

**CHAPTER 233, Laws of 1979**

AN ACT to repeal 59.97 (5) (e) 2; to renumber 59.97 (5) (e) 3 and 3m; to amend 59.07 (43), 59.97 (2) (e) and (5) (e) 1 and 59.97 (1) and (2) (a); to repeal and recreate 59.97 (2) (a) of the statutes, relating to remedial changes of the county zoning powers.

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

SECTION 1. 59.07 (43) of the statutes is amended to read:

59.07 (43) (title) COUNTY COMMISSIONS. Except in counties of having a population of 500,000 or more, fix and pay the compensation of members of the county park commission and the county planning and zoning commission for attendance at meetings at a rate not to exceed the compensation permitted supervisors.

SECTION 2. 59.97 (2) (a) of the statutes is repealed and recreated to read:

59.97 (2) (a) The county board of any county may create a planning and zoning committee as a county board agency or may create a planning and zoning commission consisting wholly or partially of persons who are not members of the county board, designated the county zoning agency. In lieu of creating a committee or commission for this purpose, the county board may designate a previously established committee or commission as the county zoning agency, authorized to act in all matters pertaining to county planning and zoning.

SECTION 3. 59.97 (2) (e) and (5) (e) 1 of the statutes are amended to read:

59.97 (2) (e) Wherever a public hearing is specified under this section, the hearing shall be conducted by the ~~committee~~ county zoning agency in the county courthouse or in such other appropriate place as may be selected by the ~~committee~~ county zoning agency. The ~~committee~~ county zoning agency shall give notice of ~~such~~ the public hearing by publication in the county as a class ~~3~~ 2 notice, under ch. 985.

(5) (e) 1. A petition for amendment of any county zoning ordinance may be made by any property owner in the area to be affected by the amendment, by the town board of any town wherein the ordinance is in effect; by any member of the county board or by the agency designated by the county board to consider county zoning matters as provided in sub. (2) (a). ~~Such~~ The petition shall be filed with the county clerk who shall immediately refer it to the county zoning agency for its consideration, report and recommendations. Immediate notice of the petition shall be sent to the county supervisor of any affected district. A reporting of all petitions referred under this paragraph shall be made to the county board at its next succeeding meeting.

SECTION 4. 59.97 (5) (e) 2 of the statutes is repealed.

SECTION 5. 59.97 (5) (e) 3 and 3m of the statutes are renumbered 59.97 (5) (e) 2 and 3.

SECTION 6. 59.971 (1) and (2) (a) of the statutes are amended to read:

59.971 (1) To effect the purposes of s. 144.26 and to promote the public health, safety and general welfare, counties may, by ordinance, which may be enacted separately from ordinances pursuant to under s. 59.97, zone all lands (referred to herein as shorelands) in their unincorporated areas within the following distances from the normal high-water elevation of navigable waters as defined in s. 144.26 (2) (d): 1,000 feet from a lake, pond or flowage; 300 feet from a river or stream or to the landward side of the flood plain,

whichever distance is greater. If the navigable water is a glacial pothole lake, the distance shall be measured from the high watermark thereof.

(2) (a) Except as otherwise specified, all provisions of s. 59.97 apply to ordinances and their amendments enacted under this section whether or not enacted separately from ordinances enacted under s. 59.97, but ~~they~~ the ordinances and amendments shall not require approval or be subject to disapproval by any town or town board.

**SECTION 7. Cross reference changes.** In the sections of the statutes listed in Column A, the cross references shown in Column B are changed to the cross references shown in Column C:

Statute Sections	A	Old Cross References	B	New Cross References	C
59.97 (5) (e) 4		subd. 3m		subd. 3	
59.97 (6)		sub. (5) (a) and (e) 3		sub. (5) (a) and (e) 2	
91.73 (4)		59.97 (5) (e) 3m or 6		59.97 (5) (e) 3 or 6	

**SECTION 8. Word changes.** (1) Wherever in the following section of the statutes the term "committee" is used, the term "county zoning agency" is substituted: 59.97 (2) (b), (c) and (d) and (3) (a) and (d).

(2) Wherever in the following sections of the statutes the term "committee" is used, the term "agency" is substituted: 59.97 (2) (title), 91.13 (2) and 236.02 (1).