considered to be certified by DATCP for up to 18 months while DATCP certifies, or denies certification of, the ordinance. This amendment also revises the provision in the bill authorizing a town to switch between a model ordinance and an ordinance essentially identical to a county ordinance **at any time**, and instead specifies that a town may make such a switch not more than once every three years. The amendment specifies that the amendments a town may make to an ordinance that is essentially identical to a county ordinance are limited to changes relating to the location of district boundaries, and that a town may unilaterally amend a model ordinance if the amendment only affects the location of district boundaries. Finally, the amendment specifies that this legislation only applies to a county with a population of at least 485,000 on January 1, 2016.

ASSEMBLY AMENDMENT 4

Assembly Amendment 4 requires that a town ordinance withdrawing the town from county zoning must be approved either at the annual town meeting or by a referendum.

BILL HISTORY

Assembly Amendment 2 was offered by Representative Ripp on January 14, 2016, and Assembly Amendment 4 was offered by Representative Allen on January 20, 2016. The Assembly Committee on Housing and Real Estate recommended the adoption of both amendments on votes of Ayes, 7; Noes, 2, and passage of the bill, as amended, by a vote of Ayes, 6; Noes, 3.

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